

MINUTES

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

October 7, 2010

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

CONVENED: 9:10 A.M.

ADJOURNED: 11:47 A.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Debbie Harry

Board Members Present:

Layne A. Hermansen, DO

Warren A. Peterson, DO

Jane W. Brown

Keith P. Ramsey, DO

Board Members Absent:

Vacant Position

Guests:

Hallie Robbins, DO, Osteopathic Physicians
Association President

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Dr. Ramsey nominated Dr. Warren Peterson for
chairperson.

Dr. Hemansen seconded the motion.

The Board vote was unanimous.

MINUTES:

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

Dr. Peterson requested an addendum to the July 1,
2010 minutes for clarification. He stated Dr. Hallie
Robbins was not a member of the Utah Osteopathic

Physicians Association until July 1, 2010. He stated upon her becoming a member she was voted in as President of the Association in September 2010.

Dr. Hermansen made a motion to approve the minutes as read with Dr. Peterson's addendum/clarification.

Ms. Brown seconded the motion.

The Board vote was unanimous.

APPOINTMENTS:

9:15 am

Debbie Harry, Compliance Update

Ms. Harry updated the Board regarding the compliance or non-compliance of probationers.

Ms. Harry reported **Dr. Larry G. Andrew** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Vaughn T. Johnson** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Raymond L. Bedell** is currently out of compliance with his Stipulation and Order. She stated she contacted Dr. Bedell on Monday to notify him that the supervisor reports have not been received. She stated Dr. Bedell stated he would contact Mr. Yonk. Ms. Harry stated a brief letter was received from Mr. Yonk but not the Division supervisor report or the information requested on the report.

The Board questioned why a Physician was not Dr. Bedell's supervisor.

Ms. Taxin stated the Board should review the brief

letter from Mr. Yonk and then let Dr. Bedell know if they will accept it as the supervisor report. She stated she did inform Dr. Bedell that normally a licensed Physician is the supervisor but Dr. Bedell and his attorney were pushing for Mr. Yonk to act as supervisor and it was approved. She stated she also spoke with Mr. Yonk before the signing of the Stipulation and Order and Mr. Yonk said he would supervise Dr. Bedell and review the information we request.

Dr. Peterson asked if there is a HIPPA violation for Mr. Yonk to review files.

Ms. Taxin responded she does not believe Mr. Yonk is going into Dr. Bedell's office to review files. She stated the Board may continue to let Mr. Yonk act as supervisor or they may require Dr. Bedell to obtain a licensed Physician but the reports need to be completed and submitted on time.

Ms. Harry reminded the Board they asked Dr. Bedell on July 1, 2010, to submit the following and they have not been received:

1. Submit the paperwork from the court ordered probation which details all his conditions.
2. Submit the names and cell phone numbers of all individuals he is using as chaperones.
3. Complete the PACE course by December 2010. Dr. Bedell reported at the July meeting he was registered to take the course in August.

She requested the Board to review Dr. Bedell's CS database information and review the information with him if they have any questions.

Ms. Taxin read the supervision requirements and stated Mr. Yonk is addressing the court ordered probation compliance only.

Dr. Hermansen commented he attended a CE course and Dr. Bedell was also in attendance. He stated Dr. Bedell was inappropriate in his comments regarding his continued disturbances on his situation and one presenter had to stop Dr.

Bedell several times which made continuity of the presentation difficult.

Ms. Taxin voiced concern and stated the Board needs to hold Dr. Bedell accountable for his criminal conviction and our probation requirements. She acknowledged Dr. Bedell states the charges are going to be dismissed but until that occurs the conviction stands and the Board responsibility is to protect the public.

Dr. Ramsey asked if the Board requested the psychological evaluation.

Ms. Taxin responded the Board decided to hold on the psychological evaluation for now but could ask for one at any time.

Dr. Ramsey stated he believes it is time to request a psychological evaluation as he also saw the outbursts in the CE courses. He stated the evaluator might be able to give insight regarding Dr. Bedell's outbursts and continued behaviors.

Ms. Taxin then read the court requirements which stated Dr. Bedell must abide by all requirements of writing prescriptions. She stated the Board could require Dr. Bedell to submit a triplicate copy of the prescriptions he writes.

The Board will make recommendations regarding the psychological evaluation and submitting triplicate prescriptions when they meet with Dr. Bedell.

9:30 am

Dr. Larry G. Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Ms. Brown conducted the interview.

Ms. Brown informed Dr. Andrew of the Board reviewing Dr. Kronmiller's reports and the reports being positive. She stated Dr. Andrew's physical appearance appears different in a positive way and it appears he is healing from his experience.

Dr. Andrew thanked Ms. Brown and stated his home life is doing better but is still a work in progress. He stated he believes they have everything in place to make a good life and he had no idea how low his family relationship had become.

Ms. Brown stated it appears Dr. Andrew has moved his office. She asked where he is now located.

Dr. Andrew responded he is in the middle of moving to a location in Provo. He stated he considered moving in with his brother or another agency but did not know how to incorporate his practice without building on to their agencies.

Dr. Peterson asked if Dr. Andrew had made contact with Eastbay clinic as Ms. Taxin had suggested.

Dr. Andrew responded there is no space for his procedures at the Eastbay clinic. He stated his new location is in a nice commercial area and his business has picked up with word of mouth advertising.

Ms. Brown stated she reviewed the CS report and noticed Dr. Andrew had ordered Testosterone. She asked him to explain.

Dr. Andrew responded he keeps Testosterone at his office for injections at the office. He explained he does not send the injection home with patients and he does not use Testosterone injections for body building. Dr. Andrew stated he usually inserts pellets that are good for about 6 months.

Ms. Taxin commented investigations is now coming around and doing audits on drugs in the office. She suggested Dr. Andrew be sure to maintain a log of all medication he administers in his office and to keep all medications in an appropriate locked location.

Dr. Peterson asked if Dr. Andrew notes in the

patient chart any injections administered.

Dr. Andrew responded yes.

Ms. Brown stated Dr. Kronmiller has documented Dr. Andrew is doing safe practice and continuing to make forward progress.

Dr. Andrew asked how the patient surveys have been.

Ms. Taxin stated all patient comments have been positive and Dr. Andrew may review those surveys. She stated they have been very informative with comments regarding the time Dr. Andrew spends with them and they would refer others to Dr. Andrew due to the quality of care he gives. She stated Dr. Andrew may adapt/revise the questionnaire for his own feedback if he wishes and the Division could make copies of the questionnaires for him.

Dr. Andrew requested copies. He then submitted a copy of the CE he has completed and stated he has more courses coming up that he will be taking. Dr. Andrew stated the CE is for the hours required at renewal as he has completed the probation CE requirement.

The Board noted the certificate is for attendance at the Osteopathic Physician Association conference for 16 hours.

Dr. Andrew asked if the Board would consider changing the frequency of his supervision meetings with Dr. Kronmiller to be less frequent.

Following discussion, Ms. Brown made a motion to change the frequency of Dr. Andrew's supervision requirement from weekly to meeting every two weeks for the next quarter and then re-evaluate.

Dr. Hermansen seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Andrew to meet again January 6, 2011.

9:45 am

Dr. Vaughn T. Johnson, Probationary
Interview

Dr. Johnson met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Hermansen stated Dr. Johnson is in compliance with his Stipulation and Order. He reminded Dr. Johnson to complete his CE in Laws and Ethics prior to November 1, 2010, which is in three weeks, as required in his Order. He asked if Dr. Johnson has a course in mind.

Dr. Johnson admitted he had forgotten about the CE requirement and does not have anything in mind.

Ms. Taxin stated if the Board will accept online courses then Dr. Johnson could go to Medscape and complete the CE requirement. She read the requirement from Dr. Johnson's Order.

Dr. Peterson responded, based on the Order, he believes online courses would meet the requirement.

Ms. Taxin stated courses on boundaries usually also covers ethics. She suggested Dr. Johnson find a course and then contact her for approval. She stated if he finds a course he believes will be more beneficial but is not offered by November 1, 2010, he should contact Ms. Harry with the information and request an extension of the CE deadline. Ms. Taxin reminded Dr. Johnson that he will need to submit the syllabi of the course(s) and a certificate of completion.

Dr. Hermansen stated AAF also has free CE courses if Dr. Johnson cannot find an appropriate course through Medscape.

Dr. Peterson stated AAF has a course in three weeks on a Sunday and he suggested Dr. Johnson check it out.

Dr. Hermansen stated Dr. Johnson was approved at the last meeting to supervise PA's. He asked if Dr. Johnson is the primary supervisor for any PA's.

Dr. Johnson responded he has started supervising PA's as a substitute but has not had an occasion yet to supervise.

Dr. Hermansen stated the Board had requested Dr. Johnson meet with the PA's he will be supervising to discuss appropriate use of medications. He asked if Dr. Johnson has met with his PA's.

Dr. Johnson responded yes.

Dr. Hermansen asked if Dr. Johnson has been following the Laws for prescribing Fentermine and to explain what he has done.

Dr. Johnson responded he is following the Laws for prescribing Fentermine. He stated he gives full disclosure to his patients on the drug and expectations when taking it. He stated his patients have to read the information, sign and date they have read and understand. He stated there have been no issues with the process as they are diligent with face to face meetings, nutrition and exercise and have adjunct therapy for 90 days and then reassess the patient.

Dr. Hermansen asked if Dr. Johnson has included the Winder questionnaire to his documents.

Dr. Johnson responded yes for the few attention deficit patients he has. He stated his office is now completely computerized and he fills out the forms which are scanned into the patient charts.

Ms. Taxin asked if Dr. Johnson has added information to the electronic charts as the Board had suggested.

Dr. Johnson responded yes he has added information.

Dr. Hermanson asked Dr. Johnson to review the CS database list as there are a couple of prescriptions that are questionable.

Dr. Johnson reviewed the list and responded the one prescription which is an elixir was filled a month apart. He explained it is for an infant who is in a constant state of seizure and has a very tender situation.

Dr. Johnson thanked the Board for the CE reminder and for allowing him to take an online course(s). He asked if the course(s) needs to be completed by November or by the end of November.

The Board responded Dr. Johnson's Order says the course(s) must be completed by November.

Ms. Taxin reminded Dr. Johnson of his copy of the Order and recommended he read it himself to be sure he is meeting the requirements.

Dr. Peterson asked if the concern of discussing issues with the PA's has been resolved.

Dr. Johnson responded yes. He stated the Physicians and PA's all sat down together, reviewed the protocols and signed that they all understood and will follow the guidelines. He stated in the past he worked with the same PA's and they all discussed the prior issues and came up with an action plan so they do not arise again.

Dr. Peterson asked if Dr. Johnson should submit copies of the signed information.

Ms. Taxin responded it would be helpful for Dr. Johnson to submit the information for the Board to review and put in his file. She stated sitting down to review together is a good learning tool for everyone.

The Board determined Dr. Johnson is in

compliance with his Stipulation and Order.

An appointment was made for Dr. Johnson to meet again January 6, 2011 but he will be notified if there is a change in the date.

10:00 am

Dr. Douglas D. Callahan, Probationary
Interview

Dr. Callahan met for his probationary interview. Dr. Judd LaRowe, Dr. Callahan's supervisor, met telephonically.

Dr. Ramsey conducted the interview.

Dr. Callahan stated he reviewed the CS database for August and it has been helpful to him.

Ms. Taxin asked if his prescriptions matched up with the database.

Dr. Callahan responded most of the prescriptions matched. He stated there were a few that there was no prescription for the patient and he listed the last time he saw the patient.

Ms. Taxin asked if Dr. Callahan is finding he is prescribing more appropriately.

Dr. Callahan responded he believes he is prescribing more appropriately than he was in the past.

Dr. Peterson asked Dr. Callahan to explain the prescriptions that did not match his list.

Dr. Callahan responded he believes some are his father's written prescriptions as he has seen the names on other lists but there are some that are not patients of his or his father.

Dr. Ramsey asked if Dr. Callahan has contacted the Pharmacies to bring the errors to their attention.

Dr. Callahan responded he has in the past but not recently. He stated he saw the patients who were prescribed Testosterone but he could not locate the

prescriptions. He stated he is hoping it was possibly a printing error on the consecutive numbering of his prescriptions.

Ms. Taxin stated Dr. Callahan could call the Pharmacies or he could give the information to DOPL investigations to call as maybe the Pharmacies do not understand their role in making the report accurate.

Dr. Peterson suggested Dr. Callahan request investigations to contact the Pharmacies as Dr. Callahan is taking the fall for possible Pharmacy errors. He stated the prescription errors are what brought Dr. Callahan before the Board and he needs to check with the Pharmacies to be sure the prescriptions are all in numerical order. Dr. Peterson stated the Board has discussed this issue with Dr. Callahan since he has been on probation.

Ms. Taxin suggest Dr. Callahan retain his copy of the CS database printout, check the database again next month and figure out who's patient's are listed and then contact the Pharmacies regarding all errors, or call DOPL investigations.

Dr. Peterson stated if the prescriptions are not for his patients from his office then he has a larger problem.

Dr. Callahan responded he will review again, make contact with the Pharmacies and report back to the Board. He then submitted the list of patients he reviewed with his supervisor Dr. LaRowe.

Dr. Ramsey commented it appears Dr. Callahan has dropped about 1/3 of his prescriptions to patients but he voiced concerns about quantities and types of prescriptions for individual patients and prescriptions that are still on the list. He stated Dr. Callahan is scheduled for his probation to be completed in April 2011 but the number and volume of prescriptions is still too high. Dr. Ramsey stated he started his review of prescriptions with June 21, 2010 and found there

were 19 prescriptions for 17 patients, 18 prescriptions for 16 patients, 16 prescriptions for 14 patients and 10 prescriptions for 9 patients. He stated the majority are for Benzodiazepines and Amphetamines.

Ms. Taxin commented when Dr. Callahan first started probation she believes he was unaware of his prescription writing patterns but now he should be more aware of the number of prescriptions he writes.

Dr. Callahan responded he has kept a log to be sure what he is prescribing is appropriate.

The Board then called Dr. LaRowe, Dr. Callahan's supervisor.

Dr. Ramsey asked Dr. LaRowe if he had any questions for the Board.

Dr. LaRowe asked how much longer Dr. Callahan will be on probation.

Dr. Ramsey responded Dr. Callahan's probation is scheduled to be completed in April 2011 and between now and then he will still be monitored. He stated the Board is still concerned in regard to the high volume of medications Dr. Callahan is still prescribing although it appears it is down about 1/3 over the last year. He stated the Board also has concern regarding if Dr. Callahan is doing the correct workup for chronic pain patients. Dr. Ramsey asked if Dr. LaRowe had any comments regarding the charts he has reviewed with Dr. Callahan.

Dr. LaRowe responded there are many times the practitioner is saddled with chronic pain patients as the chronic pain Physician sends the patient back to the primary Physician for care as they receive only injections. He stated with the lack of Psychiatrists in the St. George area he believes many patients have been shifted to Dr. Callahan. He stated Dr. Roundy has left Dr. Callahan's clinic which adds to the patient

load. Dr. LaRowe stated many of Dr. Callahan's patients are in the elderly range and won't be well served by going to the pain management clinics.

Dr. Ramsey requested Dr. LaRowe to address the number of Benzodiazepine prescriptions.

Dr. LaRowe responded he believes Dr. Callahan is trying to meet the needs of the patients who receive Benzodiazepine.

Dr. Ramsey asked if Dr. LaRowe has any concerns regarding Dr. Callahan's prescribing habits or charting.

Dr. LaRowe responded no, he has not seen any problems. He stated it is difficult as these patients come in over and over again and the practitioner has to document each time as there is an ongoing need. He stated the documentation is in the charts for the medications the patients are receiving and the reasons for the medications.

Dr. Peterson commented if Dr. LaRowe believes the prescribing is appropriate and is appropriately documented the Board will defer to his opinion.

Ms. Taxin stated the Board also wants to ensure Dr. Callahan is confident and knowledgeable enough in what he is treating; he obtains additional education in specific areas or just tells some patients they will have to go to a different practitioner as he cannot treat them appropriately.

Dr. Ramsey voiced appreciation to Dr. LaRowe for monitoring Dr. Callahan and getting the required paperwork submitted on time.

Dr. LaRowe responded Dr. Callahan is a valuable member of the community and he has enjoyed working with him. He stated he believes Dr. Callahan tries to do what is in the best interest of his patients.

Dr. Ramsey requested Dr. Callahan to explain another patient who appears to receive refills about

every eight or nine days on a regular basis.

Dr. Callahan explained the situation of the patient and stated this patient has special needs and he believes the medications are appropriate. He stated he has not noticed patients being sent back from the pain clinics but his patient are mostly older.

Ms. Taxin stated Dr. Callahan has made progress and the Board is trying to make him very aware of his prescribing habits and ensure he is knowledgeable in treating the illnesses for his patients. She stated the Board is aware Dr. Callahan cares about his patients but the Board does not want to him to come back for probation again or to have the public think he will just give out medications. Ms. Taxin suggested Dr. Callahan pull about four patient charts and bring them to the next appointment for the Board to review.

Dr. Callahan responded their office is all electronic files now.

Dr. Ramsey suggested he bring the printout of the last couple of visits of four patients.

Dr. Hermansen stated the Board talked about what Dr. Callahan should do with the chronic pain patients. He asked if Dr. Callahan follows up on side effects of the medication. He suggested if chronic pain patients come to him for other issues that he also chart who their pain medication Physician is so if he is audited it is clear he is not treating the patient for chronic pain.

Dr. Callahan responded he does follow up with his patients regarding the side effects of medications. He thanked Dr. Hermansen for the suggestion of noting the pain medication Physician in the patient charts.

Dr. Ramsey summarized for Dr. Callahan to contact the Pharmacies regarding the discrepancies in the CS database listings, document any extenuating circumstances in the patient chart, continue to work on reducing the volume of

prescriptions and bring four examples of charts for the Board to review.

Ms. Taxin included Dr. Callahan should also review the CS database next month. She stated his staff may call the Pharmacies to clarify but if it continues to be an issue she will have investigations contact the Pharmacies.

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

An appointment was made for Dr. Callahan to meet again January 6, 2011 but he will be notified if there is a change in the date.

10:20 am

Dr. Raymond L. Bedell, Probationary
Interview

Dr. Bedell met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Robbins sat at the Board table with Dr. Bedell and stated she was there to support Dr. Bedell in the hearing.

Dr. Peterson requested Dr. Robbins to support Dr. Bedell by sitting in the public visitor seating vs. at the Board table and he clarified this is not a hearing but Dr. Bedell's probationary appointment.

Dr. Robbins sat behind Dr. Bedell.

Dr. Hermansen commented Dr. Bedell is new to the probationary process and his proposed supervisor is also new to the process. He stated compliance is based on Dr. Bedell making sure all required information is submitted on time and he is currently out of compliance with his Stipulation and Order as information was not submitted when it should have been.

Dr. Bedell responded Ms. Higgs notified him that the reports from Mr. Yonk had not been received. He stated he contacted Mr. Yonk who agreed to get the

report sent. He asked if the Division received the report.

Ms. Harry responded a letter was received from Mr. Yonk but the required supervisor report was not with the letter.

Ms. Taxin reminded Dr. Bedell that his reports are due monthly. She stated she talked with Mr. Yonk initially and he voiced understanding of the documentation and supervision requirements. She stated Dr. Bedell should contact Mr. Yonk and request the report form be completed and submitted monthly from this date forward for him to be in compliance.

Dr. Ramsey asked if any of the other Board members have an issue with Dr. Bedell being supervised by someone who is not a licensed Physician. He stated he does not believe a lay person is able to communicate regarding the issues or determine whether a Physician is practicing appropriately or not.

All Board members voiced concern.

Dr. Bedell commented it was agreed that Mr. Yonk would supervise him.

Ms. Taxin reviewed Dr. Bedell's Stipulation and Order and corrected Dr. Bedell by stating the Order says he will be supervised by a Board approved supervisor. She read the Order to Dr. Bedell and the Board. Ms. Taxin stated Dr. Bedell had requested Mr. Yonk and the Board agreed to consider him at that time but the Order allows for the Board's discretion on who to approve.

Dr. Peterson stated the Order requires the supervisor to be someone he does not know personally, such as a brother, etc.

Dr. Hermansen explained a supervising Physician would come to Dr. Bedell's office and talk with the

office chaperones. He stated a Physician would know what types of questions to ask.

Dr. Bedell responded it would have been better for him to know the Board's concern at his last appointment instead of waiting until today.

Dr. Ramsey stated there is still time for Dr. Bedell to be under appropriate supervision. He stated Dr. Bedell should contact a Physician and then present the name, a resume and a letter from the practitioner that they agree to supervise to Ms. Taxin for review and approval. He stated the supervision report asks for specific information for the Board to review and his current supervisor has not provided that information.

Dr. Bedell asked if the Board wants him to have a family doctor as the supervisor.

Ms. Taxin responded the supervisor is to be someone who will be a support for Dr. Bedell, will give feedback to the Board and is preferably a Physician in the same specialty.

Dr. Ramsey asked when the next report is due.

Ms. Harry responded the report is due October 28, 2010.

Dr. Bedell commented he will need Mr. Yonk to get the late reports submitted to catch up.

Dr. Peterson responded it is not necessary but reports from an appropriate supervisor will be due the 28th of each month.

Ms. Taxin stated the proposed supervisor could do a telephonic appointment with the Board at the next meeting if necessary.

Dr. Hermansen stated the Board had requested Dr. Bedell to submit the court Order document for the Board to review. He stated that Order has not been received.

Dr. Bedell responded Mr. Yonk was to submit the Order.

Ms. Taxin again stated the one letter was the only information received from Mr. Yonk. She stated Dr. Bedell had submitted some documents and then informed the Board he no longer was required to follow the requirements in the documents. She stated this is the reason the final court Order documenting all his current conditions needs to be submitted for the Board to review. She stated he was given that assignment at his last appointment.

Dr. Bedell stated he did not have the assignment as Ms. Taxin had said she would contact Mr. Yonk. He stated he has a copy of the final signed Order in his car and will get a copy for his file after his appointment. He stated the original Order is no long in effect.

Dr. Hermansen informed Dr. Bedell that he will be given assignments at his appointments that will need to be completed. He stated at Dr. Bedell's last appointment he had informed the Board he would get the information from Mr. Yonk and be taking the PACE course in September 2010. He asked if Dr. Bedell completed that course.

Dr. Bedell responded he did not complete the PACE course in September but will take it in November.

Dr. Hermansen stated Dr. Bedell was given the assignment to submit the names and cell telephone numbers of all chaperones. He stated that information has not yet been submitted.

Dr. Bedell responded he faxed the information in.

Ms. Harry stated she did not receive the information.

Dr. Hermansen stated the information needs to be submitted immediately. He then asked Dr. Bedell to explain the Actiq Prescription on the CS database report.

Dr. Bedell responded he prescribes it frequently. He explained it is used as a breakthrough for cancer pain. Dr. Bedell stated the patient does not necessarily use the medication all at one time.

Dr. Hermansen referred to another patient and asked for an explanation.

Dr. Bedell responded this insurance company for the patient will only pay for three months medication at one time and the patient has been stable on this specific dose for a long time.

Dr. Hermansen asked if Dr. Bedell is adhering to the AMA guidelines for regular patient exams with this patient.

Dr. Bedell responded yes.

Dr. Hermansen asked if Dr. Bedell has posted a sign in his office informing patients that all female patients will be examined with a chaperone present.

Dr. Bedell responded yes.

Dr. Hermansen asked if Dr. Bedell gives a verbal reason for each examination, provides paper gowns and gets the signature of each patient prior to examinations.

Dr. Bedell responded yes.

Dr. Hermansen asked if each chaperone has been given a copy of his Stipulation and Order and are the guidelines being followed.

Dr. Bedell responded yes.

Dr. Hermansen noted Dr. Bedell had a psychosexual evaluation and the Board would like a psychological evaluation.

Dr. Bedell responded he had the two evaluations.

Dr. Hermansen stated the Board would like a current psychological evaluation as soon as possible as it was noted by his evaluator that only a psychosexual was performed.

Dr. Bedell stated he believed both were performed and he did not understand why the Board was requesting a psychological evaluation.

Dr. Hermansen asked if Dr. Bedell has registered for the PACE program.

Dr. Bedell responded he has not registered as he was informed he could register the day before he starts the program.

Ms. Taxin stated Dr. Bedell's understanding is not her understanding regarding registration and he should contact the PACE program regarding registration to be sure he will be accepted when he is planning to take the course.

Dr. Bedell commented the courts could overturn his conviction at any time, even today. He asked where he stands if the courts do overturn his conviction.

Ms. Taxin responded if it is overturned he should get the documentation to her to review and then she will have a discussion with Dr. Bedell.

Dr. Ramsey commented he believes Dr. Bedell should have a psychological evaluation as it would add information that would be helpful to the Board. He recommended the Board require the evaluation.

Dr. Hermansen responded Dr. Bedell is pending the PACE course and there is a cost for the course. He stated he believes the psychiatrist would like to review the results of the PACE course and he suggested the Board hold on the psychological evaluation until after the PACE course has been completed.

Ms. Taxin informed Dr. Bedell he will need to be prepared to submit the PACE course information to the Board and to be prepared to discuss what he learned from the course.

Dr. Bedell responded he has completed two boundaries courses online and will take the PACE boundaries course as everyone can learn something but he does not believe he has boundary issues.

Dr. Bedell then summarized his assignments as follows:

1. Complete the PACE course;
2. Submit the supervisor reports monthly;
3. Submit the chaperone logs for review; and
4. Submit the chaperone names and cell phone numbers.

Dr. Bedell voiced his understanding for the recommendation of a psychological evaluation to be on hold until after he completes the PACE course.

Dr. Hermansen reminded Dr. Bedell he is also to locate a new Physician supervisor.

Dr. Bedell asked why Mr. Steinagel discussed his situation in public as it was published in the "City Weekly". He stated he believes it was a violation of his agreement with DOPL and Mr. Steinagel should not report he overturned the decision of the Board. He stated the press contacted him and he gave no comment. Dr. Bedell stated Mr. Steinagel should have done the same, that the information in the article was not accurate.

Dr. Peterson responded the Board is not prepared to discuss that issue. He reminded Dr. Bedell that the Board is advisory to the Division and Mr. Steinagel is the Division Director who has the authority to make decision or follow Board recommendations.

Ms. Taxin explained Dr. Bedell's Order is public information which the press has rights to request. She stated the article may have been based off the public document and not Mr. Steinagel's

comments. Ms. Taxin stated she and the Board were not present at the interview and do not know what was said but the press does not always report accurate information.

