

**MINUTES**

**UTAH  
PHYSICIANS LICENSING BOARD  
MEETING**

**September 8, 2010**

**Room 474 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:00 A.M.

**ADJOURNED:** 2:47 P.M.

**Bureau Manager:**

Noel Taxin

**Board Secretary:**

Karen McCall

**Compliance Specialist:**

Debbie Harry

**Board Members Present:**

Elizabeth F. Howell, MD, Chairperson

John W. Bennion, Ph.D.

James H. Pingree, MD

Lori G. Buhler

James R. Fowler, MD

David D. Byrd, MD

Kristen Ries, MD

Daniel J. Parker, MD

Kenneth L. Schaecher, MD

Marc E. Babitz, MD

**Board Members Absent:**

Richard W. Chapa, MD

**Guests:**

Jordan Sheffer, PCMC, U of U Student

Justin Iwasaki, Medical Student

Maria Currier

Michelle McOmber, UMA

Casey Hill, UMA Director of Government Relations

**DOPL Staff Present:**

Mark B. Steinagel, Division Director

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Swearing in of Richard W. Chapa, MD, and  
Kenneth L. Schaecher, MD, as Board Members

Ms. Taxin conducted the swearing in of Dr. Schaecher  
as a Board member. **The Board welcomed him.**

Board Chairperson

Dr. Pingree made a motion for Dr. Elizabeth Howell to be chairperson. Dr. Ries seconded the motion. **The Board vote was unanimous.**

Vice Chairperson

Dr. Babitz nominated Dr. James Pingree as vice chairperson. Dr. Parker seconded the motion. **The Board vote was unanimous.**

**MINUTES:**

The minutes from the June 9, 2010 Board meeting were read. Ms. Buhler made a motion to approve the minutes as read. Dr. Ries seconded the motion. **The Board vote was unanimous.**

**BUSINESS FROM PREVIOUS MEETING:**

Dr. Bennion – Continued Discussion regarding Incompetent Practitioners and Gathering Information

This item has been deferred to the next scheduled Board meeting.

Ms. Taxin explained she put together a packet of several articles regarding this subject and included a letter received from Wayne M. Sather. She requested the Board to review the information for the discussion. She stated Mr. Sather has requested to meet with the Board.

**Dr. Schaecher responded he has read Mr. Sather's letter and believes his concerns are valid but should be taken up with Workman's Compensation and/or the Utah Medical Association.**

**Dr. Howell suggested Ms. Taxin contact Mr. Sather regarding the Law being opened this next Legislative session and if the Board/Association can address some of his issues in the Law they will but meeting with the Board would not be necessary.**

**APPOINTMENTS:**

**9:15 am**

Jared Cash, Pharmacist, Medication Safety

Board members and Division staff were introduced.

Mr. Cash, Pharmacist, stated there is currently interest and concern regarding medication safety in the health care professions. He stated often Boards must determine if the errors are from bad behavior, human error or systems problems and these areas need to be

reviewed. Mr. Cash introduced David Marks and stated he has come to the medical field to assist with health systems engineering in Utah. Mr. Cash announced a continuing education (CE) course that will be presented September 23, 2010, from 3:00 pm to 5:00 pm in room 403 of the Heber Wells Building. He stated the course is titled "Establishing a just culture for improved safety and quality" for 2 hours of CE for healthcare providers.

**Dr. Howell asked if the course will be taped.**

Mr. Cash responded taping is a possibility and requested Ms. McCall to contact him regarding available equipment.

**9:25 am to 9:45 am**  
Board Member Training

Ms. Taxin conducted the annual Board member training. She stated everyone should have received a new Board Member Orientation Booklet when they became a Board member and it is a good resource for them regarding policies and procedures.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business.

**Dr. Howell reminded Board members that the meetings are recorded and they should think about what they say as a comment meant to be a joke usually has some truth in it.**

Ms. Taxin covered the open public meeting requirements and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance or any interested public people to be able to attend. She explained that a quorum of Board members is required to make decision with motion and vote. Ms. Taxin explained the purpose for closing a meeting and stated she recommends meetings be closed for any mental or competency discussion. She stated the recording is turned off and notes are not taken during a closed meeting but all motions must be part of the open session. She stated the Board may request someone to leave the room for a discussion but if they choose to

remain for the discussion they may. Ms. Taxin stated she believes it is important to discuss concerns with the individuals present. She asked the Board to be open minded and be fair with their comments but to hold people accountable for their actions.

Ms. Taxin stated the Board should think through their comments in case there needs to be a hearing. She stated the Board should be sure they are not side talking during or after a meeting with probationers or applicants as anyone can request a copy of the tape and those comments may not be in the minutes but will be on the tape. She stated if an applicant or a probationer contacts Board members they should refer those people back to the Division to answer their questions as the Board could be accused of making a decision outside a Board meeting.

She stated the Board talked about meeting quarterly but there will be a few more probationers coming so the Board may want to discuss meeting every other month instead of one long day quarterly. Ms. Taxin stated during probationer appointments the Board may want to close the meeting for personal information discussion.

