

MINUTES

**UTAH
OSTEOPATHIC
PHYSICIAN AND SURGION'S
LICENSING BOARD**

BOARD MEETING

July 1, 2010

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 12:12 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Kent Barnes, Sr. Business Analyst

Board Members Present:

Keith P. Ramsey, DO

Jane W. Brown

Layne A. Hermansen, DO

Board Members Absent:

Warren A. Peterson, DO

Vacant Position

Guests:

Hallie Robbins, DO, Association Representative

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Board Chairperson

Keith P. Ramsey, DO, was requested to act as Board Chairperson today.

MINUTES:

The minutes from the January 7, 2010, Board meeting were read.

Dr. Hermansen made a motion to approve the minutes as read. Ms. Brown seconded the motion. **The Board vote was unanimous.**

The minutes from the April 1, 2010 Board meeting were read.

Ms. Brown made a motion to approve the minutes as read. Dr. Hermansen seconded the motion. **The Board vote was unanimous.**

The minutes from the May 6, 2010 Board meeting were read.

Dr. Hermansen made a motion to approve the minutes as read. Ms. Brown seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:15 am

Kent Barnes, Compliance Update

Mr. Barnes updated the Board regarding the compliance or non-compliance of probationers.

Mr. Barnes informed the Board that ran a report and found that the proportion of licensees to probationers is higher for DO's.

Mr. Barnes reported **Dr. Larry G. Andrew** is currently in compliance with his Stipulation and Order. He stated the reports for Dr. Andrew are positive and the patient surveys are positive.

Ms. Taxin reminded the Board they had requested Dr. Andrew to make a few minor revisions to his survey and he did make those revisions.

Mr. Barnes stated there has been a marked reduction in the number of surveys received which may be due to return patients or not as many new patients.

Mr. Barnes reported **Dr. Vaughn T. Johnson** is currently in compliance with his Stipulation and Order. He stated Dr. Johnson requested the Board approve him to supervise two Physician Assistants (PA).

Dr. Ramsey commented Dr. Johnson is before the Board as his PA's were writing prescriptions inappropriately and for discussing database

information with a third party.

Mr. Barnes reported **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order. He stated he did not pull the database CS list for comparison as the Board had requested Dr. Callahan to pull it and do the matching of the CS list to his written prescriptions.

Ms. Taxin informed the Board there are some comment notes on some of Dr. Callahan's prescriptions.

Dr. Ramsey stated there were 107 triplicate copies of prescriptions submitted and 418 listed on the database list. He stated it is a difference of 74% unaccounted for.

Mr. Barnes responded the Division does not yet have a way to track call-in prescriptions, mail orders or refills. He stated Dr. Callahan's list of written CS prescriptions is one of the highest on the database.

Dr. Ramsey stated he has noticed several of the same type of prescriptions being written for different members of the same families. He stated the amounts and types would suggest the patients are taking several per day and it appears it would be for chronic problems.

Mr. Barnes responded the types and amounts are usually for pain management patients.

Ms. Taxin stated if Dr. Callahan completed the review then he may have a legitimate explanation as he is the Physician and knows the patients.

Mr. Barnes reported **Dr. Raymond Bedell** is currently in compliance as this is Dr. Bedell's initial interview.

Ms. Taxin explained Ms. Brown was not present when Dr. Bedell met with the Board to determine if probation was appropriate. She reminded the

Board that they had recommended probation with the least restrictions. She stated Dr. Bedell went before a Judge and jury and was found guilty and the Board/Division cannot question the court decision until the court overturns the outcome. She stated she agreed to accept Dr. Bedell's criminal probation officer to act as his supervisor. Ms. Taxin stated the Stipulation and Order was drawn up immediately after the last Board meeting but Dr. Bedell was not satisfied with the conditions and took approximately a month to agree to an Order. Ms. Taxin stated Dr. Bedell has filed complaints with the AG's office, courts and the Governor's office.

Ms. Brown stated she understands Dr. Bedell wants to be taken off the Stipulation reporting so the public would not see it.

Ms. Taxin confirmed Ms. Brown is correct. There has been a lot of work put in to get Dr. Bedell on this Order. She explained that Dr. Bedell and his patients did not understand the disciplinary process. Ms. Taxin informed the Board during the process of negotiating for the Stipulation and Order Dr. Bedell submitted documentation of completing CE that was not part of the Order. Ms. Taxin stated during the negotiating process it appeared Dr. Bedell was not hearing the messages the Division was sending because he would provide information not requested and not provide information requested. She stated he would then involve attorneys, patients and his evaluating therapist to call or write in support of processes not required. Ms. Taxin stated Dr. Bedell provided messages inconsistent with the Divisions requests. She stated when she talked with the attorneys, patients and his evaluating therapist they seemed to understand what is required.

