

**MINUTES**  
**UTAH**  
**PHYSICIANS LICENSING BOARD**

**BOARD MEETING**

**March 10, 2010**

**Room 474 – 4<sup>th</sup> Floor – 8:00 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 8:04 A.M.

**ADJOURNED:** 9:40 A.M.

**Bureau Manager:**

Noel Taxin

**Board Secretary:**

Karen McCall

**Compliance Specialist:**

Debbie Harry

**Board Members Present:**

John W. Bennion, Ph.D., Chairperson

George C. Pingree, MD

Stephen E. Lamb, MD

James H. Pingree, MD

Lori G. Buhler

James R. Fowler, MD

Daniel J. Parker, MD

Marc E. Babitz, MD

Kristen Ries, MD

David D. Byrd, MD

**Board Members Absent:**

Elizabeth F. Howell, MD

**Guests:**

Maria Currier

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the January 13, 2010 Board meeting were read.

Dr. Lamb made a motion to approve the minutes as read. Dr. Ries seconded the motion. The board vote was unanimous.

**APPOINTMENTS:**

**8:20 am**

Debbie Harry, Compliance Update

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

Ms. Harry reported **Dr. Nathan R. Currier** is currently in compliance with his Stipulation and Order. She stated he is currently working at Comprehensive Psychological Services and is in the process of obtaining his triplicate prescriptions to send the copies to the Board for review.

Ms. Harry reported **Dr. Terrell L. Sellers** is currently in compliance with his Stipulation and Order. She stated Dr. Sellers has missed 3 drug tests within the quarter due to financial issues and the account is now active and in good standing. Ms. Harry stated Dr. Sellers has requested early termination of his probation.

Ms. Harry reported **Dr. F. Michael Crane** is currently in compliance with his Memorandum of Understanding (MOU). She stated he has completed the required CE courses. Ms. Harry informed the Board of Dr. Crane's receiving prescriptions from Dr. Aaron Jones who is working with Dr. Crane and who is also on probation.

**Ms. Taxin stated there are a couple of different Physicians prescribing for Dr. Crane. She stated she believes they are all working for the same clinic. She stated the Board should ask for clarification and remind Dr. Crane to have complete documentation in all the charts if they are treating co-workers.**

**Ms. Taxin stated Dr. Crane's case has been confusing. She explained Dr. Crane met with the Board on August 13, 2008 to discuss the possibility of becoming licensed in Utah and the Board determined he should have a probationary license for a period of one year. She stated the MOU was signed in 2008 and he was to meet in November**

**2008. Ms. Taxin stated Dr. Crane was not working so his November appointment was cancelled until he went to work in March 2009. She stated Dr. Crane submitted the paperwork for Dr. Gregoire as his supervisor and Rett Hansen, the office manager at the Ogden clinic, as his employer. She stated Dr. Crane is now approaching termination of his probation and inconsistencies have been noted in his file. She stated there are not monthly reports and when she asked Dr. Crane about the reports he stated the Board told him he could submit the reports quarterly. Ms. Taxin stated she reviewed the minutes and could not find a recommendation for the amendment from monthly to quarterly but did notice the report form says due monthly for 6 months and then due quarterly. She stated Dr. Gregoire has not submitted any supervision reports for several months but there was a report from Dr. Babitz. Ms. Taxin stated when she asked Dr. Crane to explain he stated Dr. Babitz was his supervisor and Dr. Babitz stated he thought he was just doing chart reviews. Ms. Taxin stated Dr. Crane did complete the required CE by taking an appropriate course.**

**Dr. Babitz explained he works for the Health Department and supervises the health clinic in Ogden. He stated Dr. Crane requested him to review his charts and Dr. Babitz agreed. He stated Dr. Gregoire resigned his position in Ogden and Dr. Crane obtained employment in Logan at Cache Valley Health Center. Dr. Babitz stated Dr. Crane requested him to continue reviewing the charts and Dr. Babitz did. He stated he believes there was a misunderstanding on his part and Dr. Crane's part regarding Dr. Babitz being the supervisor.**