**Dr. Howell stated agendas are posted on the website 24 hours in advance of all public meetings. She stated a newspaper and the local media are also notified. Dr. Howell stated Emergency Meetings are sometimes called and these are for an emergency situation only.**

Ms. Taxin explained a hearing is when Board members act as the jury. She stated there must be a quorum of the Board for a hearing and could be in conjunction with a Board meeting or in addition to a Board meeting. Ms. Taxin stated a hearing can be lengthy and intense and may go all day as it is a court proceeding with the AG attorneys representing the Board/Division and usually an attorney representing the practitioner.

Ms. Taxin explained the process for an emergency meeting and stated an emergency hearing is on to determine if there is imminent danger to the public.

She stated there could also be an emergency Board meeting called if there is an issue that needed to go before the Board and could not wait for the next scheduled Board meeting.

Ms. Taxin covered disruptive behavior during a Board meeting and stated anyone being disruptive could be asked to leave the meeting but the meeting cannot be closed for disruptive behavior. She stated the Board meetings need to be organized with the chairperson managing the meeting. Ms. Taxin stressed the importance of Board members being professional, remembering that they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated Board members should be respectful to each other as well as any probationers, visitors or appointments. She stated they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented. Ms. Taxin recommended Board members review and be familiar with the Laws and Rules in order to make correct decisions. She stated the Board should be positive role models.

Ms. Taxin asked the Board to avoid conflicts of interest. She stated if Board members know a probationer and feel comfortable with the person they should still disclose the information to the Board and probationer and ask if the probationer is comfortable with them participating. She stated Board members may also step out of the meeting if there is a possible conflict. Ms. Taxin requested Board members to be aware of their representations outside Board meetings. She stated Board members should act with integrity as they are put at a higher standard. She requested them to review the Laws and Rules and if they see something that does not make sense or is no longer pertinent to bring it up for clarification or to be amended.

Ms. Taxin reviewed the fire escape exits and her expectations for everyone to get out of the building and meet across the street in the parking lot to be accounted for. She requested Board members to let her know if they have any special needs and to be

aware of any visitors who may have special needs in order for her to obtain assistance for exiting the building.

**9:45 am**

Debbie Harry, Compliance Update

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

Ms. Harry reported **Dr. Julie Dobell** is currently in compliance with her Memorandum of Understanding (MOU). She stated Dr. Dobell works part time with an oral surgeon.

**Ms. Taxin stated Dr. Dobell's employment needs Medicare/Medicaid funding and Dr. Dobell was notified she was dropped as a Medicare/Medicaid carrier based on her probation. She stated she and Dr. Michelle testified at a hearing with Dr. Dobell and the Medicare/Medicaid Judge overturned their decision. Ms. Taxin stated she also spoke with Susan Berg from Massachusetts and she suggested Dr. Dobell submit a letter to the Massachusetts Attorney General with supporting documentation requesting early termination of probation and justifying why Massachusetts should consider termination of probation. She stated 5 years probation appears to be the standard for Massachusetts and when Dr. Dobell completes her time with Massachusetts it will be about 10 years total. Ms. Taxin stated the evaluation from the New York program Dr. Dobell attended rated her performance on a high level. She stated the challenges Dr. Dobell has had to face continually over the years could push a person to relapse but Dr. Dobell has not.**

**Dr. Bennion asked if Utah has to continue to follow the Massachusetts Order.**

**Ms. Taxin responded if the Board believes Dr. Dobell has met the terms of her probation and are comfortable with her performance they may recommend early termination of her Utah probation.**

Ms. Harry stated Dr. Dobell has had no substance

abuse issues for about 7 years.

**Dr. Bennion asked if it would help Dr. Dobell in her employment situation if her probation in Utah was terminated.**

**Ms. Taxin responded yes.**

Ms. Harry responded she believes Dr. Dobell would not be a risk factor for an employer.

**Ms. Taxin stated Dr. Pompa evaluated Dr. Dobell to be a low risk for relapse.**

Ms. Harry reported **Dr. Edmund Chein** is currently in compliance with his MOU.

Ms. Harry reported **Dr. Kittya N. Paigne** is currently in compliance with his MOU.

Ms. Harry reported **Dr. Carl Wurster** is in compliance with his MOU as much as he can be without working. She stated his time has not yet started to count. Ms. Harry stated Dr. Wurster is listed as not working but has been teaching in a college. She stated Ms. Taxin heard he was working and had asked her to call for clarification. Ms. Harry stated when she called Dr. Wurster said he could work as a Physician but not as a Surgeon and when she specifically asked if he needed a license to work in education then he did not answer. She stated she requested proof of documentation of his disability from his insurance carrier, Medicare or Medicaid. She stated she then received a letter from a private insurance carrier. Ms. Harry stated Dr. Wurster believes he is fully compliance with his Utah Order.