Mr. Barnes stated one of his staff is interviewing Dr. Bedell today so the normal intake information is not yet in his file.

Dr. Ramsey asked if the Order conditions follow

the court Order conditions.

Mr. Barnes responded our Order builds on the court Order.

Dr. Hermansen asked if the Board would be lifting the suspension on Dr. Bedell's license today.

Ms. Taxin responded she already lifted the suspension. She stated the Board would need to confirm how frequently he meets with Joe Yonk, his PO/supervisor, and what they review when they meet. Ms. Taxin stated Ms. Harry requested Dr. Bedell to provide her with the cell telephone numbers of his chaperones and that information has not yet been received. She stated Dr. Bedell's chaperones are all his employees and the information is need for the Division to contact them and to be sure they understand their role and are comfortable contacting the Division if an observation issue of care occurs.

Mr. Barnes informed the Board that Dr. Bedell is using the DOPL developed chaperone log form.

Dr. Hermansen stated Dr. Bedell's information states the PACE program is cost prohibitive for him to attend.

Ms. Taxin responded Dr. Bedell did not contact her regarding the cost to attend the PACE program and she discovered he had picked the wrong course. She stated the course he is to complete is about \$2800.00. Ms. Taxin stated Dr. Bedell has the information and she believes he is planning to take the course in August or September. Ms. Taxin stated Dr. Bedell requested agency review to argue the hearing and probation process. She stated she has not heard the outcome of the agency review.

Dr. Ramsey asked if Dr. Bedell wants to appeal the hearing.

Ms. Taxin responded yes. She stated the letter to the Governor included statements regarding the

DOPL procedures not being fair and some specific things she was suppose to have said. She stated she did not make the comments and has already responded to the Governor's office.

Mr. Barnes asked why Dr. Bedell is allowed to have his probation officer be his supervisor.

Ms. Taxin responded the Board did not initially recommend he be supervised and he did not want another Physician supervising so the PO acting as both was part of the negotiation. She stated Mr. Yonk reported he has concerns with Dr. Bedell's actions with his patients and understands the concerns of the Division. She stated by requiring supervision she was being stricter than the Board had recommended.

Mr. Barnes commented PO's normally are not approved as supervisors as they don't understand the scope of practice and do not have access or knowledge of patient files.

Dr. Ramsey stated the court has ordered Dr. Bedell to be chaperoned and to check the database and sign off on each new patient. He asked how the Board will know if Dr. Bedell is doing this.

Ms. Taxin responded the Board may ask Dr. Bedell if he is abiding by the requirements. She stated the Board should review Dr. Bedell's database CS list and if they are concerned about any of the patients listed they should ask Dr. Bedell for an explanation.

Dr. Ramsey stated it appears there were concerns regarding Dr. Bedell's drug treating.

Ms. Taxin responded Dr. Bedell did not disclose that information with the Board.

9:30 am

Dr. Larry Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Ms. Brown conducted the interview.

Ms. Brown informed Dr. Andrew that the Board reviewed the patient surveys and noticed his patients have rated him and his medical services wonderful on everything. She stated the feedback is positive and his patients have commented regarding their appreciation for the time Dr. Andrew and his staff spend with them. She stated the surveys have slowed down from the amount being submitted and the Board/Division wondered if his business has slowed down or if it is more repeat business now.

Ms. Taxin suggested Dr. Andrew have a check box in the file to be sure each patient receives a survey to complete. She stated if Dr. Andrew believes he has distributed this survey enough he may want to adapt the questions or add/delete some. She stated he should feel free to make changes in the survey as it is a tool to help him whether he is on probation or not. She stated Dr. Kronmiller has documented talking with Dr. Andrew's staff, reports all seems to be in order and said Dr. Andrew is doing great.

Ms. Brown asked if Dr. Andrew's practice is starting to build again and how many patients he now seeing in a month.

Dr. Andrew thanked Ms. Brown and Ms. Taxin for the recommendations. He then stated his practice seems to build and then drop a little due to vacations or other reasons. He stated he also took some time off for a vacation. Dr. Andrew stated he is getting new patients but not as fast as he had anticipated. He stated he is trying to obtain a different location in a better building as he is now in more of an industrial area.

Ms. Taxin asked what happened to the location Dr. Andrew had.

Dr. Andrew responded he no longer has that location. He stated another medical group came in and redesigned the space.