**Ms. Taxin stated Dr. Babitz has submitted additional reports which works out to be quarterly reports. She stated the Division cancelled a couple of meetings and Dr. Crane cancelled a couple of appointments so he has not met regularly which led to a lack of communication. Ms. Taxin stated Dr. Crane will talk about his responsibility within the situation and his understanding.**

**Dr. Babitz reminded the Board that Dr. Crane was disciplined in Colorado for his misbehavior and not for clinical problems. He stated Dr. Crane is under a primary care Physician at the clinic. Dr. Babitz stated during the time he has reviewed Dr. Crane's charts he has not seen any errors. He stated there have been some minor things that he has counseled Dr. Crane to be aware of as a family practitioner but as an OBGYN there were no issues.**

**Ms. Taxin stated Dr. Babitz will recuse himself from the discussion during Dr. Crane's appointment. She stated Dr. Crane's probation is scheduled to be terminated but if the Board believes the probation should be extended she will write a petition for non-compliance. She stated there have been no complaints regarding Dr. Crane doing harm to any patients during his probation or licensure period.**

**Dr. Fowler asked if Dr. Crane's volunteer work counted toward his one year probation or could the Board request he practice for a full year in a paid position at one facility.**

**Ms. Taxin responded the Board approved the volunteer work in Ogden. She stated it appears when Dr. Crane transitioned from the Ogden clinic to the Cache Valley position he did not stop working.**

**Dr. Bennion asked if clinical competence was ever in question.**

**Ms. Taxin responded Dr. Crane's clinical competence was not in question but there were issues with how he acted and reacted with staff and management. She reminded the Board that Dr. Jones mentioned staff at Cache Valley Clinic mentioned to him small issues with Dr. Crane. She stated Dr. Crane is an OBGYN and was promoted over people with more knowledge in family practice. She suggested the Board recommend Dr. Crane be aware that he does not have a lot of experience in family practice and he should utilize staff member's knowledge and experience.**

Ms. Harry reported **Dr. Edmund Chein** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Sidney M. Johnson** is currently in compliance with his Stipulation and Order as she received a report last night. She stated Dr. Johnson's probation is scheduled to be completed June 1, 2010.

Ms. Harry requested direction from the Board regarding how much reminding the Board would like for non-compliant probationers. She stated she discontinued mailing out letters and calling to remind non-compliant probationers to submit their information but she has accepted information the night prior to their appointments. Ms. Harry stated Ms. McCall's letter gives a statement reminding probationers when their paperwork is due and to maintain compliance they need to get the information in by the due date.

**Ms. Taxin stated the information is sometimes not received even when Ms. Harry or Ms. McCall make calls to non-compliant probationers.**

**Dr. Babitz responded he does not believe Division staff should follow-up with probationers. He suggested a non-compliant letter be sent if necessary but nothing more.**

**Dr. Parker responded as long as the probationer understands what is expected the Division staff should only send the appointment letter.**

**Ms. Taxin stated the Board should be very clear with probationers during their appointments and during the interview state they are out of compliance based on not receiving paperwork on time, positive drug tests, etc. She stated there have been times when the minutes reflect the Board has stated the probationer is in compliance but the body of the minutes reflects non-compliance.**

**Dr. Lamb commented the Board has never**

**established what out of compliance means.**

**The Board and Ms. Taxin recommended further discussion at another Board meeting.**

**8:30 am**

Dr. Nathan R. Currier, Probationary Interview

Dr. Currier and Mrs. Currier met for his probationary interview.

Dr. Lamb conducted the interview.

Dr. Currier stated he was notified yesterday that Jim Miller will not be allowed to supervise him and he will need to find someone else. He stated he was employed at BiWater Surgical doing monitoring and working 10 hours a week at Comprehensive Psychological Services. Dr. Currier stated BiWater Surgical has been sold and he will now be working for Salt Lake MRI about one full shift as needed to medicate patients with Valium. He stated the hours will average about 20 to 25 hours a week.