The Board determined Dr. Bedell is out of compliance with his Stipulation and Order.

An appointment was made for Dr. Bedell to meet again January 6, 2011 but he will be notified if there is a change in the date.

DISCUSSION ITEMS:

Update on Proposed Statute Amendments

Ms. Taxin reported the UMA has agreed to take out the SPEX requirement and they have Osteopathic Physicians and Physicians drafting language. She stated she has not yet received any language. Ms. Taxin stated she recommended Dr. Robbins contact Michelle McOmber, UMA Executive Director, to assist with the Law rewrite. She asked if Dr. Robbins has made that contact.

Dr. Robbins responded she has not yet contacted Ms. McOmber. She asked if Ms. Taxin is waiting for the UMA to draft language for consistency and what is the date for the review at the Legislative session.

Ms. Taxin responded yes. She stated there is no timeline but is hoping to have the language by the end of November or beginning of December. She stated she has no date for the Legislative review. Ms. Taxin stated the main area of revision is endorsement and Dr. Robbins will want to be sure the Osteopathic Physician Law is parallel with the Physicians. She explained there have been some foreign educated people obtaining licensure without completing examinations or residencies. Ms. Taxin stated some other areas needing updating are unprofessional conduct and medical assistant language clarifying supervision.

Dr. Robbins stated there is also no parallel for Osteopathic Physicians in the practice area,

individuals who are medically astute who currently practicing as an Osteopathic Physician in other countries but can only be licensed and practice as Massage Therapists in the United States. She stated there is concern with the foreign educated person receiving clinical and non-clinical exposure. She stated the Association may want to consider Osteopathic Physician Assistant with similar requirements.

Dr. Ramsey responded there is already language regarding Osteopathic Physician Medical Assistants but they cannot read lab reports or treat patients.

Dr. Robbins stated Massage Therapists are already doing some Osteopathic techniques and some Chiropractic Physicians do some Osteopathic manipulation techniques.

Dr. Peterson responded the Massage and Chiropractic techniques are in their scopes of practice and if what they are practicing is not in their scopes a complaint needs to be filed to investigate. He stated the Osteopathic Physician Association needs to get involved with the UMA to assist with writing the language for foreign educated Osteopathic Physicians for licensure.

Ms. Taxin stated she believes the Law should outline the requirements if an individual wants licensure in Utah. She stated they could be a visiting professor without licensure but if they do hands on clinical treatment they must have a license. She stated she believes DO's and MD's should meet specific requirements that are parallel.

Dr. Peterson asked if the UMA draft will be presented to the Board to review.

Ms. Taxin responded the UMA will give her a copy for the Board to review. She stated if the Board believes there needs to be some changes they can be made and then it will go to the Legislature. She stated, if it passes, the Board will then write Rules for more

clarification.

Following additional discussion Ms. Taxin gave Dr. Robbins the telephone number for Ms. McOmber and suggested she make contact as soon as possible.

Ms. Taxin concluded she will get the draft to the Board to review as soon as she receives one.

2010 Board Meeting Schedule

The Board noted the following dates for the 2011 schedule: Thursdays, January 20, April 21, July 21 and October 6, 2011.

CORRESPONDENCE:

NBOME's 2009 Annual Report

The Board reviewed the report. **No Board action was taken.**

FSMB Letter

The Board reviewed the letter from FSMB regarding Freda M. Bush, MD, being appointed as Liaison Representative for the Utah Osteopathic Board.

Dr. Ramsey asked if Ms. Bush will be visiting the Board.

Ms. Taxin responded she has requested Ms. Bush visit the Board in November but Dr. Bush's schedule did not permit so FSMB will get back with her regarding possible dates for the future.

NEXT MEETING SCHEDULED FOR:

January 20, 2011

ADJOURN:

The time is 11:47 am 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.

January 20, 2011
Date Approved

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

October 27, 2010
Date Approved

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