Ms. Taxin asked if Dr. Andrew could join with

another medical group to offer more services. She stated an OBGYN, women services would be the right group to join as his specialty might be complimentary to the services they offer.

Dr. Andrew responded he has been thinking of joining with someone but he needs the right amount of space and equipment.

Ms. Brown stated if he did join another practice it might also help his practice. She stated Dr. Andrew is in compliance as everything was submitted and the reports are all positive. Ms. Brown stated Dr. Kronmiller appears to be happy with Dr. Andrew's progress and reported having had conversations with Dr. Andrew's office staff.

Dr. Andrew asked how he should go about finding an OBGYN. He stated he knows one who shares a practice with his brother and the space is full. He stated they would have to remodel the clinic if he were to join them.

Ms. Taxin suggested Dr. Andrew talk with the Physicians. She stated she would check with those in family practice, internal medicine or OBGYN practice.

Dr. Andrew thanked Ms. Taxin for the suggestion and stated eventually he would like to bring someone into practice with him.

Dr. Ramsey stated Dr. Don Allred goes down to Eagle Mountain and Saratoga a few days a week. He suggested Dr. Andrew contact Dr. Allred as he owns his own practice. He also suggested Dr. Andrew contact Dr. Robert Merrill in Riverton.

Ms. Taxin stated due to the economy it might be best for Dr. Andrew to be in practice with someone else and compliment each other's practice.

Ms. Brown complimented Dr. Andrew on consistently being in compliance. She stated in the time she has served on the Board, Dr. Andrew has

made great progress and built his practice back. She stated the Board can see the difference in Dr. Andrew's physical appearance and how he is building his life back. She stated the Board would like to see a few more surveys submitted.

Ms. Taxin requested Dr. Andrew to ask Dr. Kronmiller to add more information regarding some of the discussions he has had with Dr. Andrew's staff and any feedback given to Dr. Andrew.

An appointment was made for Dr. Andrew to meet again October 7, 2010.

9:45 am

Dr. Vaughn T. Johnson, Probationary
Interview

Dr. Johnson met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Johnson returned the "Responsible Opioid Prescribing" book he borrowed and stated it would be a good book for everyone to read. He stated he is now feeling better, has set goals for improved function of his patients in managing their pain and has changed some things in his practice.

Dr. Hermansen thanked Dr. Johnson for the report and stated Dr. Johnson's supervision reports have been positive. He asked Dr. Johnson to explain his request to supervise PA's.

Dr. Johnson responded he is requesting the Board to approve for him to be a substitute supervisor for two PA's. Dr. Johnson stated Dr. Porter will be the primary supervisor but there would be times when he would be the primary substitute supervisor.

Ms. Taxin reminded the Board if they approve the request it would require an amendment to Dr. Johnson's current Order. She stated he has been on probation since November 2008 and she would prefer he be given the privilege to act as a substitute supervisor of PA's while he is on probation so the Board can monitor. She stated it

will be a challenge for Dr. Johnson as he will have to review and sign if the PA's prescribe controlled substances (CS) to be sure the CS's are appropriate plus oversee their work in addition to his own responsibilities. She stated he may need to say he can only supervise one PA. She suggested Dr. Johnson set up a meeting with the PA's to discuss appropriate medications, etc. and then retain a log. She suggested he also require the PA's to read the book "Responsible Opioid Prescribing" and discuss it with them. She stated Physicians sometimes forget the PA is an assistant to them.

Dr. Johnson responded this will be like a test for him and it would be great for the Board to monitor at this time. He stated he would be more pro-active if he was the primary supervisor but as a back-up he does not want to step on any toes. He stated his Delegation of Services Agreement will be more detailed than he did in the past. He asked what type of paperwork he will need to be doing.

Ms. Taxin responded if Dr. Johnson is the substitute supervisor for PA's he must make notes in the charts and document when he is the primary supervisor.

Dr. Hermansen asked if Dr. Johnson prescribes Fentermine as they found several prescriptions for it on the database printout.

Dr. Johnson responded he does not prescribe a lot of Federmine but does use it as a boost to get the weight loss ball rolling. He stated when Fentermine is prescribed they track the patient more.

Dr. Hermansen stated weight loss medication should only be use as an adjunct to a comprehensive weight loss program and R156-37-604 requires written consent to use. He suggested Dr. Johnson read the whole section of R156-37-604 regarding prescribing CS's for weight reduction or control. Dr. Hermansen advised Dr. Johnson to do appropriate follow-ups on his patients. He reminded Dr. Johnson that Fentermine has no

affect on weight loss after 90 days.

Dr. Hermansen inquired about the PA delegation agreement Dr. Johnson submitted. He stated it mentioned they follow the Utah rating scale. He inquired what that was.