**Ms. Taxin stated Dr. Miller should be able to explain to Dr. Currier the reason he is unable to supervise.**

**Dr. Lamb asked what Dr. Miller's role is currently.**

Dr. Currier responded Dr. Miller does child and adolescent psychiatry. He stated he is restricted on the age of who he may treat and requested Dr. Miller as supervisor but there are two other physicians he can talk with at Comprehensive Psychological Services.

**Ms. Taxin stated Dr. Szykula could act as employer and supervise until Dr. Currier has another Physician approved as his supervisor.**

**Dr. Lamb asked if Dr. Currier has a practice plan prepared for Salt Lake MRI.**

Dr. Currier responded he does not yet have a new practice plan.

**Dr. Lamb gave Dr. Currier a new supervision form. Dr. Lamb asked who completed Dr.**

**Currier's supervisor reports at BiWater.**

Dr. Currier responded Ted Lyle will take over the supervision reports at Salt Lake MRI.

**Ms. Taxin stated it would be helpful if Dr. Currier would ask Radd Berrett to write an explanation of the transition for Dr. Currier's file.**

Dr. Currier responded he will ask for a letter.

**Dr. Lamb asked if Dr. Currier is still in therapy.**

Dr. Currier responded he is still in therapy.

**Dr. Lamb asked if reports from the therapist have been received.**

**Ms. Harry referred Dr. Lamb to the area in the file to review the reports and stated reports have been received every other month.**

**Dr. Lamb stated Dr. Currier has requested the restriction be amended for him to treat females 35 and above. He stated Dr. Currier may see these patients but only with a chaperone.**

Dr. Currier explained his violation and stated it is difficult for women to accept another person in the room when they are talking. He stated it is difficult to open up to one person but for two to hear their problems seems intrusive. He stated he has tried to explain the person is there to assist with record keeping. Dr. Currier stated he was approved by Medicare in February and is hoping to have Blue Cross and Blue Shield accept him again.

**Dr. Babitz made a motion to amend Dr. Currier's Order to allow him to treat female patient's 35 and older without a chaperone and to continue to require a chaperone for females 18 through 35.**

**Dr. James Pingree seconded the motion.**

**The Board vote was unanimous.**

**Dr. Bennion asked if Dr. Currier believes he is now able to understand the inappropriateness of his actions.**

Dr. Currier responded he does now understand. He stated he completed the class in boundaries and his therapist makes boundary issues the main focus of every session.

**Ms. Taxin reviewed the list of things Dr. Currier has been requested to submit:**

- 1. a new practice plan for Salt Lake MRI;**
- 2. a letter from Dr. Kyle regarding his having read Dr. Currier's Stipulation and Order, his resume and willingness to assist Dr. Currier in being successful in his probation and will submit employer reports; and**
- 3. a request for someone at Comprehensive Psychological Services to be his supervisor.**

Dr. Currier asked how frequently reports are to be submitted from CPS and MRI.

**Ms. Taxin responded with the changes of employment the reports should be submitted monthly until Dr. Currier meets again with the Board to establish the positions are working for him.**

Dr. Currier asked if he could increase his hours at Comprehensive Psychological Services to 20 hours a week.

**Ms. Taxin and the Board responded Dr. Currier may increase his hours but needs to set his limit at no more than 40 hours a week.**

**Ms. Harry asked if Dr. Currier has obtained his triplicate prescription pads.**

Dr. Currier responded he has. He stated he is also keeping a log of all prescriptions he writes.

**Ms. Taxin stated Dr. Currier only needs a log for any medications administered in the office. She asked him to be sure to submit his triplicate**

**prescriptions monthly for review and if he administers medications in either office he should also send the log monthly.**

**The Board determined Dr. Currier is in compliance with his Stipulation and Order based on submitting his paperwork and reports.**

**An appointment was made for Dr. Currier to meet June 9, 2010.**

**8:50 am**

Dr. Terrell L. Sellers, Probationary Interview

Dr. Sellers met for his probationary interview.