**Ms. Taxin stated her staff and Ms. Harry have regularly contacted Dr. Wurster and believed he was not working. Ms. Taxin stated she called Dr. Wurster and he stated he has 2 more years of probation in Idaho and will return to work as soon as the Idaho probation is terminated. Ms. Taxin**

**stated Idaho informed her Dr. Wurster will need to request termination of probation before they will terminate him.**

**Dr. Schaecher asked if Dr. Wurster has kept up on his CE.**

**Ms. Taxin responded he must have the CE to renew and he did renew his license.**

**Dr. Babitz commented CE does not certify competency.**

**Ms. Taxin stated Dr. Babitz is correct. She stated when she talked with Dr. Wurster she offered him to surrender his Utah license as he is and has not been working during the past 2 ½ years. She stated he declined the offer.**

**Dr. Schaecher asked what health issues Dr. Wurster has as specific health issues such as Parkinson's would not make him a safe surgeon.**

**Ms. Taxin responded she believes he has back issues.**

**Dr. Babitz responded disability insurance indicates Dr. Wurster is unable to perform his job as a Physician and Surgeon.**

Ms. Harry reported **Dr. Nathan R. Currier** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. David J. Morris** submitted his paperwork late but she has listed him as in compliance with his Stipulation and Order. She stated he will be requesting his control substance (CS) license be reinstated today, he has had major changes in his personal medications and he continues to contact Ms. Taxin which makes it difficult for both her and Ms. Taxin to follow him. Ms. Harry stated Dr. Morris has had his medications stolen from his car twice this year, sent in the mail some medications to his Mothers

home and had to have them refilled and had other reported mix-ups.

**Ms. Taxin stated she brought up the amounts of medications Dr. Morris has been taking with him. She stated he and Dr. Crookston have decided to take him off everything and put him on Suboxone along with an anti-anxiety medication. She stated Dr. Morris has requested his CS license.**

**Dr. Byrd stated the record documents Dr. Morris is receiving his medications from several pharmacies.**

**Dr. Howell commented Dr. Morris works at a substance use clinic. She stated he is being followed by a Psychiatrist, Dr. Crookston, and she voiced concerns about Dr. Crookston's objectivity.**

**Ms. Taxin responded Dr. Crookston does write Dr. Morris's prescriptions and has submitted letters to the Division supporting his CS to be reinstated. She stated Dr. Webster from Lifetree Pain Clinic where Dr. Morris works is saying he needs the CS to work more hours.**

Ms. Taxin updated the Board regarding **Dr. Eric Sanzenbacher**. She stated he has requested an appointment to discuss what he will need to do to possibly have his license reinstated. She stated he has completed some things the Board previously asked of him. Ms. Taxin also responded that he was arrested again this past year for possession of cocaine and stated if he does not bring it up then the Board should request an explanation.

**10:00 am**

Dr. Julie Dobell, Probationary Interview

Dr. Dobell met for her probationary interview.

Dr. Schaecher was introduced.

Dr. Howell conducted the interview.

Dr. Dobell reported she is working a few hours with Dr. Marlin Michelle. She stated he has been very nice and supportive in giving her work. Dr. Dobell stated

Medicare/Medicaid has been an issue as Dr. Michelle is a provider. She thanked Ms. Taxin for testifying for her at the Medicaid/Medicare hearing and stated the process for reinstatement is dragging a bit and hopefully Dr. Michelle will be able to use her more when it comes through.

She stated Dr. Michelle introduced her to a plastic surgeon who was looking for an employee but he does not really want to supervise or monitor anyone. She stated the agreement is so long it is hard to read. Dr. Dobell stated she believes the Physician would like to have someone who is able to come in, do the job and leave without being monitored. She stated the Physician cannot figure out why Massachusetts requires another 3 years of probation since she has already completed 5 years, if she has no issues.

Dr. Dobell stated Dr. Michelle reviews all the anesthesiology records and the employer form is the form he would need to complete for DOPL.

**Dr. Howell responded it would not require a lot for the Physician to supervise/monitor Dr. Dobell.**

**Dr. Bennion asked if Dr. Dobell had stayed in Massachusetts if her probation would have been completed in 5 years.**

Dr. Dobell responded she believes so.

**Dr. Howell asked Dr. Dobell to explain how she believes she is doing in her recovery.**

Dr. Dobell responded she believes she has done well in her recovery. She stated sometimes she gets her hopes smashed down based on her probation.

**Dr. Pingree asked if Dr. Dobell is now comfortable with her skills.**

Dr. Dobell responded yes. She stated she attended the course in New York to be sure her skills are current.

**Dr. Bennion asked what the final evaluation was from the New York Mt. Sinai Medical School**

**course.**

**Ms. Taxin responded the evaluation was very positive.**

**Dr. Howell stated all Dr. Dobell's reports have been positive. She stated the letter from Mt. Sinai documented the hours spent in the course and that Dr. Dobell demonstrated a sound and solid foundation of her skills, knowledge and judgment. She asked Dr. Dobell how long she has been completely free of any alcohol or drugs.**

Dr. Dobell responded it was 5 years in July 2010.

**Dr. Howell asked if Dr. Dobell has relapsed or had any cravings to relapse.**

Dr. Dobell responded no. She stated she felt terrible during that time and she never wants to feel that way again. She stated she believes there are better ways to manage pain long term. She stated when she gets anxious or worried she now exercises.

**Dr. Pingree asked how long Dr. Dobell was on pain medications.**

Dr. Dobell responded it was about a year. She stated people were suspicious so they started urine testing and that is when they found she was using drugs. She stated in small communities people notice behavior of something wrong. She stated she does not plan to work in a large clinic where there are a lot of medications available. She stated the plastic surgery clinic has limited amounts of medications retained there.

**Dr. Schaecher clarified Dr. Dobell would be off probation in Massachusetts if she had stayed there.**

Dr. Dobell responded she believes that is true.

**Ms. Taxin stated the Massachusetts probation monitors just time with no restrictions for Dr. Dobell.**

**Dr. Bennion made a motion, based on Dr. Dobell's record in Massachusetts during the 5 year probationary period with no relapses, based on successfully completing the New York Mt. Sinai Medical School course, based on her description of how she now deals with stress and based in the hindrances to obtain employment, he recommended the Utah probation be terminated.**

**Dr. Babitz requested the motion be amended to include also based on the reports from Dr. Michelle and Dr. Pompa.**

**Dr. Bennion accepted the amendment as a friendly amendment.**

**Dr. Babitz seconded the motion.**

**The Board vote was unanimous.**

Dr. Dobell stated she now sees how hard everyone was trying to help her and it makes her feel she can get through the process. She thanked the Board.

**Ms. Taxin stated she talked with Dr. Dobell regarding the requirement of completing a prescribing course. She stated she requested Dr. Dobell to read the "Responsible Opioid Prescribing" book and take the examination. She suggested the course be completed prior to termination of probation.**

**Dr. Babitz amended the above motion to include termination of probation upon completion of completing the prescribing course.**

**Dr. Parker seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin stated upon receiving documentation of completing the course she will complete the paperwork for termination of the Utah probation and will write a letter for Massachusetts regarding Dr. Dobell being successful in her Utah probation. She suggested Dr. Dobell petition Massachusetts**

**for termination of her probation.**

**10:30 am**

Dr. Edmund Chein, Telephonic Probationary  
Interview

Dr. Chein met for his telephonic probationary  
interview.

Dr. Ries conducted the interview.

**Dr. Ries stated Dr. Chein was doing most of his  
practice in China when he last met. She asked if  
that is still the case.**

Dr. Chein responded yes.

**Dr. Ries asked if Dr. Chein has had any problems  
with the California Board and his probation there.**

Dr. Chein responded he has had no problems and his  
probation will automatically end March 12, 2011.

**Ms. Taxin requested Dr. Chein submit a letter and  
documentation when his California probation is  
terminated.**

**The Board determined Dr. Chein is in compliance  
with his Utah Stipulation and Order.**

**An appointment will be made for Dr. Chein to meet  
again in 6 months. He will be notified of the date.**

**Ms. Harry reminded Dr. Chein to continue to  
submit his paperwork on a quarterly basis.**

**10:40 am**

Dr. Kittya N. Paigne, Telephonic Probationary  
Interview

Dr. Paigne met for his telephonic probationary  
interview.

Dr. Fowler conducted interview.

**Dr. Fowler asked when Dr. Paigne's California  
probation is schedule to terminate.**

Dr. Paigne responded the California probation was for  
5 years and he may request early termination in  
January 2011.

**Dr. Fowler thanked Dr. Paine for being prompt in submitting his information. He requested Dr. Paine to keep the Utah Board informed regarding his California probation. He asked if Dr. Paine is planning to return to Utah or stay in California.**

Dr. Paine responded he will keep the Board updated on his California probation and he plans to stay in California for now.

**Dr. Howell asked if Dr. Paine submitted the requested practice plan since his last appointment.**

**Dr. Fowler responded it was received.**

**The Board determined Dr. Paine is currently in compliance with his Utah Stipulation and Order.**

**An appointment will be made for Dr. Paine to meet in 3 months. He will be notified of the date.**

**10:50 am**

Dr. Carl Wurster, Telephonic Probationary Interview

Dr. Wurster met for his telephonic probationary interview.

Dr. Schaecher was introduced.

Dr. Bennion conducted the interview.

**Dr. Bennion requested Dr. Wurster to update the Board regarding his current situation and plans.**

Dr. Wurster asked if the Board received the letter he sent to Ms. Harry.

**Dr. Bennion responded the letter was received and reviewed.**

Dr. Wurster stated the letter was his update. He stated he had an unplanned surgery this summer and has now applied for positions in an administrative capacity, in the education and HMO systems. He stated George Washington University has given him a restart date to continue with his education.

**Dr. Bennion asked if his current employment is**

**administrative.**

Dr. Wurster responded yes.

**Dr. Bennion asked how Dr. Wurster's health is now.**

Dr. Wurster responded he was recovering but the surgery this summer was a set back.

**Dr. Pingree asked what type of surgery Dr. Wurster had.**

Dr. Wurster responded he had spinal cord surgery on L 2 and 3.

**Dr. Schaecher stated many insurance companies require the medical director to be licensed in the state even though they many not be practicing in the state.**

**The Board determined Dr. Wurster is currently in compliance with his Stipulation and Order.**

**An appointment will be made for him to meet in 6 months. Dr. Wurster will be notified of the date.**

**11:10 am**

**BREAK**

**11:20 am**

Dr. Nathan R. Currier, Probationary Interview

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

Dr. Schaecher was introduced.

Dr. Schaecher recused himself from participating in this appointment based on his belief it was a complicated issue that he did not know enough about at this time.

Dr. Babitz conducted interview.

**Dr. Babitz asked if Dr. Davis is still Dr. Currier's supervisor and if Dr. Currier would explain a prescription written in June and another written 20 days later for another 30 day supply.**

Dr. Currier responded Dr. Davis is still supervising. He explained the patient was going out of town and the prescription was written just prior to his leaving.

Dr. Currier stated he received a rejection notice from Blue Cross/Blue Shield. He stated he is now only on one insurance carrier and works on fee for services. He stated he is working to be on Medicare/Medicaid and referrals from two places. He stated there are two Physicians he is talking with regarding part time employment for one of them. Dr. Currier stated there is hospital opening in Pleasant Grove as a substance abuse program and he has talked with them about being the medical director. He stated Salt Lake Behavioral will not allow him to work with them due to the age restriction as he is only allowed to see patients 18 to 30 years.

**Ms. Taxin questioned if the probation is not an issue but the age restriction is an issue.**

Dr. Currier responded she is correct. He asked if the Board would consider lifting the age restriction.

**Dr. Babitz commented Dr. Currier is about half through his three year probation.**

**Dr. Howell asked what type of work Dr. Currier would be doing in each position.**

Dr. Currier responded he would assist in setting up the substance abuse program at one facility and do all the psychiatric evaluations for all people being admitted to the program. He stated he would be part of the treatment team in setting up what would be appropriate for the patients. Dr. Currier stated there would be no detox program, the only medication the patients would be on at the facility would be pain and/or anti-depressants and they would not start them on any new prescriptions. He stated it would be a residential program.

Dr. Currier stated the second opportunity he is reviewing is with Salt Lake Behavioral but he has not yet discussed in detail the restrictions. He stated they

need someone a few nights a week to do the psychological evaluations and setting up treatment plans.

**Dr. Babitz asked if Dr. Currier is still seeing Dr. Lowery.**

Dr. Currier responded he is.

**Ms. Taxin stated Dr. Currier mentioned the employers would like to see the restriction taken away. She asked Dr. Currier to address why the Board should consider removing the restriction.**

Dr. Currier responded when he went through the boundaries course he found they were very restrictive regarding the patient/Physician relationship and looking back he can see what he did wrong. He stated it is no longer an option for him to allow himself to ever get back into that type of situation. Dr. Currier stated Dr. Davis has worked a lot on discussing boundary issues and brings it up at every meeting. He stated Dr. Davis trained at a psycholytical program and making and holding boundaries was stressed. Dr. Currier stated Dr. Davis has no problem calling him on the boundary issues and questions why he would ever think it was appropriate to cross the boundary as he should maintain the boundaries at all times.

**Dr. Babitz asked if Dr. Currier's mood disorder played into the situation.**

Dr. Currier responded he believes the mood disorder clouded his judgment. He stated Dr. Bushnell talked with him about the issues and determined it was affecting him more than in just one specific area. He stated within a month of taking medications his thinking was clearer.

**Dr. Babitz reminded Dr. Currier that he asked about playing tennis with a previous patient. He asked what Dr. Currier decided to do.**

Dr. Currier responded he decided to avoid doing any activities with patients or former patients.

**Dr. Howell asked how long Dr. Currier has been employed with Comprehensive Psychological Services.**

Dr. Currier responded he has been there since November 2009.

**Dr. Babitz voiced concern about Dr. Currier being at a substance abuse program as the head of the program. He stated at his current employment there is always someone else there for support.**

Dr. Currier responded there would always be others at the substance abuse program.

**Dr. Howell stated Dr. Currier would need to submit a practice plan for both places for the Board to review before they could give approval.**

**Dr. Babitz stated he would approve a plan for the Salt Lake Behavioral so the Board could monitor while Dr. Currier is on probation.**

**Ms. Taxin requested Dr. Currier to ask Dr. Davis for a letter of support for termination of the age restriction for the Board/Division to review. She stated the Board could make a motion and vote today and if the letter is in support the restriction could be removed without coming back to the Board.**

**Dr. Babitz made a motion to lift the age restriction from Dr. Currier's license pending a positive letter from Dr. Davis and an acceptable practice. He stated this will allow the Board to monitor him while on probation.**

**Dr. Babitz stated if Dr. Currier gets hired to work with Dr. Wallace, the Division will need appropriate documentation.**

**Dr. Pingree seconded the motion.**

**Dr. Pingree, Dr. Babitz, Dr. Howell, Dr. Parker, Dr. Byrd, Dr. Fowler, Ms. Buhler, Dr. Bennion and Dr. Ries voted in favor of the motion.**

**Dr. Schaecher abstained from voting based on his lack of knowledge regarding Dr. Currier.**

**Ms. Taxin commented Dr. Currier appears to be on the right path. She recommended Dr. Currier be aware of the prescribing requirements for Utah.**

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

**An appointment will be made after the Board determines the Board meeting schedule and Dr. Currier will be notified if his appointment.**

**11:40 am**

Dr. David J. Morris, Probationary Interview

Dr. Morris met for his probationary interview.

Dr. Schaecher was introduced.

Dr. Byrd conducted the interview.

Dr. Morris distributed copies of a random sampling of his patient files for the Board to review his documentation for discussion at his next scheduled appointment.

**Dr. Byrd asked if Dr. Morris's work at Life Tree is more supervisory.**

Dr. Morris responded he does not make suggestions regarding patient care as Dr. Webster has some concerns.

**Dr. Byrd stated he read Dr. Webster's letter regarding Dr. Morris not having a Utah controlled substance (CS) license or a DEA registration and how that is an impediment for Dr. Morris to practice in Dr. Webster's office. Dr. Byrd then addressed the issue of Dr. Morris having his medications taken from his car twice, obtaining medications from ER when he rolled his vehicle, some medications being left at the home of a family member and Dr. Morris getting his medications from several locations when he is required to obtain them from one Pharmacy. He asked Dr.**

**Morris to explain.**

Dr. Morris responded he has had medications taken twice from his car, once in Price and once while the car was in his garage. He stated he does not lock his car and had left the garage door open. He stated he has been frustrated that the medication he has taken for about 10 years are no longer working for him. He stated Dr. Crookston suggested he try one medication for about a week and then changed to include another medication which seems to be working better.

**Dr. Byrd stated there appears to be a pattern that there is a problem of being careless with narcotics as losing narcotics twice in a year is not usual. He stated Dr. Morris is aware of the Board watching him very closely and he asked Dr. Morris to explain why he is so careless and irresponsible. He stated Dr. Morris is very intelligent and this type of behavior is very suspicious. Dr. Byrd asked Dr. Morris to explain what the Board views as a violation of his probationary contract.**

Dr. Morris responded he does not consider himself careless but thinks of himself as trusting. He stated he does not see the problem. He stated he has thought about the medications being taken out of his car and wondered why he would leave narcotics on the seat and walk away. He stated he does not believe he did it on purpose but people do things when they are hurting. He stated he believes he was over medicated and not as sharp mentally as he should have been but he never took more of his medications than were prescribed. He stated he thought he was doing fine but now realizes he was not.

**Dr. Howell stated the Board has concerns regarding approving Dr. Morris to have a CS license and is looking toward a time when the Board has no concerns. Dr. Howell voiced encouragement regarding how Dr. Morris appears today but wants a track record before considering issuing him a CS license.**

**Dr. Byrd asked what Dr. Morris would do if he had a patient with these types of issues.**

Dr. Morris responded he would terminate the patient.

**Dr. Byrd stated he does not doubt Dr. Morris is or was in pain but the Board has the responsibility to protect the public and Dr. Morris's behaviors are concerning. He asked Dr. Morris to submit a plan on how he will avoid issues of this nature in the future. He asked if Dr. Morris wants his CS license why is he not going out of his way to make sure there are no issues with his medications.**

**Dr. Babitz asked if Dr. Crookston is Dr. Morris's only prescribing Physician.**

Dr. Morris responded yes.

**Dr. Babitz asked if Dr. Crookston has a current pain management contract with Dr. Morris on file.**

Dr. Morris responded he does not believe there is a contract as he has been seeing Dr. Crookston for so many years.

**Dr. Babitz suggested Dr. Morris ask Dr. Crookston for a current contract and that Dr. Morris follow the contract.**

**Dr. Schaecher also voiced surprise at the lack of Dr. Morris's insight regarding his medications.**

**Dr. Fowler stated it was his understanding that Dr. Morris was reviewing charts and giving advice to the practitioners at the clinic.**

Dr. Morris again responded he does not give any medical advice to the practitioners at the clinic.

**Ms. Taxin explained she has said Dr. Morris may consult with the practitioners at the clinic but cannot tell them what medications they should prescribe.**

**Dr. Howell stated Dr. Morris should be hearing the Board is not comfortable with him having a CS license at this time. She stated the Board has given**

**Dr. Morris some ideas regarding how to assist the Board in considering issuing a CS license. She stated the Board has been aware of cognitive impairment when Dr. Morris has met but today indicates the lack of Dr. Morris's understanding. Dr. Howell stated in regard to therapy Dr. Morris needs to see someone other than Dr. Crookston as he is treating his pain and is the prescribing Physician.**

Dr. Morris clarified he will talk with Dr. Crookston regarding recommending an independent therapist for himself and about a current pain management agreement.

**Dr. Byrd stated Dr. Morris should have one prescribing Physician, obtain his prescriptions from one Pharmacy and be sure all narcotics are locked up and out of sight.**

Dr. Morris asked if the Board would approve for him to obtain medications from two Pharmacies as he cannot always come to Salt Lake for them as he is sometimes uncomfortable getting them in Price.

**Ms. Taxin stated Dr. Morris must only fill his prescriptions at Costco or the Pharmacy in Price.**

**Dr. Howell requested Dr. Morris submit the following:**

- 1. A copy a current pain management agreement.**
- 2. Prescriptions only from one Pharmacy in the Salt Lake and/or from one Pharmacy in Price.**
- 3. A Plan on how he is going to make changes.**
- 4. Documentation of seeing a therapist other than Dr. Crookston.**

**The Board determined Dr. Morris is in compliance with his paperwork.**

**An appointment will be made after the Board determines the Board meeting schedule and Dr.**

**Morris will be notified of the date.**

**12:10 pm**

Dr. Eric Sanzenbacher, Interview regarding  
Re-licensure in Utah

Dr. Sanzenbacher met to discuss steps to take for  
consideration for re-licensure.

Board members and Division staff were introduced.

Dr. Howell conducted the interview.

Dr. Sanzenbacher explained the circumstances  
regarding the surrender of his Physicians license. He  
stated he has had several relapses through the years  
and needs to manage his disease of addiction. He  
stated he believes he is now ready to go through the  
process to obtain his license again.

**Dr. Howell asked Dr. Sanzenbacher how long he  
has been clean from drugs and alcohol.**

Dr. Sanzenbacher responded he has not used any  
alcohol for many years and has been off drugs since  
August 2009. He stated he is back at First Step House  
as an outpatient, has a sponsor and actively attending  
NA meetings on Thursdays. He stated he has not been  
an advocate of AA meetings but has changed his  
attitude and is now regularly attending AA meetings.  
Dr. Sanzenbacher stated he did a foolish thing last year  
by agreeing to go with a friend who wanted to use  
cocaine. He stated he was picked up for possession of  
cocaine, spent 4 months in jail and was released  
January 23, 2010. Dr. Sanzenbacher stated he realized  
that if he had not been picked up he would have  
relapsed again. He stated he requested to meet with  
the Board to update them on his circumstances and  
would like guidance regarding what will be required of  
him.

**Dr. Howell responded when he met with the Board  
on September 10, 2008, Dr. Lamb had requested he  
submit the following:**

- 1. A letter requesting reinstatement of his  
license.**
- 2. A letter from Dr. Crookston confirming  
therapy and/or aftercare and support for his  
license to be reinstated.**

3. **A letter from Mr. Fulton confirming therapy and/or aftercare and support for his license to be reinstated.**
4. **A letter from First Step House confirming completion of their program.**
5. **A practice plan.**
6. **Information indicating who he would be working for.**
7. **Information regarding what type of regular aftercare he is receiving.**
8. **Documentation of any CE that has been completed.**

**Dr. Howell stated Dr. Lamb had informed Dr. Sanzenbacher that after the Board reviewed all of the above information they would need to consider if periodic drug testing, therapy and an aftercare program would be appropriate.**

**She stated she wanted to see at least a couple of years of sobriety and being clean of drugs before the Board would consider a Stipulation with Dr. Sanzenbacher and currently she still would like at least a couple of years sobriety and being clean of drugs before the Board consider his request.**

**Dr. Howell asked if Dr. Sanzenbacher is currently on drug testing.**

Dr. Sanzenbacher responded yes, he is currently drug testing. He stated he is proposing he meeting quarterly with the Board to show his progress and, if possible, he would like to be involved in some type of volunteer position in the medical field.

**Dr. Schaecher clarified Dr. Sanzenbacher has been out of practice as a Physician for seven years. He asked what Dr. Sanzenbacher has done to maintain his medical skills. He suggested Dr. Sanzenbacher submit an outline regarding some preceptorships as the Board is charged with protection of the public and would need to know Dr. Sanzenbacher is competent to practice. He stated he would also like Dr. Sanzenbacher to submit his plan regarding how he plans to redeem himself.**

Dr. Sanzenbacher responded he believes he is competent to go back into practice and also believes he could pass the SPEX examination at this time but will need the Board's approval to sit for the SPEX examination.

**Dr. Babitz commented probationers meet with the Board as part of their recovery. He stated for Dr. Sanzenbacher to meet with the Board he would be acting as a probationer and he believes Dr. Sanzenbacher and the Board are not yet at that point. He stated Dr. Sanzenbacher should probably plan for the next year or two to just be sober and clean of drugs and then request approval to sit for the SPEX examination.**

**Dr. Schaecher asked if Dr. Sanzenbacher's status precludes him from being a medical assistant.**

**Ms. Taxin responded Dr. Sanzenbacher could be a medical assistant. She stated there is a national certification but many medical assistants in Utah are trained by the supervising Physician. She stated Dr. Sanzenbacher should choose an arena where he will be safe to practice if he decides to be a medical assistant and he would need to be careful that he does not cross the boundaries of medical assistant and Physician as he has the higher education.**

**Dr. Babitz stated Dr. Sanzenbacher could check in patients take their name and take their weight but would need to be trained by the supervising Physician for any additional duties.**

**Ms. Taxin suggested Dr. Sanzenbacher meet again in January to discuss how he is doing, what ideas he has checked into and maybe give him additional feedback.**

Dr. Sanzenbacher thanked the Board for their suggestions and stated he will bring some letters from First Step House and from Dr. Crookston.

**An appointment was made for Dr. Sanzenbacher to meet again January 12, 2011.**

**12:40 pm to 1:15 pm**

**WORKING LUNCH BREAK**

**1:15 pm**

Michelle McOmber, UMA, Update on  
Licensure by Endorsement and other Law/Rule  
Potential Amendments

Ms. McOmber met to update the Board regarding  
licensure by endorsement and other Law/Rule  
potential amendments.

Board members were introduced.

Ms. McOmber reported the UMA realized at the June meeting that the language for endorsement is inadequate and the Board/Division must determine if an applicant has produced satisfactory evidence of the applicant's qualifications, identity and good standing to the satisfaction of the Board/Division. She stated the UMA Board has Physicians and some Osteopathic members who have recommended both Laws have the same requirements for licensure. Ms. McOmber stated the Osteopathic Physicians are required to pass the SPEX examination within the last 12 months if it has been more than 5 years since they passed the qualifying examinations or they must be Board certified. She stated the UMA Board is considering if endorsement should be removed from both Laws or have a specific list of requirements. Ms. McOmber stated the U of U has voiced a desire to have similar language as Colorado and the UMA is reviewing that Law. She stated the UMA will have further discussion at the fall conference and she will report back to the Board on November 10, 2010, regarding the language recommendations.

**Dr. Ries recommended the Board read the Law very carefully to be sure there is not language that is no longer pertinent or other areas that are unclear and need better clarification. She suggested the Board be prepared to present any additional recommendations to Ms. McOmber at the November 10, 2010 Board meeting.**

**The Board thanked Ms. McOmber for meeting and giving an update.**

Mark Steinagel, Division Director

Mr. Steinagel informed the Board of Governor Herbert's optimization program. He stated one

suggestion was to eliminate the diversion program. Mr. Steinagel explained that Utah is unique in that the diversion program is open to all licensees.

**Dr. Howell responded she does not believe eliminating the diversion program would protect the public. She stated it would also mean this Board and other Boards would have many more probationers and which may require meeting two days a month vs. one day a month or less. Dr. Howell stated if the program was eliminated then Utah would be one of two states who would not have a diversion program. She stated California has eliminated their program.**

**Ms. McOmber stated the UMA would oppose eliminating the Utah diversion program.**

**Dr. Schaecher asked if someone else would provide the diversion services if it is eliminated as a state program.**

Mr. Steinagel responded he believes the program may be outsourced to a private provider.

**Dr. Schaecher stated outsourcing would take professionals out and that would be a huge impact on public safety.**

**Ms. Taxin stated the practitioners in diversion usually continue to work, attend therapy and must meet a specific criteria similar to probation conditions without all the consequences of disciplinary action and/or probation.**

Mr. Steinagel stated he will report to the Optimization Program Review Committee that the Board and UMA support retaining the diversion program.

**2:00 pm**  
Review Applications

Dr. Paul C. Williams

Ms. Taxin explained Dr. Williams took a state specific examination for original licensure. She stated she checked with FSMB and was informed the examination would have been accepted for licensure at

that time.

**The Board reviewed Dr. Williams's application and recommended the license be issued.**

Dr. Michael Deininger application for full licensure

The Board reviewed Dr. Deininger's application and noted FSMB could not verify any foreign residency or any U.S. residency.

**Dr. Parker read the endorsement requirements in the Law and asked if Dr. Deininger has submitted satisfactory documentation to meet the requirements for licensure.**

**Dr. Babitz responded he believes Dr. Deininger has met the requirements as he submitted the information requested at the June 9, 2010 Board meeting.**

**Dr. Babitz then made a motion to approve Dr. Deininger's application for full licensure as a Physician based on his having met the requirements as requested at the June 9, 2010 Board meeting.**

**Dr. Bennion seconded the motion.**

**Dr. Bennion, Ms. Buhler, Dr. Babitz, Dr. Ries, Dr. Parker and Dr. Fowler voted in favor of the motion. Dr. Schaecher, Dr. Pingree and Dr. Byrd voted against the motion. Dr. Howell abstained from voting. The motion passed with a vote of 6 in favor.**

## **DISCUSSION ITEMS:**

Review and Discuss California Board Articles

Ms. Taxin stated the following articles are in the packets for the Board to review for the November meeting, "Move to Restrict Pain Killers Puts Onus on Doctors" and "WARNING to Physicians and Program Directors".

Discuss Frequency of Board Meetings

Ms. Taxin stated the Board will need to meet October 13, 2010 as there is an all day hearing scheduled for that day and they should plan to meet November 10, 2010 to review and discuss the proposed Law changes.

Ms. Taxin stated the Board could then determine if it is necessary to meet again in December. She stated there are several new probationers coming but believes meeting quarterly for 2011 may work.

**After taking a poll of the Board Dr. Howell suggest the meetings be scheduled monthly but plan to meet quarterly and cancel the other meetings if possible.**

#### Tentative 2011 Board Meeting Schedule

The Board reviewed the following monthly dates for the 2011 schedule: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9 and December 14, 2011.

The Board noted the quarterly schedule would be January 12, April 13, July 13 and October 12, 2011.

FYI

The Board was informed of an all day Hearing scheduled for October 13, 2010. More information will be available at a later date.

FYI

Ms. Taxin stated there were a few Physicians who had not completed their CE for renewal and needed some extra time. She stated renewal time is where we have found several who are on probation in other States.

#### **CORRESPONDENCE:**

FSMB Information regarding Freda M. Bush appointed as Utah Liaison Representative

Ms. Taxin stated FSMB is willing to send Ms. Bush or someone else again this year. She asked if she should make arrangements for a visit this year or wait until next year.

**Dr. Howell responded she believes it is beneficial to have a representative meet at least once a year. She suggested Ms. Taxin try to make an appointment for Ms. Bush or another representative to meet at the November 10, 2010 meeting about the same time as Ms. McOmer from the UMA.**

**Dr. Babitz suggested Ms. Taxin request the issue of endorsement be addressed.**

Wayne M. Sather Letter

This item was addressed in the Business from  
Previous Meeting section.

**NEXT MEETING SCHEDULED FOR:**

October 13, 2010, Hearing

**ADJOURN:**

The time is 2:47 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.*

November 10, 2010  
Date Approved

(ss) James H. Pingree, MD  
Acting Chairperson, Utah Physician Licensing Board

October 15, 2010  
Date Approved

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