Dr. Johnson responded he is using the Winder rating scale which is a form developed and used at Primary Children's Medical Center. He stated the patient fills out the form while they are waiting and it gives the practitioner a score. He stated the results are being looked at for reasons other than just attention deficit. He stated the practice is booming, they are now booked out 3 months in advance and additional PA's will help with the volume.

Ms. Taxin recommended Dr. Johnson include a statement in the Delegation of Services Agreement regarding Fentermine for weight loss and go over it with the PA's so they understand the expectations.

Dr. Hermansen made a motion to amend Dr. Johnson's Stipulation and Order and grant him the privilege to be a substitute supervisor for two fulltime Physician Assistants based on his compliance, having been on probation for 1 year 8 months and wanting to monitor him while on probation.

Ms. Brown seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process of amending Dr. Vaughn's Order.

The Board determined Dr. Vaughn is in compliance.

An appointment was made for Dr. Vaughn to meet again October 7, 2010.

10:00 am

Dr. Douglas D. Callahan, Probationary

Dr. Callahan met for his probationary interview.

Interview

Dr. Ramsey conducted the interview.

Dr. Ramsey asked Dr. Callahan what his supervisor's specialty is.

Dr. Callahan responded his supervisor's specialty is internal medicine.

Dr. Ramsey asked Dr. Callahan if he knows what the Board is looking at when they review his prescription copies. He stated Dr. Callahan submitted 107 new prescription copies for review and the database has listed 418 prescriptions written. Dr. Ramsey stated there is 70% listed on the database of which there are no triplicate prescriptions submitted. Dr. Ramsey asked if Dr. Callahan submitted all copies of all prescriptions written. He stated the Board understands some on the database list may be refills. He then referred to one patient on the database list who appears to be taking more than 10 pain tablets per day.

Ms. Taxin reminded Dr. Callahan he was going to compare the database with his own prescriptions written. She asked if he did the comparison.

Dr. Callahan responded he did do a database comparison for April and May. He stated there were some prescriptions listed on the database for which he could not locate a prescription copy for. Dr. Callahan stated he highlighted in green marker the prescriptions listed under his DEA and name that were written by someone else in the practice and there were some that will be submitted in the next batch he sends in. Dr. Callahan stated the unmarked ones on the database list he cannot explain. He stated he noticed there were some names who had filled two prescriptions in one day and when he called the pharmacies to ask if the patients picked up two prescriptions in one day he was informed the patients had not.

Ms. Taxin stated if the prescriptions are not for Dr. Callahan's patients they should not be on his

database list.

Dr. Ramsey referred Dr. Callahan to two different patients who it appears received 90 day medications within a 20 day period.

Dr. Callahan responded he did notice that on the database list.

Dr. Ramsey stated the pharmacy could also be putting refills on Dr. Callahan's DEA number.

Ms. Taxin stated Dr. Callahan could inform the patients of his concern and that he would be glad to treat them for general medicine but they have to go to another specialist Physician for their pain medications.

Dr. Callahan stated he has talked with those specific patients and a couple were ok with him treating them and obtaining medications from another Physician.

Ms. Taxin suggested Dr. Callahan review his prescriptions compared to the database on a quarterly basis. She stated once patients realize he is serious and knowledgeable about his prescribing and won't prescribe for them the word will get around to others.

Dr. Ramsey stated Dr. Callahan's numbers are still pretty high and that is what brought him before the Board originally. He asked about a prescription for a 12 hour pill.

Dr. Callahan responded the patient is one of the carry over patients from a Psychiatrist. He stated he does not know enough about ADA medications to make a change.

Ms. Taxin stated if Dr. Callahan is not familiar with or does not understand what a specific medication does he might talk with the patient, do some research and not prescribe the medication for the patient until he is more knowledgeable or refer the patient out.

Dr. Ramsey asked Dr. Callahan to address the patients who have been prescribed 180 tablets of Loritab.

Dr. Callahan responded he did review these specific prescriptions. He stated the patients are older and can not have surgery or injections so they have retained them but have sent all the other pain patients to chronic pain clinics.

Dr. Ramsey stated it appears some are a little suspicious. He stated it seems there are many patients on anxiety medications and asked if it is the primary medication for these patients.

Dr. Callahan responded he tries to use Psychiatry medication as much as possible for those patients who need the anxiety medications all the time. He stated he does not want Benzo's as the primary medication.

Dr. Ramsey asked how many patients Dr. Callahan sees per day on an average.

Dr. Callahan responded he averages about 25 to 35 patients a day.