Dr. Bennion conducted interview.

Dr. Sellers stated his work is going well and he believes he is better at what he is doing. He stated he pays close attention to his cravings, attends two meetings a week and two aftercare meetings a week. He stated he is aware of the hold on his drug testing which is financial related and not drug related. He explained he used his limited credit card and did not have enough funds on the card which alerts CVI to put on a hold until a \$75.00 cashier check is submitted. He stated he believes the issue caused CVI to add additional tests. He stated he tested twice already in March and is now back on track.

**Dr. Bennion asked Dr. Sellers to present his request to the Board.**

Dr. Sellers responded there was a time when meeting with the Board was a burden and he was not trying to comply. He stated he feels no burden now and does not have to slither in and out hoping the Board has not picked up on anything. Dr. Sellers stated he had a minor relapse in September 2006 but has not had one since. He stated he had two root canals and did not take any narcotics. Dr. Sellers stated he has been sober since March 17, 2005 beyond the 2006 relapse. He stated he works in a substance abuse program, attends his meetings each week, reads out of his reflections and his own religious readings each week. He stated he believes he has worked hard on his addiction but reflects back and it was not such hard

work. Dr. Sellers stated he believes if he continues working the way he has, he has a shot at being successful. He stated his support groups and aftercare will always continue.

**Dr. Bennion stated some type of on-going support system is important.**

**Dr. Lamb asked how many drug tests Dr. Sellers usually has each month and if he believes the tests are helpful.**

Dr. Sellers responded he usually has one test a month. He stated he does believe the tests are helpful to be sure he is safe to practice. He stated his employment has an internal policy for random tests twice a month as many of the employees are recovering addicts.

**Ms. Taxin asked if Dr. Sellers had a relapse would he go to work or stay home.**

Dr. Sellers responded he would probably call in and tell them he had relapsed and that if he went in he would probably lose his job because they would know he was under the influence of a substance.

**Dr. Babitz asked if the Division requires CVI testing or if an employer testing may be used.**

**Ms. Taxin responded the Division did use employer testing in the past but that is no longer the case because of the issues that occurred.**

**Dr. Bennion stated at the beginning of Dr. Sellers appointment he seemed ambivalent as to whether he should pursue requesting early termination of probation.**

Dr. Sellers responded he knows he has not been consistent in submitting his paperwork on time and if the Board recommends he continue probation he will continue.

**Dr. Bennion stated Dr. Sellers is in compliance today with his paperwork and all other conditions. He asked if Dr. Sellers is requesting immediate**

**termination of probation or termination later.**

Dr. Sellers responded he would like probation to be terminated immediately. He stated he no longer uses drugs and will not use when his probation is terminated as he has no desire for the drugs and the consequences for loss are too big. He stated it is not a 100% guarantee but he has no desire to use drugs again.

**Dr. Fowler asked what will change in his professional life if his probation is terminated.**

Dr. Sellers responded he believes he has the best job in the world and plans to continue his employment there. He stated he does not want to go back into delivering babies as he is not up all night now and does not have to think about shooting morphine for his migraines.

**Dr. Parker stated he is sympathetic to Dr. Sellers and what he has gone through. He asked if there is anything in between termination and probation.**

**Ms. Taxin stated one option for the Board could be to recommend amending the Order to terminate the drug testing and have Dr. Sellers meet in 6 months.**

**Dr. James Pingree made a motion to amend Dr. Sellers Order to discontinue the drug testing and have him meet with the Board in November 10, 2010 to discuss possible termination of probation. He stated the motion is based on Dr. Sellers consistent negative drug tests.**

**Dr. Fowler seconded the motion.**

**The Board vote was unanimous.**

**Ms. Harry reminded Dr. Sellers to submit his paperwork May 28 and October 28, 2010 to be in compliance for his meeting on November 10, 2010.**

**An appointment was made for Dr. Sellers to meet again November 10, 2010.**

**9:10 am**

Dr. F. Michael Crane, Probationary Interview

Dr. Crane met for his probationary interview.

