

MINUTES

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

January 20, 2011

**Room 210 – 2nd Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:02 A.M.

ADJOURNED: 12:14 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Connie Call

Board Members Present:

Warren A. Peterson, DO, Chairperson

Layne A. Hermansen, DO

Jane W. Brown

Keith P. Ramsey, DO

Noel C. Nye, DO

Guests:

Hallie Robbins, DO, UOMA President

DOPL Staff Present:

Mark B. Steinagel, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Dr. Noel C. Nye as a Board Member

Ms. Taxin conducted the swearing in of Dr. Nye as a Board member. The Board welcomed Dr. Nye.

MINUTES:

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

Dr. Hermansen made a motion to approve the minutes as read. Ms. Brown seconded the motion. Dr. Peterson, Dr. Ramsey, Ms. Brown and Dr. Hermansen voted in favor of the motion. Dr. Nye abstained from voting as he was not present at the October 7, 2010 Board meeting.

APPOINTMENTS:

Connie Call, Explanation of Probationary File

Ms. Call explained the probationary file folder and the form to be completed by the interviewing Board member for Dr. Nye.

9:15 am

Connie Call, Compliance Update

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

Ms. Call reported **Dr. Larry G. Andrew** is currently in compliance with his Stipulation and Order as all required reports have been received. She stated Dr. Andrew received two letters of support for early termination; one from his supervisor and one from his therapist. She stated the compliance unit believes Dr. Andrew should be monitored longer.

Ms. Taxin stated Dr. Andrew has been successful in his probation to date. She stated she believes Dr. Kronmiller does not know what more to review or to discuss to continue helping Dr. Andrew. Ms. Taxin suggested Ms. Brown ask how often Dr. Andrew meets with Dr. Kronmiller and suggested the Board consider they meet less frequent. She stated the patient surveys have all been positive and she has not received any telephone call complaints.

Ms. Call reported **Dr. Vaughn T. Johnson** is currently in compliance with his Stipulation and Order. She reminded the Board that Dr. Johnson is being supervised by Dr. Porter and stated information was receiving documenting Dr. Johnson is Dr. Porter's personal Physician. Ms. Call asked if the Board believed it is a conflict of interest.

Dr. Peterson stated Dr. Johnson and Dr. Porter work together in Orem at the same clinic and voiced the relationship is not an issue for him. He stated with Dr. Porter's integrity, if there were a problem, Dr. Porter would notify the Division.

Dr. Ramsey voiced no concern as Dr. Johnson and

Dr. Porter work together.

Ms. Call reported **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order. She stated the triplicate copies of prescriptions were received and a copy of the current CS database is available for the Board to review and compare. Ms. Call reminded the Board Dr. Callahan's probation is scheduled to be completed April 21, 2011 but they could consider terminating his probation today.

Ms. Taxin stated the Board needs to be sure Dr. Callahan understands the prescription issue.

Dr. Ramsey commented he is not comfortable terminating probation early. He stated at Dr. Callahan's last appointment the CS database list had dropped about 1/3 and today it appears the list has dropped again about 1/3 from the October list. He stated he has seen some triplicates where numbers of medications have been changed or corrected without crossing out and initialing the changes. Dr. Ramsey stated Dr. Callahan's writing of 3's, 5's and 7's look about the same.

Dr. Hermansen suggest Dr. Ramsey ask Dr. Callahan to write the numerical number and then write it out in long hand completely to avoid misunderstanding the correct number.

Ms. Taxin suggested Dr. Callahan meet again in April and have one more supervision report submitted with a letter supporting termination from supervision and probation. She also suggest he complete one last audit of his written prescriptions with the CS database list.

Ms. Call reported **Dr. Raymond L. Bedell** is currently out of compliance with his Stipulation and Order. She stated Ms. Harry sent Dr. Bedell a letter regarding his non-compliance and he has not responded. Ms. Call stated Dr. Mallari was not approved to supervise Dr. Bedell as Dr. Mallari has a current Idaho license but

does not have a current Utah license.