Ms. Taxin stated Dr. Elizabeth Howell serves on the Physicians Board and very knowledgeable about Benzo's as she is an addiction specialist. She stated Dr. Howell is at the U of U and conducts a substance abuse conference each year. She suggested Dr. Callahan contact Dr. Howell regarding questions he may have and to possibly shadow her or Dr. Howell may be able to refer him to other locations and resources for programs and information. Ms. Taxin stated just because a patient has received a specific medication in the past does not mean Dr. Callahan has to continue to prescribe that medication.

Dr. Hermansen commented if a patient is taking so many medications with short term effects it is because they like the effects.

Dr. Ramsey requested Dr. Callahan to notify his supervisor that the Board would like to meet with him telephonically during Dr. Callahan's October 7, 2010 appointment.

Ms. Taxin requested Dr. Callahan to share the Boards/Divisions concerns with his supervisor and have the supervisor address their discussion in his next report.

Dr. Callahan thanked the Board for their comments and suggestions.

The Board determined Dr. Callahan is in compliance with his Stipulation and Order.

An appointment was made for Dr. Callahan to meet again October 7, 2010.

10:15 am

Dr. Raymond Bedell, Initial Probationary Interview

Dr. Bedell met for his initial probationary interview.

Dr. Hermansen conducted the interview.

Dr. Hermansen stated the Board/Division received the copies of the CME courses Dr. Bedell completed. He clarified taking these courses was not a condition of Dr. Bedell's Stipulation and Order. He stated the Board understands Dr. Bedell is using the Division prepared chaperone log forms.

Dr. Bedell responded he took the courses to help himself. He stated he has several people who have been acting as chaperone but is unclear as to who has been approved. He stated when he is in the office either Sarah, a medical assistant, or Natalie, a nurse, is in the office. Dr. Bedell stated both Sarah and Natalie have signed the chaperone log and Sarah co-signs with Natalie.

Ms. Taxin stated there may have been some confusion in Dr. Bedell's conversations with Debbie Harry. She stated Ms. Harry requested the telephone numbers of those who would be

chaperones but has not yet received those numbers.

Dr. Hermansen asked if Dr. Bedell has met yet with his supervisor and, if so, how frequently they meet.

Dr. Bedell responded permission was given for Joe Yonk, his Parole Officer (PO), to act as his supervisor as Mr. Yonk volunteered to supervise. He stated the arrangement is working out well as he is here based on his actions with female patients. He stated he walks into the PO office, signs in, pays his monthly fee and goes back to Mr. Yonk's office to see him.

Dr. Hermansen asked if Dr. Bedell has registered yet for the PACE course and, if he has, when will he be taking the course.

Dr. Bedell responded he has registered and will be taking the course the end of August.

Dr. Hermansen requested Dr. Bedell to update the Board regarding how he is doing in his practice.

Dr. Bedell responded financially he is not doing well. He stated he received notification that medicare will be dropping him the end of this month. He stated he has appealed.

Dr. Hermansen asked if Dr. Bedell if he is feeling healthy.

Dr. Bedell responded yes. He stated he is exercising daily but does have some anxiety when he is treating female patients.

Dr. Hermansen stated there are two of the same prescriptions on the same day for one patient; one for 150 tablets and one for 120 tablets. He asked Dr. Bedell to explain.

Dr. Bedell responded he suspects one is a fraudulent prescription for the patient. He stated he drug tested the patient and the prescriptions that had been prescribed did not show up but others did so they terminated the patient.

Dr. Hermansen asked if Dr. Bedell pulls and reviews the database.

Dr. Bedell responded he has pulled database reports but does not pull the reports on each patient as he is doing a full spectrum of drug testing on all patients.

Dr. Ramsey asked if Dr. Bedell has been out of practice for the full three years during the Division investigation.

Dr. Bedell responded no. He stated he was not working the 55 days in which his license was suspended but otherwise has worked fulltime.

Dr. Ramsey reminded Dr. Bedell he had mentioned he has used a chaperone for a long time. He asked for an explanation.

Dr. Bedell responded he has used a chaperone for about three years. He stated he requested the court order require a chaperone.

Dr. Ramsey clarified Dr. Bedell is pulling the database report and reviewing it as per his Order conditions.

Dr. Bedell responded yes. He stated it is a requirement and when he has done spot checks he has caught several patients who have obtained prescriptions illegally.

Dr. Ramsey stated the court Order requires he is to pull the report monthly.

Dr. Bedell responded he was to pull the report monthly until sentencing but he has continued to pull the report voluntarily at this point. He stated he also does a urine drug test every three or four months on his patients. He stated he does not want the patients to see a pattern so they know when they will be tested.