Dr. Fowler conducted the interview.

Dr. Crane informed the Board that he has completed his transition from the health clinic in Ogden to Cache Valley Health Clinics. He stated he works at the Logan clinic and averages about 45 hours a week. He stated he sees all types of patients who come to the clinic.

**Dr. Fowler asked Dr. Crane if he relies on other providers at the clinic for their expertise if they are more familiar in a specific area than he is.**

Dr. Crane responded he does rely on other providers. He stated there is another family practice Physician, some PA's and some Nurse Practitioners at the clinic. He stated there is quite a variety of patients and the practitioners tend to be rather young and may not recognize some of the drug abuse signs.

**Dr. Fowler asked if the practitioners treat each other at the clinic.**

Dr. Crane responded yes and stated when he has observed a practitioner treating a colleague in the hall who asks for a prescription the quality of care suffers. He stated the employer is very generous by offering an insurance plan and also allows practitioners in the clinic to treat each other but there has to be a chart on each patient even an employee patient. He stated the clinic also does random drug testing on employees.

**Dr. Fowler stated there is a prescription on the database printout for Dr. Crane. He asked Dr. Crane to explain.**

Dr. Crane responded there is a prescription for him.

**Dr. Lamb asked why employees would use the clinic practitioners if the employer offers an insurance program.**

Dr. Crane processed the question of the procedure

from Dr. Lamb's point of view. He stated the clinic waives the co-payment as a benefit of employment.

**Dr. Lamb voiced concern with Dr. Crane's explanation of:**

- 1. the clinic procedures of waiving copayments as being insurance fraud, and**
- 2. the possible boundary issues but stated seeing a patient/colleague and having a chart is important for care.**

Dr. Crane responded he does not believe the practice is insurance fraud.

**Dr. Babitz asked if there is anyone else located in the Garden City area.**

Dr. Crane responded the nearest clinic is about 25 to 30 miles away. He stated the Garden City clinic is quite busy in the summer with farmers and vacationers.

**Dr. Parker asked Dr. Crane to explain his long term plans.**

Dr. Crane responded he has a three year contract so he plans to complete his contract and then maybe go more into GYN as there is not much need for OB. He stated the clinic would like him to consider OBGYN but he does not believe they understand the OB part.

**Dr. Fowler stated the database printout indicates Dr. Crane received a prescription for Hydrocodone. He asked Dr. Crane to explain.**

Dr. Crane explained he was given the prescription for some dental work and also received a prescription for a back problem from an auto accident which caused a spine injury.

**Dr. Lamb made a motion for probation to be terminated based on Dr. Crane having met the conditions of his Memorandum of Understanding.**

**Dr. Parker seconded the motion.**

**Dr. Bennion, Dr. George Pingree, Dr. Lamb, Dr. James Pingree, Ms. Buhler, Dr. Fowler, Dr. Parker, Dr. Ries and Dr. Byrd voted in favor of the motion. Dr. Babitz abstained from voting as he has been reviewing Dr. Crane's charts and providing supervisor reports.**

Dr. Crane acknowledged his misunderstanding with the process of his probation and voiced his appreciation to the Board and Ms. Taxin for working with him.

**9:30 am**

Dr. Edmund Chein, Telephonic Probationary Interview

Dr. Chein met for his telephonic probationary interview.

Dr. Ries conducted the interview.

**Dr. Ries asked Dr. Chein how many hours he is currently practicing and if his status in California has changed.**

Dr. Chein responded his practice has started to increase to one or two new patients a month. He stated he is still working a lot overseas. He stated his California probationary status has not changed and he is in compliance there.

**Dr. Ries asked when the California probation will be completed.**

Dr. Chein responded he will complete the California probation sometime this month.

**Dr. Ries stated the Utah probation is through October 2011. She stated when the California probation is terminated Utah would consider terminating his probation.**

**Ms. Taxin informed Dr. Chein he will need to submit a letter to Ms. Harry from California documenting he is off probation and his licenses are active and in good standing.**

**Dr. Ries asked if Dr. Chein has any plans for any changes in his practice in California.**

Dr. Chein responded he has no plans until his probation is completed and then he would consider making some changes.

**The Board determined Dr. Chein is in compliance with the Stipulation and Order based on all paperwork having been submitted and completion of the CE requirements.**

**An appointment was made for Dr. Chein to meet again June 9, 2010.**

**9:40 am**

Dr. Sidney M. Johnson, Telephonic  
Probationary Interview

Dr. Johnson met for his telephonic probationary interview.

Dr. James Pingree conducted the interview.

**Dr. James Pingree stated Dr. Johnson's probation in Utah is scheduled to be completed in three months or sooner if he submits paperwork from Massachusetts documenting completion of probation there.**

Dr. Johnson responded his probation in Massachusetts was completed in July 2009. He stated Hawaii made him an offer to terminate his probation early if he would give a psychological presentation to those in a residency program. He stated he has chosen not give the presentation. Dr. Johnson stated he believes his Hawaii probation is scheduled to be completed in July 2010. He asked if the Hawaiian probation needs to be completed prior to Utah terminating the Utah probation.

**Ms. Taxin clarified he will need to submit a letter from Massachusetts verifying his license is active in good standing and a verification from Hawaii. She stated the Utah probation could be terminated within a week of receiving the verifications.**

Dr. Johnson stated he will start the process to get the verifications submitted. He stated he now has two new partners and is able to work less hours. He stated he has looked at a position with Primary Children's

Medical Center managing a satellite clinic in Provo but will be in Hawaii for at least another year.

**Dr. James Pingree commented this may be Dr. Johnson's last appointment with the Board and they all wished him well.**

**The Board determined Dr. Johnson is in compliance with his Stipulation and Order based on his paperwork being received.**

**No appointment was made for Dr. Johnson at this time.**

### **DISCUSSION ITEMS:**

Review the Practice Plan for Dr. David Morris

Ms. Taxin reported Dr. Morris started employment March 1, 2010. She stated Dr. Webster is his supervising Physician and she has talked with Dr. Webster and the office manager, Pat Budge. Ms. Taxin stated Dr. Morris is doing evaluations and histories on both new and established patients to determine if they are receiving correct medications and coming up with alternative treatments to get patients off controlled substances. She stated Dr. Morris supplied an outline of what he will be doing at Life Tree. Ms. Taxin stated the outline includes how he will organize his questions for patients. Ms. Taxin stated Dr. Morris has reported being excited to start working. She also reported Dr. Morris wrote a practice plan which included some procedures for pain control but Dr. Webster informed her that an anesthesiologist will be with Dr. Morris for those procedures but Dr. Morris would not be providing those services right now according to his written plan. Ms. Taxin stated she received a letter from Dr. Kuo in February which states Dr. Morris is managing his diabetes.

**Dr. Byrd stated the procedures are pretty easy. He stated it would probably be acceptable and appropriate for Dr. Morris to provide the procedures. He asked if Dr. Morris will be making recommendations to the PA's and Nurse Practitioners. He stated he does not understand how Dr. Morris will see patients but not prescribe.**

Ms. Taxin responded Dr. Morris and Dr. Webster understood he could not prescribe and that there are PA's and Nurse Practitioners at Life Tree to provide that service. She stated Dr. Morris will make recommendations but the PA's and Nurse Practitioners will make the final decisions on their patients prescriptions. She stated the practice plan was an e-mail and is a basic plan but not complete. Ms. Taxin stated Dr. Morris is still being treated by Dr. Crookston. She stated they have been changing Dr. Morris's medications to meet his changing medical needs based on Dr. Morris's recommendations which should be on the therapy report. She stated Dr. Morris reports he and Dr. Crookston collaborate on his medical care. Ms. Taxin stated she has tried to explain to Dr. Morris that e-mails are not paperwork and he needs to send the paperwork on the approved forms.

**Dr. Lamb clarified the Division has not received a formal practice plan to be considered and reviewed.**

Ms. Taxin responded Dr. Lamb is correct. She stated Dr. Webster and the staff at Life Tree have read Dr. Morris's Stipulation and Order.

**Dr. Lamb asked if the document submitted in the e-mail is the practice plan for Dr. Morris.**

Ms. Taxin responded yes. She stated she asked Dr. Morris to write the plan out as a full plan on the approved DOPL form for the Board to review.

**Dr. Bennion asked if Dr. Webster is supposed to sign off on the practice plan.**

Ms. Taxin responded she can ask Dr. Webster to read and sign it. She stated she believes Ms. Budge will complete the employer reports for Dr. Morris. Ms. Taxin stated the Board should ask Dr. Morris their questions when he meets in April.

Ms. Taxin informed the Board that she, Dr. Bennion from the Physicians Board and Dr. Ramsey from the Osteopathic Physicians Board will be attending the

Federation meeting in April.

April 14, 2010 Board Appointments

Ms. Taxin stated it appears there will be about three appointments for the April meeting, Dr. Morris, Dr. Dobell and possibly one other. She stated she gave some suggestions regarding employment to Dr. Dobell and talked with Dr. Lu regarding Dr. Dobell. Ms. Taxin stated Dr. Dobell and Dr. Lu are in the process of looking at options for Dr. Dobell. Ms. Taxin stated she received a letter from Massachusetts to sign an agreement with Massachusetts to supervise Dr. Dobell and to agree that Dr. Dobell will abide by all the conditions they have made, which were listed. Ms. Taxin stated Utah is not requiring some of Massachusetts conditions and to require them would mean an amendment to Dr. Dobell's current Order. She stated she notified Massachusetts that it would be conflict for her or a Board member to act as her supervisor as that is not part of their responsibilities, plus she noted concerns with the conditions as they are somewhat different from the Utah Memorandum of Understanding.

Dr. George Pingree Question regarding Continuing Education (CE)

Dr. George Pingree asked if time spent at Board meeting counts for CE.

**Ms. Taxin responded the time does not count for Utah CE and she does not know if it is accepted for Board Certification.**

**Dr. Babitz recommended Ms. Taxin contact the Utah Medical Association (UMA) regarding the question as they might grant Board attendance as an elective credit.**

**Ms. Taxin agreed to contact the UMA. She stated the Utah Medical Practice Act Rule will allow for up to 6 hours of Division training and she will review the Rule to see if some time might be given Board members.**

**Dr. Babitz commented the probationers appointments would be a learning process and should count.**

Dr. Parker Question

Dr. Parker asked Ms. Taxin to explain what Voir Dire

is.

**Ms. Taxin responded it is where the Judge and the defendant interview the jurors to determine if they are biased. If it is determined there is bias toward the case the juror is excused from hearing the case. She stated Board members will be interviewed one at a time.**

**CORRESPONDENCE:**

FSMB and NBME Announcement regarding Enhancements to the SPEX Examination

Ms. Taxin briefly reviewed the FSMB information with the Board.

**Dr. Lamb commented the SPEX could be required if a Physician does not maintain Board Certification.**

Report on FSMB Maintenance of Licensure Initiative

Ms. Taxin stated she believes the report is general and a starting point. She stated when the Federation makes changes they are recommendations for States to consider. Ms. Taxin stated if the Board wants to adopt the recommendations it would have to be determined if it would require a Law or Rule change. She stated the Federation recommends all States have similar Laws and Rules but it is not required.

**10:00 am to 6:00 pm**

**Dr. Michael Goates Hearing**

**NEXT SCHEDULED HEARING:**

Dr. Alan Heap Order to Show Cause Hearing  
March 17, 2010, 8:00 am to about 6:00 pm

The Board noted the information.

**NEXT MEETING SCHEDULED FOR:**

April 14, 2010

**ADJOURN:**

The time is 9:40 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.*

April 14, 2010  
Date Approved

(ss) John W. Bennion  
Chairperson, Utah Physicians Licensing Board

March 30, 2010  
Date Approved

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