Ms. Taxin stated the Board could recommend Dr. Mallari to supervise Dr. Bedell but it has never been done before and Utah would have no jurisdiction over an Idaho licensee as a supervisor. She also stated Dr. Mallari's Utah license expired in 2002 and he would be practicing in Utah without a license. She informed the Board that Dr. Bedell first requested a Podiatrist be approved as his supervisor and she would not approve him as it is unethical for a Podiatrist to treat anything above the ankle and she questioned his ability to supervise Dr. Bedell's services. She stated she has requested him to submit the name of a Utah MD or DO licensee in good standing. She stated she believes Dr. Bedell is doing the bare minimum and does not take responsibility for what brought him before the Board.

Dr. Hermansen responded he believes the supervisor should be a Utah licensed Physician or Osteopathic Physician who works with patients and is up to date regarding practice.

Dr. Peterson responded Dr. Bedell has been out of compliance for 2 quarters which is 6 months. He asked if the Board could recommend suspension of Dr. Bedell's license until he has an approved supervisor based on non-compliance.

Ms. Taxin responded yes. She explained it takes some time as she writes a justification which is reviewed before approval of a suspension. She stated the Board could stress to Dr. Bedell that he needs to have an approved supervisor within a specific timeframe and if he does not then she will do the paperwork for a suspension. Ms. Taxin stated in order for her to approve a supervisor she must verify they are licensed in good standing, have a resume and a letter confirming the proposed supervisor has read the Stipulation and Order and agrees to supervise and assist Dr. Bedell in being successful in his probation.

Dr. Peterson commented the non-compliance letter did not specify a time limit for Dr. Bedell to respond and the Board did not specify a specialty. He stated if Dr. Bedell does not submit appropriate information today than the Board should take a stronger stance regarding his non-compliance. He suggested Dr. Bedell be given until February 1, 2011 to have an approved supervisor.

The Board concurred with requiring Dr. Bedell to have an approved supervisor by February 1, 2011 as he has been on probation since May 2010 and his probation was only for two years.

Dr. Hermansen commented Dr. Bedell's comments regarding the PACE course are typical of his comments in many CE course they have both taken.

Ms. Taxin voiced surprise at Dr. Bedell's comments regarding the PACE course as his comments and interpretations were so different from others she has received.

Dr. Hermansen stated the Board has talked about the court ordered psychological evaluation and he asked if the Board is still considering requiring another evaluation. He stated in CE courses Dr. Bedell tries to trip up the presenters and in Dr. Bedell's letter regarding the PACE program Dr. Bedell refers to other attendees as people who were violators while he was there as a crossing student.

Ms. Call stated she will send Dr. Bedell a follow-up letter outlining specifically what the Board requested and expects after today's meeting.

Dr. Hermansen stated the PACE course is a CE course and not a counseling course.

Ms. Taxin stated Dr. Bedell knows the difference and originally believed he was to attend the counseling course which costs more than the CE course. She stated she explained the difference to him and his attorney.

Dr. Peterson stated the Board talked about wanting a psychological evaluation if issues continued with Dr. Bedell.

The Board concurred.

Ms. Call stated she will include the psychological evaluation in her letter. She asked if the Board wanted a deadline on receiving the evaluation.

Dr. Ramsey asked if Dr. Bedell would need to have another evaluator approved.

Ms. Taxin responded he could use either of the evaluators that were previously approved.

Ms. Call stated all patients listed on the chaperone log were listed as re-evaluation and there were no new patients listed and Dr. Bedell has not submitted a new practice plan.

Dr. Hermansen stated the log also was missing some chaperone signatures.

Dr. Peterson stated he believes Dr. Bedell or the chaperone should be writing more information on the patient/chaperone log.

Ms. Taxin informed the Board of a letter received from Dr. Bedell notifying the Division of his plan to open a new clinic in Ogden. She stated she requested a new practice plan for that clinic. Ms. Taxin stated the Board should clarify where Dr. Bedell is practicing and if he has changed his scope of practice. She stated the supervisor would need to visit both locations. Ms. Taxin stated Dr. Bedell has requested approval of a new chaperone for the Ogden location. She stated it would be better if he notified the Division in advance instead of after the fact.

9:45 am

Dr. Larry G. Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Dr. Nye was introduced.

Ms. Brown conducted interview.

Ms. Brown stated all required reports have been received and were all positive. She stated Dr. Andrew's therapist has reported he has taken responsibility, made great progress and has been successful in his therapy. She stated all the patient surveys that have been submitted have also been positive.

Dr. Andrew responded he believes he will continue with the surveys after he off probation to help him make any necessary changes.

Ms. Brown asked how frequent Dr. Andrew meets with his supervisor, Dr. Kronmiller.

Dr. Andrew responded they meet in person once every two weeks but they do talk more often.

Ms. Taxin stated Dr. Andrew's supervisor and therapist have stated they would support early termination of probation but the therapist stated continued therapy would be helpful.

Ms. Brown stated Dr. Andrew has completed about a year of his three year probation.

Dr. Andrew clarified the probation was for five years and was changed to three years after he was given fertility privileges again.

Ms. Call asked if Dr. Andrew formally requested early termination of probation as she did not see a request in his probationary file.

Dr. Andrew responded he sent a request on Monday, January 17, 2011.

Dr. Peterson asked how Dr. Andrew would view early termination of probation if he was the lay person or given the responsibility to protect the public. He stated Dr. Andrew has had positive

reports but he does still have a year and a half of probation.

Dr. Andrew responded he believes the public perception might be a feeling of being slighted if they believed he was only on probation for a year and a half and not knowing it was originally for a five year period, amended to three years. He stated if the public saw the whole picture with improvement it might give more credit to the work done by DOPL and himself.

Ms. Brown commented she has seen much improvement in Dr. Andrew and his supervisor and therapist have recommended early termination. She stated she believes he should stay on probation but the Board could loosen up the therapy and supervision requirements.

Ms. Taxin asked Dr. Andrew to have his therapist address how much longer they need to meet and the frequency. She voiced how well Dr. Andrew has done on his probation.

Dr. Andrew responded he plans to continue to see his therapist.

Dr. Peterson asked for a motion regarding early termination of probation.

There was no Board response.

Ms. Brown made a motion to reduce supervision to meeting one time a month.

Dr. Ramsey seconded the motion.

The Board vote was unanimous.

Dr. Andrew thanked the Board and Ms. Taxin for their feedback. He then stated there are many Physicians who treat their staff. He asked the Board's opinion regarding his treating staff as there are some who are begging him for fertility treatments.

Ms. Taxin responded the Code of Ethics states it is

best not to treat family or staff as they can confuse the roles. She stated he could get into ethical dilemmas as once he treats someone they become a patient first and an employee second. She stated if Dr. Andrew decides to treat family or staff he must have a patient chart.

Dr. Peterson asked if that issue was covered in Dr. Andrew's boundary courses.

Dr. Andrew responded the courses were separate and did not specifically address treating staff. He asked if any Board members have treated their staff for any medical issues.

Dr. Hermansen responded he treated a staff member once and it became an issue. He stated his policy is now not to treat family or staff.

Other Board members responded they have a policy not to treat staff.

Dr. Peterson stated he would give immediate treatment if needed by a staff member but his policy is to refer out. He reminded Dr. Andrew that treating staff was part of the issue that brought him before the Board and may put him in a position where a complaint could be filed against him again.

Dr. Hermansen reminded Dr. Andrew all patients have their private information in their chart and staff has access to that information. He stated best practice is not to treat staff.

Ms. Taxin stated physical exams are personal and she does not believe Dr. Andrew should treat his staff. She suggested he explain his appreciation for asking but they should see someone else as the risk is too high compared to the benefit to him. She stated Dr. Andrew will have to make his own choice.

The Board determined Dr. Andrew is in compliance.

An appointment was made for Dr. Andrew to meet again April 21, 2011.

10:00 am

Dr. Vaughn T. Johnson, Probationary
Interview

Dr. Johnson met for his probationary interview.

Dr. Nye was introduced.

Dr. Hermansen conducted the interview.

Dr. Hermansen requested Dr. Johnson to give a review of the CE courses he completed.

Dr. Johnson responded one course was through FSMB and covered false and misleading pharmaceutical promotions and how to prescribe without being misled by the advertisements of more sales vs. sound science. He stated the second course was on improving communications skills with patients. Dr. Johnson stated there was role playing and a four part module to complete. He stated they implemented different approaches for challenging patients and covered improving skills for education, knowledge, presenting goals with treatment plans and negotiating so patients are on board with treatment for compliance with their treatment plans. He stated both courses were very interesting and helpful. Dr. Johnson stated he has tried implementing some of the things he has learned into his own practice.

Ms. Taxin asked if Dr. Johnson received certificates of completion for the CE courses.

Dr. Johnson responded he received one but the second one has not arrived yet. He submitted a copy of the certificate for his file.

Ms. Taxin asked Dr. Johnson to make contact and request the other certificate.

Dr. Peterson asked if Dr. Johnson has supervised any Physician Assistants (PA's) yet.

Dr. Johnson responded he has not as he is the

substitute supervisor only. He stated he may have opportunities this summer when vacations start.

Ms. Taxin reminded Dr. Johnson that PA's are an extender to the Physician, he needs to be clear regarding expectations and not let the PA's act as Physicians. She stated the Delegation of Services Agreement should be specific regarding duties and expectations. She suggested he write a proposal plan addressing if he supervises PA's as it is important to have a procedure and plan in place in the policy and procedure manual regarding how to supervise and expectations.

Dr. Peterson suggested Dr. Johnson have everything in order now so he and the PA's are ready when he needs to supervise. Dr. Peterson stated the Board had some discussion regarding Dr. Johnson being Dr. Porter's primary Physician and Dr. Porter supervising Dr. Johnson while on probation. He asked if there is a conflict in that arrangement.

Dr. Johnson responded there is no conflict. He explained he and Dr. Porter work in the same building. He stated Dr. Porter drops in and pulls two or three attention deficit or weight control charts daily to review. Dr. Johnson stated Dr. Porter takes time to approach him with input, questions and advice. He stated they are working on minimizing the majority of his chronic pain patients as that was a concern. He stated they have made a point of discussing issues and making sure not to cloud lines while keeping their communications open.

The Board determined Dr. Johnson is in compliance.

An appointment was made for Dr. Johnson to meet again April 21, 2011.

10:15 am
Dr. Douglas D. Callahan, Probationary
Interview

Dr. Callahan met for his probationary interview.

Dr. Nye was introduced.

Dr. Ramsey conducted the interview.

Dr. Ramsey informed Dr. Callahan that his probation is scheduled to be completed April 21, 2011, the date of the next Board meeting. He stated he reviewed Dr. Callahan's CS database log and it is shorter than the October log which indicates improvement in CS prescription writing. Dr. Ramsey voiced concern regarding some triplicate prescriptions not being legible as Dr. Callahan's writing of threes, fives, sevens and nines are similar. He suggested Dr. Callahan put the number and write it out, ie, 30, thirty. Dr. Ramsey stated he also noticed some numbers had another number written over them. He suggested Dr. Callahan write the number and if he makes a change to cross out that number and put his initials then write the new amount and initial that amount. He explained the Pharmacist, patient and his records will be clearer. Dr. Ramsey stated there was one prescription fill one day at one Pharmacy and filled again two days later at another Pharmacy.

Dr. Callahan thanked Dr. Ramsey for the suggestions. He then stated a Pharmacy found a patient who had changed the amount of medication from 20 tablets to 80 tablets, they called him to confirm the amount and then called the police. Dr. Callahan stated he wrote a letter of termination of services to the patient with an explanation. He stated it was a patient he had been treating for awhile. Dr. Callahan stated he brought four charts for the Board to review as per their request in October.

Dr. Ramsey reviewed the charts.

Dr. Peterson voiced seeing steady progress of improvement in Dr. Callahan through the probation period. He stated it appears Dr. Callahan has learned some things by doing the CS database log review and Dr. Callahan has taught Dr. Peterson some things to be aware of.

Ms. Taxin asked how Dr. Callahan likes the electronic files.

Dr. Callahan responded the electronic file is a help when doing patient charts and he has added information as he thinks if someone else is reviewing would they know why he prescribed medications or why he did some procedure.

Dr. Nye asked if there is a module in the CMR to include prescriptions.

Dr. Callahan responded yes. He stated he wrote the prescription in triplicate as required by his Order but the printed one is easier for patients to make copies.

Dr. Ramsey suggest Dr. Callahan invest in paper that cannot be copied for the prescriptions only.

Dr. Hermansen asked if Dr. Callahan will continue writing out his prescriptions or if he will use the print out prescriptions. He stated if Dr. Callahan is not using paper that cannot be copied then patients can make as many copies as they want of the prescriptions.

Dr. Callahan responded he will probably use the printed prescriptions. He thanked Dr. Ramsey and Dr. Hermansen for the suggestion of obtaining non-copy paper for the prescriptions.

Dr. Ramsey voiced appreciation for the way Dr. Callahan has written in the chart the patient cannot have surgery for the following reasons. He stated the comment makes it clear to anyone reading the chart.

The Board requested Dr. Callahan to meet again April 21, 2011, to conduct another CS database audit and request his supervisor to submit a final report which should include a statement regarding support for termination of probation.

Ms. Taxin suggested Dr. Callahan be prepared to address what the probationary process has done

for him and what he will be doing differently in his practice in the future.

The Board determined Dr. Callahan is in compliance.

An appointment was made for Dr. Callahan to meet again April 21, 2011.

10:45 am

Dr. Raymond L. Bedell, Probationary
Interview

Dr. Bedell met for his probationary interview.

Dr. Nye was introduced.

Dr. Hermansen conducted the interview.

Dr. Hermansen reminded Dr. Bedell that at his last meeting with the Board he will address at the beginning of each appointment if Dr. Bedell is in compliance or out of compliance with his Stipulation and Order. Dr. Hermansen stated Dr. Bedell is out of compliance today based on being on probation since May 2010 and not yet under a pre-approved supervisor.

Dr. Bedell argued he is in compliance as the Board is not part of his Order and has no authority over him, only Mr. Steinagel has authority and he now has Dr. Kevin Duke as his supervisor. He stated he requested Dr. Duke to submit a letter confirming reviewing the Order and a copy of his resume for the Board. He stated the information should have been received as he gave Dr. Duke a copy of his Order on January 19, 2011, to review. He stated he requested Dr. Duke to review all charts from May to catch up to date so he is aware of everything. He stated he has known Dr. Duke a long time and they have a good rapport.

Ms. Taxin confirmed the information has not yet been received from Dr. Duke. She requested the information be received by Monday, January 24, 2011. Ms. Taxin stated Dr. Duke would not need to review all charts since May but should start current chart review and move forward.

Dr. Bedell stated Ms. Taxin would have the information today but if not today she would have it for sure by Monday.

Dr. Hermansen stated Dr. Bedell's chaperone log is not signed for each patient who was chaperoned.

Dr. Bedell responded he talked with the chaperone regarding the requirement to sign for each patient and the chaperone has now signed each one. He stated he resent the completed log.

Dr. Hermansen stated each patient is documented as a re-evaluation. He asked if Dr. Bedell has had any new patients.

Dr. Bedell responded each patient is a re-evaluation as he is not taking any new patients until the court issue and his probation are cleared up.

Dr. Hermansen stated the Board reviewed Dr. Bedell's letter regarding opening a new office in Ogden area.

Dr. Bedell responded it is not a new office as he has had the office for some time but has not used it. He stated he has not yet opened the office but is planning to open it so he notified the Board in advance. He stated he plans to staff the Ogden office with a Nurse Practitioner as he is satisfied with her prescribing methods and with her level and skills.

Ms. Taxin stated that he may use a Nurse Practitioner (APRN) and/or a Physician Assistant (PA) but he must maintain either a Delegation of Services Agreement with the PA or a contract with the APRN and abide by supervision requirement.

Dr. Hermansen stated the Board reviewed Dr. Bedell's letter regarding the PACE course and a response letter from the presenter of the course. He stated the course presenter read Dr. Bedell's comments and provided a response. He reminded Dr. Bedell the course was a general CE course and not the therapy course. He stated the course

presenter disputed some things Dr. Bedell mentioned but other things mentioned the presenter stated he will make a point to address.

Dr. Bedell stated he believes the course was not a bad course if you were a sex offender. He stated they spent time covering sexual boundaries but not boundary crossings. He stated he believes the presentation was heavy handed on sexual boundaries, not rounded out and had many deficits. Dr. Bedell stated if the course is for boundaries then it should deal with boundaries.

Dr. Hermansen stated he did a quick review of Dr. Bedell's evaluations from Dr. Openshaw in 2008 and Dr. Houston in 2010. He stated it appears the evaluations were psychosexual only.

Dr. Bedell responded he disagrees with Dr. Hermansen's comments. He stated Dr. Openshaw and Dr. Houston are doctors and capable of recognizing and diagnosing psychosis. Dr. Bedell stated Dr. Openshaw conducted extensive tests and he has never been proven to have any psychological deficits. He voiced resentment in being put through a battery of examinations when he has already had them. He stated the requirement is not in his Order and the Board abdicated their authority. Dr. Bedell stated for him to be required to have a psychological evaluation the requirement must be in the Order which is a legal binding contract. He stated the girls who complained recanted their statements and he did nothing wrong.

Ms. Taxin stated the Division has evidence to the contrary.

Dr. Bedell asked where the evidence came from.

Ms. Taxin responded the evidence came from the FBI reports.

Dr. Ramsey commented the evaluation was a psychosexual evaluation and the Board is requesting psychological evaluation. He stated Dr. Houston recommended one.

Dr. Bedell again stated the courts requested a psychological evaluation and he had one. He again stated the Board has no authority to request a psychological evaluation. He stated he will ask Dr. Houston about a psychological evaluation as he is the most recent evaluator but it is self serving for Dr. Houston to recommend one. He asked what specifically the Board is looking for in the evaluation.

Ms. Taxin responded the Board does not tell the evaluator specifically what tests to implement but ask for a psychological evaluation. She stated Dr. Houston may have some of the information needed from when he conducted the psychosexual evaluation. She voiced understanding Dr. Bedell's frustration but reminded him, until the paperwork is submitted regarding his innocence the Board/Division have to go with his guilty plea.

Dr. Hermansen stated the evaluation needs to be submitted within 90 days, which will be April 20, 2011.

Ms. Taxin clarified the Board will be meeting April 21, 2011, and the evaluation must be submitted prior to that date in order for the Board to review it at their meeting.

Dr. Bedell explained he has a large debt from court costs and the Order requirements. He stated if the evaluation is not absolutely necessary he should not be asked to get it done.

Dr. Peterson responded Dr. Bedell has been out of compliance since May 2010. He stated Dr. Bedell needs to get the psychological evaluation to assist him and the Board.

Dr. Bedell explained the Board did not like Mr. Yonk as his supervisor but did not give specific instructions regarding who he should have supervise him. He stated he did not understand the Board wanted an MD or Osteopathic Physician in the same specialty in which he practices.

Dr. Peterson responded the Board has heard many times of Dr. Bedell's misunderstanding the Board's comments. He stated the Board is trying to assist Dr. Bedell in being compliant so he can be successful, learn from his poor judgment and possibly be released from probation early.

Dr. Bedell commented he will meet frequently for two years with the Board. He stated his Order does not allow for early termination.

Ms. Taxin responded any probationer may request early termination of probation. She stated everyone can learn something from taking courses. She stated she has sent several probationers to the PACE program and has always had positive feedback. Ms. Taxin stated she was surprised when she read Dr. Bedell's letter regarding the course and she called them. She stated she is unsure why Dr. Bedell always seems to misunderstand.

Dr. Bedell responded he did get something out of the PACE course and had stated that fact. He stated there are many things that can be said about boundaries and the PACE course was not impressive. Dr. Bedell stated maybe others do not understand the difference between a crossing and an evaluation.

Dr. Ramsey commented he believes Dr. Bedell's personality might be part of the reason he is here.

Dr. Bedell asked if the Board wants him to change is personality.

Dr. Ramsey responded no. He stated the Board wants to see a psychological evaluation to see what an evaluator determines. He stated when Dr. Bedell is out of compliance from May 2010 to January 2011 and is pointing fingers to clerical people and the Board there may be something of concern for the Board to review and consider. He suggested Ms. Call write a letter to Dr. Bedell specifically stating what the Board needs and when

it is due so there are no more misunderstandings or future clerical errors. He stated if Dr. Bedell continues to be out of compliance with his Order the Board may need to take further action.

Dr. Bedell responded he would like to review the minutes from the October 2010 Board meeting to see clarification that the Board requested he have a MD or Osteopathic Physician as his supervisor. He stated he misunderstood when he was instructed to locate a supervisor. Dr. Bedell stated he did not hear an approval or denial on Dr. Mallory who is not licensed in Utah. He again stated he is in compliance with his Stipulation and Order as he always has a chaperone with him when he treats female patients.

Ms. Taxin commented she and the Board requested phone numbers of his chaperones several times before he provided the information. She stated Dr. Mallari is from Idaho and could not be approved as he is not licensed in Utah. Ms. Taxin stated Dr. Bedell is the only person who does not seem to understand the Board/Division discussions with him out of the many probationers she deals with. She stated Dr. Bedell needs to put some effort in as the Division does not contact probationers regarding each issue. She stated the Division does make mistakes but she believes Dr. Bedell has some responsibility and should make some effort regarding compliance and his probation.

Dr. Peterson commented in October the Board had specifically informed Dr. Bedell he needed a MD or an Osteopathic Physician who has knowledge of pain management or has pain management as a specialty. He then read Dr. Bedell's section of the minutes of the October meeting to Dr. Bedell.

Dr. Bedell responded a Podiatrist is a Physician and can do everything but surgery. He stated he assumed the Podiatrist would be an appropriate supervisor as he was confused.

Ms. Taxin responded a Podiatrist works only below the ankle and it would be out of the scope of

practice for a Podiatrist to supervise an Osteopathic Physician. She stated the problem with Dr. Bedell is that he assumes.

Dr. Bedell asked if Dr. Mallory would be approved.

Ms. Taxin again stated Dr. Mallory cannot be approved as he cannot come into Utah to practice or supervise as he is not licensed in Utah.

Dr. Bedell again voiced not understanding information at the October 2010 meeting.

Dr. Peterson commented not appreciating Dr. Bedell coming to his appointments with an adversarial attitude.

Dr. Bedell responded he does not like being adversarial but when he walked in Dr. Hermansen said he was out of compliance with his Order. He stated the Board is adversarial to him and he is doing the basics to be compliance. He stated he is only here as he had a conviction.

Ms. Taxin stated Dr. Bedell is correct in that he is here due to a conviction and he is only doing the basics. She stated she and the Board have concerns regarding Dr. Bedell's misunderstandings and only doing the basics.

Dr. Bedell asked if Dr. Duke will be approved.

Ms. Taxin responded she will need Dr. Duke's information as stated before to review before she can consider Dr. Duke. She stated Dr. Bedell should call her to confirm if Dr. Duke is accepted and she will call Dr. Duke to review the expectations with supervision of the Division and Board. Ms. Taxin stated Dr. Bedell may contact Ms. Harry at any time regarding his compliance. She stated it is not mandatory but she would recommend he call Ms. Harry.

Ms. Call stated Dr. Bedell could have contacted Ms. Harry when he received her letter of non-

compliance to find out what was needed to get into compliance.

Dr. Bedell responded he did not understand he should call. He stated he will contact Dr. Houston and ask if he will do a psychological evaluation and will have him call Ms. Taxin to ask what she and the Board are looking for.

Ms. Taxin suggested Dr. Bedell contact her prior to making an appointment with Dr. Houston to be sure everyone understands a psychological evaluation is being requested. She stated Dr. Houston may have evaluated enough areas that he may be able to amend his evaluation.

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

An appointment was made for him to meet again April 21, 2011.

DISCUSSION ITEMS:

FSMB Conference

Ms. Taxin informed the Board that she has obtained permission for her to attend the FSMB conference and for one Physician & Surgeon and one Osteopathic Physician to attend. She stated the approval was given based on the FSMB funding and stated there will be no Utah State funds used for the conference. Ms. Taxin stated Dr. Howell, MD, will represent the Physicians Board.

Dr. Hermansen volunteered to represent the Osteopathic Physicians Board.

Board members concurred.

Update on Law Changes

Ms. Taxin stated she has not received any language from the UMA regarding the recommendation of the language to attempt to have parallel language in both MD and DO Statutes. She stated she is not sure if changes will be presented in the 2011 session. She stated she will keep the Board informed and recommended Dr. Robbins contact the UMA for a

status update

In summary, discussion took place on the anticipated proposed Statute changes.

Dr. Robbins stated there are many qualified foreign educated doctors who may want a Utah license. Dr. Robbins stressed the importance of the profession being regulated in a fair and consistent manner.

2011 Board Meeting Schedule

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

NEXT MEETING SCHEDULED FOR:

April 21, 2011

ADJOURN:

The time is 12:14 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.

April 21, 2011
Date Approved

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

February 2, 2011
Date Approved

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