Ms. Taxin suggested Dr. Bedell has his patient's sign a form regarding agreeing to random drug

tests and then test at random.

Dr. Bedell responded the problem is management as someone has to do the calling.

Dr. Ramsey suggested Dr. Bedell request Mr. Yonk submit the court ordered probation conditions for Dr. Bedell's file.

Dr. Bedell asked if the sentencing document is in his file. He stated he completed everything but if the Board wants the complete document they may have it.

Dr. Ramsey responded the sentencing document is in the file but it says Dr. Bedell is to abide by the probation requirements.

Dr. Bedell interrupted and stated he did not agree to release the pre-sentencing documents to the Division. He asked how the information was obtained.

Ms. Taxin responded when Dr. Bedell informed her he could not provide the information he requested she contact the AG to obtain the information. She stated the AG provided the documents and when she talked with Mr. Yonk she went over the information.

Dr. Bedell stated he will request Mr. Yonk to clarify for him. He then asked what Ms. Taxin and the Board want from him.

Ms. Taxin listed the information she has. She then stated Dr. Bedell has specific conditions and the Board is trying to determine all of those court ordered conditions. Ms. Taxin asked if Dr. Bedell is still noting in each female chart that he has a chaperone present as required.

Dr. Bedell responded yes. He stated it is no longer a court ordered requirement but he has continued the documentation.

Dr. Ramsey requested clarification regarding the court ordered conditions. He stated if the Board is

required to monitor Dr. Bedell they need to know what they are monitoring.

Ms. Taxin responded she believes Mr. Yonk will be able to address the Board/Division questions.

Dr. Bedell stated his Order addresses if the Court of Appeals overturns his disposition that the Division will consider termination of probation. Dr. Bedell informed the Board that the Court of Appeals may not be reviewing his case and that it is going to be forwarded to the District Court.

Dr. Ramsey stated he did not see how the appeal information is pertinent to the Board at this time.

Ms. Taxin reminded Dr. Bedell to submit the phone numbers of all chaperones to Ms. Harry.

Mr. Barnes left the meeting with Dr. Bedell to get him the Division chaperone form.

Ms. Taxin commented the DOPL Stipulation and Order outlines specific conditions for Dr. Bedell that he has stated he does not have to do but is choosing to do. She stated if he chooses not to follow the conditions he will be out of compliance with his Order.

Dr. Hermansen stated Dr. Bedell stated he pulls the database on all new patients only.

Dr. Ramsey clarified the Bail Order requires Dr. Bedell to pull a database report on all patients monthly.

Ms. Brown commented she would like to have a psychological evaluation completed to review the psychologist's recommendations.

Dr. Ramsey agreed with Ms. Brown. He stated he is looking forward to seeing if there are any changes in Dr. Bedell after he completes the PACE course. He stated he is not used to a probationer arguing each condition of a signed Order.

Ms. Taxin recommended holding on requiring a psychological evaluation at this time.

The Board agreed.

The Board determined Dr. Bedell is in compliance as much as possible for his first appointment.

An appointment was made for Dr. Bedell to meet again October 7, 2010.

11:15 am

Review current Law and Rule for possible updates

The Board reviewed the current Law and Rule to determine if updates are necessary.

Hallie Robbins, DO, attended for this discussion and represented the Utah AOA.

Board members and Division staff were introduced.

Dr. Ramsey stated the Board/Division want input from the Utah AOA prior to recommending any changes in the current Osteopathic Physicians (DO) Law.

Dr. Robbins thanked the Board and Division for inviting her for this discussion. She stated she believes the DO and Physicians (MD) need parity when applying for initial licensure or licensure by endorsement.

Dr. Ramsey stated Ms. Taxin has reviewed the MD's Law and the DO's Law and has some suggestions for the Board to consider.

Ms. Taxin responded she has talked with Michelle McOmber, the UMA, and they are supportive of both Boards. She stated the UMA has agreed to assist with making Law changes in the DO's Law. Ms. Taxin stated she has been asked why the MD's and DO's are not a combined Board and believes the DO's wanted the separation in the past. She stated she supports having the Boards combined as the scope of practice is basically the same, they

could work well together and the probationers have similar issues but that she also sees benefits in keeping them separate. She stated the MD Board has nine MD's with two public members and if the Boards were combined the compilation would have to be changed for less MD's to make room for some DO's as a larger Board would be hard to manage.

Dr. Robbins asked if there were two DO's on the MD Board if they would have the same voice as the nine MD's.

Ms. Taxin responded each Board person has a voice on all Boards. She stated the Associations could figure out the number of MD's and DO's for a combined Board but maybe the MD Board would not want to combine at this time.

Dr. Ramsey asked how often the MD Board meets.

Ms. Taxin responded they usually meet monthly but if there is no business to conduct they do cancel meetings. She stated the DO Law is stronger language but there are inconsistencies. Ms. Taxin explained the largest number of applications is for initial licensure and the DO Law required Board certification where the MD Law does not. She stated she understands the DO Board wanted a higher standard and asked if there is a reason to require Board certification. She stated she is unable to waive any requirements based on the way the current DO Law reads and has had to require applicants to take the SPEX or not be licensed in Utah if they have waited an extended period of time to apply for licensure.

Dr. Robbins responded there is no reason to require Board certification. She stated there are always exceptions and the Law should have the ability for human consideration.

Dr. Ramsey agreed with Dr. Robbins.

Ms. Brown stated the general public does not know what the requirements are or what Board

certification means.

Ms. Taxin stated she is scheduled to meet with Ms. McOmber of the UMA to discuss all these issues but will add the possibility of blending the Boards. Ms. Taxin stated she believes the MD Law needs to be amended in the endorsement.

Dr. Robbins asked why there is no reciprocity for Utah licensees with other States.

Ms. Taxin responded reciprocity means if you hold a license in one State those States with reciprocity accept you without verification of any qualifications other than a verification of licensure. She stated the MD Board believes all applicants should have to document all the qualifiers for licensure. She stated applicants applying in Utah by endorsement have to provide documentation of a two year (24 months) residency program in the United States plus all information in the FCVS packet.

Dr. Robbins stated the Law should be clear regarding what endorsement represents. She asked if Utah has an endorsement agreement with only those States who accept Utah endorsement applicants or if all States require verified documentation to be sure the applicants meet specific requirements. Dr. Robbins stated the FCVS packet would be a safety net to verify information so Utah would not have to worry if an applicant is credentialed or has taken examinations, etc.

Ms. Taxin responded no, there is no endorsement agreement between States. She stated the endorsement language is not clear enough and there has been difficulties processing some applications.

Dr. Robbins commented the public does not know the difference between a DO and MD unless they see the name and designation on the license. She stated many States have combined Boards and some have separate Boards.

Dr. Hermansen commented it is nice to police your own profession. He stated a DO probationer would not be as intimidated meeting with the DO Board as they might be meeting with MD's and DO's.

Dr. Robbins suggested if the Boards combine the Division may want to retain some type of split in public records and maybe having only the MD's meet with and interview their probationers or have disciplinary hearings and DO's meet with and interview their probationers and have disciplinary hearings. She stated the Boards can combine to discuss general issues.

Ms. Taxin responded to separate out for probationary interviews and/or hearings would be very difficult. She stated the MD Board usually meets all day and this Board meets for half a day. She stated realistically it might be better to work on similar or same Statute and Rule language for the 2011 Legislative Session and work on combining Boards later. She stated the Board needs to review both Statutes and Rules to determine what they want to retain in both and what needs to be changed.

Dr. Robbins suggested Ms. Taxin invite Yolanda Doss from the AOA to attend the October 7, 2010 Board meeting for further discussion.

DISCUSSION ITEMS:

Report from Dr. Ramsey on FSMB Conference

Dr. Ramsey reported on the April FSMB conference. He stated it was a good meeting which focused on maintenance of licensure conditions. He stated the public expects the licensing Board to make sure Physicians maintain their abilities to practice safely. Dr. Ramsey stated there was some opposition from some different national groups who believe it is not FSMB's responsibility to monitor. He stated FSMB backed down but in the next few years the State Boards will have to address some type of maintenance certifications. Dr. Ramsey stated some people suggested the hospitals monitor as they are already

doing it. He stated there was also some wording changes for Physician Assistant practice.

Ms. Taxin stated there was also the strategic plan and voting for committee members. Ms. Taxin stated one woman talked about hospital errors and people getting harmed with no consequences. Ms. Taxin provided the full agenda and lectures for the Board to review.

Dr. Ramsey stated there are new healthcare Laws but how it will affect anyone no one knows. He stated the Deputy Secretary of health spoke. Dr. Ramsey stated there was some discussion about some of the same issues Utah has in regard to reinstatement after taking a leave for a year or two for illness, missions/church service, etc. He stated there was also discussion regarding initial licensing requirements and some States are similar with others being stricter in requirements. Dr. Ramsey stated the National examination statistics were reviewed, i.e.: the USMLE, NBOME, changes/updates and percentages of the pass/fail.

Ms. Taxin stated she believes the Utah Law and Rule have better language and are clearer when she listened to the language of other States. She stated there was discussion regarding updating the SPEX and offering specialty examinations. Ms. Taxin reminded the Board of the MD Board Chairperson from Nebraska who left home for work and his car blew up when he opened the car door. She stated he spoke and is back on the Nebraska Board. She stated the investigation found it was a Physician who had been denied licensure in Nebraska. She stated his speaking to the group was inspirational.

Pharmacy Practice Act Rule

Ms. Taxin informed the Board she had the Physicians Board review the proposed Rule and they recommended some minor changes which she believes the Osteopathic Physicians Board will agree with. She stated there are only two drugs approved at this time; Latisse and HCG.

Dr. Hermansen asked if Chiropractic Physicians will also be allowed to dispense.

Ms. Taxin responded only Osteopathic Physicians and MD Physicians will be allowed to dispense these two drugs out of their office.

Dr. Hermansen asked if his PA writes a prescription for Latisse or HCG could the patient go to the front desk for it to be filled at his office or could they take the prescription anywhere they chose.

Ms. Taxin responded it can be filled by Dr. Hermansen or by any Pharmacy.

Dr. Hermansen asked if his office is allowed to dispense.

Ms. Taxin responded Dr. Hermansen is allowed to dispense.

Dr. Ramsey asked if it will be difficult to change the Rule if there are requests for other drugs to be included.

Ms. Taxin responded the Board would review the requests and make a recommendation to change the Rule, there would need to be a Rule hearing and, if everyone agreed, the Rule would pass. She stated the Division has the ability to audit and Physicians will need to abide by the Pharmacy standards.

Dr. Hermansen made a motion to vote in favor of the Rule as written.

Ms. Brown seconded the motion.

The Board vote was unanimous.

General Question: DO call inquiring about the Board/Division's position on hormonal replacement therapy as the focus within a practice

Ms. Taxin explained an Osteopathic Physician in the military wants to open a practice doing hormone replacement. She stated he had heard DOPL investigates a lot of the hormone replacement clinics. Ms. Taxin stated she informed him if he assesses,

diagnoses and treats patients it is ok for him to have a hormone replacement practice but if he is just prescribing and not managing the needs of his patients then there is an issue. She stated there have been some issues with Physicians prescribing a lot of testosterone without maintaining patient files. Ms. Taxin stated this DO has assured her he does not treat for athletic performance. She stated he appeared to have a good plan and she informed him he would need to act according to the Law, Rule and Ethics of the profession.

Dr. Hermansen responded if the DO is licensed in Utah and comfortable in what he would be doing he does not believe there would a problem with a hormone replacement clinic.

Dr. Ramsey stated there have been a couple of probationers who do hormone replacement but are not on probation for that reason. He stated one probationer voiced concern about supervision as no one knew what he did and could not supervise properly.

Board members approved of Ms. Taxin's comments to the DO regarding opening a hormone replacement clinic.

CORRESPONDENCE:

American Board of Medical Specialties
Information

Ms. Taxin stated ABMS is providing facts about their specialty Board and information on the enhancements of the process.

Dr. Ramsey stated the information also came out about a year ago as someone had a certification that was not ABMS. He stated the Board determined at that time that they could approve on an individual basis.

No Board action was taken at this time.

The New England Journal of Medicine, April
2010 Volume

Board members took copies of this information to review.

No Board action was taken.

Journal of Medical Regulation, An Assessment
of USMLE

The Board stated they each receive the information by
mail.

Dr. Robbins requested to take the information to
review.

No Board action was taken.

Dr. Ramsey Question

Dr. Ramsey requested Ms. Taxin to update the Board
regarding the issue of visiting professors.

**Ms. Taxin responded the U of U presented a Bill at
the Legislature and then pulled the Bill. She stated
the Division did not support the Bill as it allowed
the Dean of the Medical School at the U of U to
review and approve qualifications for licensure and
then send the Division a letter of meeting
qualifications. She stated we then had an
individual apply for licensure. She stated that she
researched other States for requirements on
visiting professors and not many had that
provision. She stated if the Board does want this
option then clarification will have to be written
regarding what the Physician can and cannot do
while acting as a visiting professor.**

Dr. Ramsey thanked Ms. Taxin for the explanation and
stated he believes there may be a possibility for a
visiting professor license.

NEXT MEETING SCHEDULED FOR:

October 7, 2010

ADJOURN:

The time is 12:12 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 7, 2010
Date Approved

(ss) Warren A. Peterson, DO
Chairperson, Utah Osteopathic Physician & Surgeon's
Licensing Board

July 19, 2010
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing