

MINUTES

**UTAH
PHYSICIANS LICENSING BOARD
BOARD MEETING**

July 13, 2011

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

CONVENED: 9:04 A.M.

ADJOURNED: 3:22 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Debbie Harry

Board Members Present:

James H. Pingree, MD
John W. Bennion, Ph.D.
Kristen Ries, MD
Kenneth L. Schaecher, MD
David D. Byrd, MD
James R. Fowler, MD
Marc E. Babitz, MD

Board Members Absent:

Elizabeth F. Howell, MD, Chairperson
Richard W. Chapa, MD
Lori G. Buhler
Daniel J. Parker, MD

Guests:

Christopher Daris
Georgia Geerlings
Nate Alder

DOPL Staff Present:

Mark B. Steinagel, Division Director
Karl Perry, AG
Mitchell Jones, AG
Charles Walton, MD

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the April 13, 2011 Board meeting were read.
Dr. Ries made a motion to approve the minutes as

read. Dr. Bennion seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:20 am

Debbie Harry, Compliance Update

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

Ms. Harry reported **Dr. Mark B. Kabin** is currently in compliance with his Stipulation and Order as much as possible for his initial appointment.

Ms. Harry reported **Dr. Nathan Currier** is currently out of compliance with his Stipulation and Order as his paperwork was submitted late and there were some concerns regarding prescriptions he has written.

Ms. Harry reported **Dr. Stephan J. Kitson** is currently in compliance with his Stipulation and Order, he has requested early termination and submitted some letters supporting his request.

Ms. Harry reported **Dr. Kittya N. Paigne** is currently in compliance with his Stipulation and Order and his supervisor, Dr. Adams, has requested he meet today to discuss the supervisor reports. Ms. Harry stated Dr. Paigne's probation is scheduled to be completed in November 2011.

Ms. Harry reported **Dr. Michael S. Roundy** is currently in compliance with his Stipulation and Order and his supervisor reports need to be more detailed.

Ms. Taxin requested the Board clarify Dr. Roundy and Dr. Smith's relationship to be sure the supervisor is appropriate as she received a call informing her that they are very good friends.

Ms. Harry reported **Dr. Donald N. Harline** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Robert F. Finnegan** is currently out of compliance with his Stipulation and Order as the April, May and June reports and triplicate

prescriptions have not been received.

Ms. Taxin stated Dr. Finnegan has been out of compliance since his probation started and she reminded the Board that probationers must have a full six months of being in compliance before any recommendation to change reports from being due monthly to being due quarterly. She stated the violation was serious enough that the Board really needs to be sure Dr. Finnegan is safe to practice.

Dr. Babitz disclosed Dr. Finnegan works in one of the Health Department clinics and he has been pushing him to be compliant with his Order. He stated Dr. Finnegan is doing better safety wise but Dr. Nelson, the supervisor, does not practice pain management.

Ms. Taxin asked if Dr. Babitz believes Dr. Finnegan should have a different supervisor and if there is anyone else there who could supervise.

Dr. Babitz responded all the other physicians are part time volunteers. He stated he believes it could be a conflict of interest for him to supervise but he has been reviewing Dr. Finnegan's charting and following what he is doing.

Dr. Fowler asked if the time counts if a probationer is out of compliance. He suggested Orders include a clause regarding time being extended if the probationer is out of compliance.

Ms. Taxin responded the time would count. She stated to extend a probationers time requires an amended Order and the probationer would have to agree to the extension. She stated if they did not agree she would have to write an Order to Show Cause and there would be a hearing for the probationer to have their due process.

Dr. Bennion commented Dr. Finnegan has been out of compliance since February 2011 and the Board should be able to tell Dr. Finnegan that due to non-compliance his probation will be extended.

Ms. Taxin stated she will check with the Assistant Attorney General to clarify and find out if she can add the clause but she believes probationers have the right to due process.

Dr. Babitz asked if it would be appropriate to notify Dr. Finnegan of his non-compliance since February, let him know the Board can request an Order to Show Cause hearing and he could possibly lose his license.

Ms. Taxin responded yes.

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

Ms. Harry reported **Dr. James Pickens** is currently in compliance with his Stipulation and Order as much as possible for his initial appointment.

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

Supervision Discussion

Dr. Ries voiced concern regarding the supervision component of probation being a flaw in the system.

Ms. Taxin commented the Board had discussed putting together a list of possible supervisors but to date no names of anyone willing to supervise has been submitted to her.

Dr. Bennion voiced concern with probationers asking their friends to supervise. He suggested probationers be requested to submit two names for the Board to consider and if either is a personal friend they be excluded.

Dr. Babitz remarked he would think probationers should ask a colleague but some might not commit until they know the details of Board/Division expectations and they might not commit after they are informed.

Dr. Byrd asked if the Board could request each proposed supervisor to meet for an interview with

the Board regarding their personal relationship and to give them guidance.

Ms. Taxin responded yes.

Dr. Fowler asked if the Board has the authority to approve or deny a proposed supervisor.

Ms. Taxin responded yes the Board could make the recommendation. She stated she used to require proposed supervisors to meet with the board and then they started requesting they meet telephonically. She stated it is important for a face to face meeting to be able to observe the body language, be sure they understand, etc.

Board members requested Ms. Taxin invite all proposed supervisors to meet with the Board.

FYI, Dr. Weitzel

Ms. Taxin reminded the Board of the information regarding Dr. Weitzel that was sent out for their review. She stated the Board could now recommend a probationary license as he has completed all five items asked of him by the Board. She stated he will be meeting today to discuss what he has done, what changes he has made and is making in his life. She suggested the Board ask about the psychiatry courses he completed, what he has done to update himself with current issues in psychiatry and what Dr. Weitzel wants to do if he is granted a probationary license.

9:45 am

Dr. Robert A. Weitzel, Discussion for Possible Licensure

Dr. Weitzel, Mrs. Geerlings and Nate Alder, attorney, met with the Board.

Dr. Weitzel informed the Board that he completed the assignments the Board requested at the last meeting. He stated during the course he listened and learned from what others were saying and it was brought to his attention the boundary issues he had violated. He admitted he did have a relationship with an ex-patient and he can now see that the relationship should never have happened. He admitted that through the years he never dealt with the boundary issue but now can see it hurt the patient and it hurt the profession and he does not want to do anything that can be construed to be a

boundary issue.

Ms. Taxin asked if the course was well organized and presented or did Dr. Weitzel take the course to meet the Board's request.

Dr. Weitzel responded the course was at Pine Grove and was very well organized. He stated everyone in attendance had different issues, different stories and different comments. He stated practitioners always need to be aware of possible boundary violations and do what is best for the patient.

Ms. Taxin asked if he has thought about a plan regarding how he would practice and how he would deal with patients who may be attracted to him or different boundary violations that may arise.

Dr. Weitzel responded his role is as a psychiatrist and when doing psychotherapy creates a situation where the boundaries are more easily blurred. He stated if a patient gave a gift or a compliment he would nip it right then. He stated everyone needs to think through situations and understand how a situation can go very wrong.

Dr. Fowler asked what approach Dr. Weitzel would take if he believed a chaperone was needed and the patient declined having anyone else in the room.

Dr. Weitzel responded if the situation is taken care of up front the patient and practitioner are better off. He stated he expects to work under supervision at first and would be able to report any incident to his supervisor and/or would transfer the patient care to someone else.

Dr. Babitz asked what Dr. Weitzel would do after supervision has ended and he might be in private practice. He stated new probationers tend to want to keep patients and please them but patients can be demanding and put pressure on the practitioner.

Dr. Weitzel responded the practice of psychiatry is not about pleasing the patient. He stated he plans to work in Salt Lake in an institution setting where he does not

have to find patients. He stated he believes he will need some assistance from an employer at first but will be able to handle the day to day psychiatry. He stated he has talked with some Physicians and understands it may be difficult for him as it has been twelve years since he has practiced but he has been told there is a great need with the Department of Veterans Affairs and Valley Mental Health.

Dr. Bennion asked Dr. Weitzel to share about the prescribing course he completed.

Dr. Weitzel responded it was a well present course with discussion on new pain medications, best practices, psychiatric medications, anti-psychotics, boundary issues and literature review. He stated he found there are a few new therapies he will need to study. Dr. Weitzel stated the course covered pitfalls of over prescribing with examinations on State and Federal Laws.

Dr. Schaecher stated it would be a good choice for Dr. Weitzel to work in a team environment as his issues were fairly sensational at that time and his name immediately brings back those memories to many Physicians. He asked if Dr. Weitzel believes his past will hinder employment opportunities.

Dr. Weitzel responded he has heard some things but someone told him there is a need and he believes he will be able to find employment. He stated he has talked with a person at the VA hospital who has said they are in need and he would be heavily supervised in that setting.

Dr. Fowler asked if Dr. Weitzel would need a license in some State to practice in the VA system.
Dr. Weitzel responded yes.

Dr. Fowler asked if Ms. Geerlings is employed in Utah.

Mrs. Geerlings responded no.

Dr. Fowler stated Dr. Weitzel has voiced the difficulty in providing for the needs of his family

with the different types of employment he has had. He asked if Dr. Weitzel has thought ahead on what he would do or say to a patient who might push for drugs and if he has thought ahead on his income needs.

Dr. Weitzel responded he and his wife have lived comfortably and he is not trying to get rich by having his license. He stated he likes working with people but would not give unnecessary drugs to patients.

Dr. Schaecher asked why Dr. Weitzel wants his Utah license and not Texas and why he wants to work in Utah and not Texas.

Dr. Weitzel responded this is where his problems started and he wants to straighten things out here in Utah. He stated he also believes Texas will consider licensing him there if he has the Utah license.

Ms. Taxin commented she and Dr. Weitzel have discussed his past and how he used some illegal substances while in his residency. She stated at the last meeting Dr. Weitzel had stated he does not use illegal substances but does drink socially.

Dr. Weitzel responded he expects to be drug/alcohol tested and is willing to abstain. He stated in his current employment he is randomly tested and he has never had a problem.

Dr. Schaecher stated Dr. Weitzel had alluded to being out of practice for such a length of time that his skills are rusty. He asked if Dr. Weitzel has checked into any residencies to update himself or considered shadowing someone.

Dr. Weitzel responded he has been reading a self study book but has not checked into residencies. He stated he would be willing to compensate for supervision if any Board members know of someone in the U of U program who he could contact regarding shadowing.

Ms. Taxin responded she would give Dr. Weitzel the name of someone in the U of U graduate studies, suggested he also contact Dr. Howell who is

in psychiatry at the U of U and she reminded Dr. Weitzel she provided him information of State re-entry residency opportunities.

Dr. Babtiz commented precepting would be good but he believes a slower practice would be better for Dr. Weitzel while easing back into the profession.

Dr. Schaecher stated there are good psychiatry courses available which prepare people for the examinations and Dr. Weitzel is bright enough to practice with his current knowledge base but clinical experience shapes judgment and practice.

Dr. Babitz then made a motion to offer Dr. Weitzel a probationary license.

Dr. Ries seconded the motion.

The Board determined Dr. Weitzel has met all the requirements requested and discussed if his knowledge and clinical base are extensive enough to practice safely. They discussed how other professionals would not be able to assist Dr. Weitzel without him having a Utah license and how a preceptorship would allow Dr. Weitzel to obtain clinical training. The Board discussed the importance of Dr. Weitzel having a plan to obtain clinical experience by setting up an approved practice plan between himself and his approved supervisor, seeing a specific number of patients a week and detailing what is expected of the supervisor.

Dr. Pingree called for a vote.

Dr. Bennion, Dr. Ries, Dr. Byrd, Dr. Fowler, Dr. Babitz and Dr. Pingree voted in favor of issuing a probationary license.

Dr. Schaecher voted against the motion.

Mr. Perry, Assistant AG, reminded Dr. Schaecher that he had recused himself from voting on the same issue when the Board originally reviewed and

discussed Dr. Weitzel's application and stated he should recuse himself from all voting of the same issues.

Dr. Schaecher stated he would not recuse himself.

Dr. Pingree again requested a vote of the Board.

Dr. Pingree, Dr. Bennion, Dr. Ries, Dr. Byrd, Dr. Fowler and Dr. Babitz voted in favor of the motion.

Dr. Schaecher again voted against the motion and stated he believes Dr. Weitzel should not enter into clinical practice without first proving clinical competency.

The motion passed with a majority vote.

Dr. Babitz reminded Dr. Schaecher that Dr. Weitzel met the requirements in Statute to re-enter into practice which had been required of others and special requirements cannot be added.

Ms. Taxin stated she will draft the Order and send it out for the Board to review prior to sending it to Dr. Weitzel. She then explained the process to Dr. Weitzel.

Dr. Weitzel and Ms. Geerlings left the meeting.

The Board then discussed requirements for a Stipulation and Order.

Ms. Taxin stated she will include the following:

1. Supervision with monthly reports for the first six months and then quarterly reports if consistently in compliance and recommended by the Board;
2. Must work only for a hospital, clinic or other group practice setting;
3. Notify Employer of probationary license;
4. Employer shall submit monthly reports for the first six months and then quarterly reports if consistently in compliance and recommended by the Board;
5. Restrict practice to non-controlled medication

- management, chart review or hospital/clinic administration;
6. Supervision goals should include concurrent management, clinical treatment methods, competency, boundaries, sobriety, professionalism, medical ethics and compliance with State and Federal Laws and Rules, address issues regarding safe prescribing and drug administering practices and any other issues the supervisor determines pertinent;
 7. The supervisor will select patient records to be reviewed and review 20% of patient records;
 8. Complete a reeducation period with no sole clinical responsibility of patients and supervisor will have patient responsibility;
 9. Complete any treatment recommendations in the Pinegrove evaluation report;
 10. Attend therapy;
 11. Have random drug testing;
 12. And include all normal clauses.

Ms. Taxin then asked Board members to give her suggestions.

Dr. Babitz requested reports from someone overseeing the clinical experience and to include in the reports an estimated length of time to have oversight. He suggested Ms. Taxin request a backup system as Dr. Weitzel will need an available support system.

Ms. Taxin thanked the Board for their input.

10:40 am
Dr. Mark B. Kabins, Initial Probationary
Interview

Dr. Kabins met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Byrd conducted the interview.

Dr. Byrd requested Dr. Kabins to briefly explain the Nevada case and what brought him before the Utah Board.

Dr. Kabins responded he provides clinical care for

patients with spinal problems once a month in Cedar City and St. George regions but does spinal surgeries only in Nevada as all the equipment is set up there. He stated he has a misprision of a felony and his medical license is on probation in Nevada but he also holds licenses in Utah, Arizona, Iowa and California. Dr. Kabins explained the misprision is for mail fraud and is not a violation of moral turpitude and his Nevada probation does not relate directly to patient care. He stated he has a full license without any requirement for supervision in Nevada.

Dr. Byrd stated he understood Dr. Kabins had concerns about the requirement of supervision in his Utah Stipulation and Order.

Dr. Kabins responded he does not have concerns and will do what the Board requires but since Nevada determined his issues were not related to patient care, his practice is not below the standard of health care, not related to his medical practice and supervision is not required he questioned the reason for the requirement in Utah.

Dr. Byrd explained the Board's primary responsibility is to protect the public in Utah and Dr. Kabins had one case where the patient was paralyzed.

Dr. Kabins responded yes. He stated the incident occurred in 2000 where the patient was in the hospital under the direction and care of his partner and he provided care while his partner was out of town. He stated providing patients the best care and compassion is at the top of his list. Dr. Kabins stated the patient has not held him or his partner responsible. He stated the Nevada Board reviewed the case to determine if there was malpractice on his behalf and determined they would not file a formal complaint. He stated the case was closed without formal action.

Dr. Fowler asked who requested Dr. Kabins to treat patients in Cedar City and St. George.

Dr. Kabins responded the community.

Dr. Schaecher asked if Dr. Kabins was doing surgeries in Cedar City and if his resignation was due to the hospital investigating his legal issues.

Dr. Kabins responded he voluntarily resigned his privileges in Cedar City but does arrange for local treatment in Cedar City and St. George. He stated the resignation was not due to the hospital investigating his legal issues.

Dr. Babitz requested an explanation regarding the order to pay 3.5 million dollars to the female patient.

Dr. Kabins responded the female patient did not want to sue but the DEA thought the 3.5 million dollars would be the amount of recompense for being paralyzed. He stated he could fight the suit but determined he would be taking a risk in loosing. He stated the patient also sued the anesthesiologist, the hospital, radiology, his previous partner and the company that employed the anesthesiologist and he is not privy to the settlement with them.

Dr. Pingree request Dr. Kabins to explain the one fraud issue where he pled guilty and why he withheld information.

Dr. Kabins responded misprision is the lowest of felony charges. He stated he had a discussion with the plaintiff's attorney and then wrote a report but did not disclose the meeting with the plaintiff's attorney and did not include the timing of the surgery.

Dr. Bryd commented it appears Dr. Kabins runs a very busy surgical business in Las Vegas and there have been reports that he has done some unnecessary surgeries in the past.

Dr. Kabins responded he has never done an unnecessary surgery.

Dr. Schaecher commented the Nevada Order required community service. He asked if Dr. Kabins provides surgical and non-surgical indigent care in Nevada at no cost and if the services in Utah

count for the Nevada requirement.

Dr. Kabins responded community service is common in Nevada and the charity service needed to be given in Nevada only. He stated he was assigned to give service to the Veterans Housing Authority.

Dr. Babitz questioned the signatures on the letters from Jane Doe. He stated there are three letters, the first is written in cursive with her signature, the second is printed with her signature and the third is typed with her signature. He stated the second and third signatures appear to be similar but the first signature does not look like the other two.

Dr. Kabins stated he could not respond to Dr. Babitz but the Board may call Jane Doe to get an answer.

Ms. Taxin asked if Dr. Kabins has read his Order and if he had any questions.

Dr. Kabins responded yes, he has read the Order but does not believe supervision is necessary as the incident happened in 2000 and the ten or eleven years of practice without incident should be taken into account.

Ms. Taxin responded the supervision requirement is a request as it gives the Board/Division feedback. She stated she would consider amending the Order if the Board recommended supervision is not necessary.

Dr. Pingree asked if the supervision requirement is the only difference between Utah's Order and Orders from other States.

Ms. Taxin responded no. She stated Nevada also ordered paying fines and legal fees plus doing the community service. Ms. Taxin stated she and the attorneys have been in negotiations for a year before an agreement was signed and she believes patient care should be monitored.

Dr. Schaecher asked if Dr. Kabins has had any other malpractice payments in the last eleven

years.

Dr. Kabins responded yes.

Ms. Taxin reminded the Board and Dr. Kabins that probation is not intended as a punishment. She stated he may disclose he has a supervisor who observes and knows what he does as a protection to him, the patient and the public. She explained she had a concern as there was a Federal document regarding the paralyzing that did document Dr. Kabins had a part in it.

Dr. Babitz commented there is nothing in the file that suggests Dr. Kabins has any clinical problems.

Mr. Jones, Assistant AG, read the document of the Utah Stipulation.

Dr. Babitz made a motion not to require supervision.

Dr. Fowler seconded the motion.

Dr. Pingree, Dr. Bennion, Dr. Ries, Dr. Schaecher, Dr. Fowler and Dr. Babitz voted in favor of the motion.

Dr. Byrd voted against the motion.

Ms. Taxin asked if the Board wants Dr. Kabins to meet in person quarterly, telephonically or not at all at this time.

Dr. Babitz suggested Dr. Kabins meet telephonically unless there is a reason for him to meet in person.

Dr. Kabins thanked the Board. He stated his Nevada probation will be terminated when the Federal probation terminates and the community service is completed. He stated his attorneys, Scott Burns and John Hunt, are assigned to keep all States apprised of everything going on in all States where he is licensed.

Ms. Taxin informed Dr. Kabins that the Board will

be contacting him and not the attorneys as he is the responsible person to be in compliance with his Stipulation and Order.

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

An appointment was made for Dr. Kabins to meet telephonically on October 12, 2011.

11:20 am

Dr. Nathan Currier, Probationary Interview

Dr. Currier met for his probationary interview.

Dr. Babitz conducted the interview.

Dr. Babitz informed Dr. Currier of his non-compliance as his reports are due by the 28th of the month prior to his appointment and reports have not been received for several months. He stated there were some voided prescriptions and pink copies not received. He stated the Board believes he is not taking the probation seriously when required information is missing or late.

Ms. Harry clarified the supervisor report was received and the record report was late.

Dr. Currier responded when he voids a prescription he puts the pink copy in the file and sometimes he puts the yellow copy in the file thinking he will pull it out later but there are times he forgets to pull it out.

Dr. Babitz stated he was not surprised by the number of prescriptions written but there were two prescriptions for one patient written on the same date.

Dr. Currier explained the patient takes two tablets per day. He stated the patient pays for one and the insurance pays the other.

Dr. Babitz requested an explanation regarding a prescription for a large amount with three refills.

Dr. Currier responded the insurance will only pay if it is a three month prescription. He thanked the Board

for questioning his prescriptions and stated the review has helped him.

Dr. Babitz asked if Dr. Currier does drug testing in his office.

Dr. Currier responded yes, quite often.

Ms. Taxin commented Dr. Currier has done well overall in his probation but needs to be sure information is submitted on time. She stated his supervisor is descriptive on the reports and they are addressing his issues.

Dr. Babitz suggested Dr. Currier have all reports sent to him to submit, make copies for his own file and then submit the originals himself. He stated being out of compliance once is not a concern but being out several times is a Board concern.

Ms. Harry stated Dr. Currier may always call her and ask if information has been submitted.

Dr. Currier informed the Board his office is in the process of switching to electronic records.

Ms. Taxin asked that he print out a copy of the prescriptions to submit but if he writes any he still needs to submit the triplicate copy.

Dr. Babitz reminded Dr. Currier that he must write all Schedule II prescriptions as they cannot be electronically printed. He stated since the remainder of Dr. Currier's probation is short it is important for him to get his information in on time and be in compliance.

The Board determined Dr. Currier is out of compliance this meeting based off the deficient paperwork.

An appointment was made for Dr. Currier to meet again October 12, 2011.

11:35 am

Dr. Stephan J. Kitson, Telephonic Probationary Dr. Kitson met telephonically for his probationary

interview.

interview.

Dr. Ries conducted the interview.

Dr. Ries informed Dr. Kitson that the documents received recommend termination of probation and indicate he is safe to practice medicine without being monitored. She asked if he agrees.

Dr. Kitson responded yes. He stated his years of practicing and his boundary issues have been years of growth for him and he now knows his responsibility to his patients.

Dr. Ries commented she has been impressed with Dr. Kitson's progress over the years.

Dr. Babitz asked if Dr. Kitson has a good support system to help him if he needs it.

Dr. Kitson responded yes.

Ms. Taxin asked how he would handle a patient who was making a pass toward him.

Dr. Kitson responded he would refer the patient out and then discuss the issue with his supervisor. He stated there are certain patients who are more at risk because of their lack of boundaries and those patients are not in his best interest to treat.

Dr. Ries made a motion to terminate Dr. Kitson's probation.

Dr. Babitz seconded the motion.

Dr. Pingree, Dr. Ries, Dr. Bennion, Dr. Byrd, Dr. Fowler and Dr. Babitz voted in favor of the motion. Dr. Schaecher abstained from voting. The motion passed with a majority vote.

Ms. Taxin explained the process of terminating probation to Dr. Kitson. She voiced appreciation for his compliance and taking his probation seriously.

Dr. Kitson thanked the Board for their help.

11:50 am

Dr. Kittya N. Paigne, Telephonic Probationary Interview

Dr. Adams, Dr. Paigne's supervisor, met telephonically prior to Dr. Paigne's appointment.

Dr. Bennion conducted the interview.

Dr. Bennion stated Dr. Adams reports are too brief and need to be more detailed.

Dr. Adams responded the last two (2) reports he submitted were more specific as he had talked with Mr. Barnes in February who requested more detail. He asked if they were acceptable.

Ms. Taxin responded there were issues regarding the brief reports but the last two were more specific. She asked Dr. Adams to give the Board feedback regarding Dr. Paigne's performance and to disclose any concerns he may have.

Dr. Adams gave a short overview of his background and then stated Dr. Paigne has a private office and has never had an audit error. He stated Dr. Paigne has been exceptional in his work, never late and his interaction with others has been good. He stated when he talked with Mr. Barnes in February he had requested a meeting with the Board regarding the reasoning for continued aggressive oversight and reports on a monthly or quarterly basis as there have been no issues. Dr. Adams commented he can not imagine other practitioners in Utah having such close oversight and being reviewed by peers regularly. He stated he believes Dr. Paigne has more than satisfied the requirements of his Order.

Dr. Bennion asked if Dr. Adams had any concerns about Dr. Paigne.

Dr. Adams responded Dr. Paigne is the least of his concerns in regard to all he has had to review over the years.

Ms. Taxin stated Dr. Paigne is required to have quarterly reports submitted. She stated the Utah

action was based on the California action but if California does terminate his probation then Utah would review his Order and most likely terminate the Utah probation. Ms. Taxin explained in order for Dr. Paigne's time to count here in Utah he has to have a supervisor in California submit reports. She stated the reports are for Utah to receive feedback as to Dr. Paigne's performance in his practice, if there are any issues to be resolved and how they are being resolved. She stated there is a quarterly report due in October and if California does not terminate his probation there in November then his Utah probation and quarterly reports would need to continue.

Dr. Adams stated California gives a specific period of time for their probation but do not require monthly or quarterly reports. He stated Dr. Paigne's issues were not egregious and the Utah Order is limiting. He stated he does not believe California will terminate this year. He thanked the Board for their time.

Ms. Taxin responded each State has different requirements. She stated it appears the October report would be the last one as the California Order indicates probation should end in November 2011.

The call was terminated.

Dr. Paigne met telephonically for his probationary interview.

Dr. Bennion conducted the interview with Dr. Paigne.

Dr. Bennion asked when the California probation is scheduled to be completed.

Dr. Paigne responded he is not sure. He stated he has submitted the required California application and references and is now waiting to hear back from them regarding a hearing to terminate probation. He stated he is still working with Universal Care.

Ms. Harry requested Dr. Paigne to notify her when he obtains the information from California.

Ms. Taxin stated she believes the Utah probation time was appropriate for his violation and it is scheduled to be terminated in November 2011.

Dr. Bennion informed Dr. Paigne of the Board's discussion with Dr. Adams today regarding the supervisor reports which are due quarterly but have been submitted monthly. He reminded Dr. Paigne the next report is due September 28, 2011. Dr. Bennion stated Dr. Adams is pleased with Dr. Paigne's contributions at the clinic and reported Dr. Paigne is doing well in his work and probation. He asked if Dr. Paigne had any questions for the Board.

Dr. Paigne asked how long Utah will require him to be supervised.

Dr. Bennion responded he will be required to be supervised as long as he is being monitor by Utah.

Ms. Taxin again stated it appears his California probation is to be terminated in November so Utah will continue to monitor at least until October when the Board meets again. She stated the Board will confirm what will be needed at that time.

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

**An appointment was made for Dr. Paigne to meet again telephonically on October 12, 2011.
WORKING LUNCH**

12:00 pm to 1:00 pm

1:00 pm

Dr. Michael S. Roundy, Probationary
Interview

Dr. Roundy met for his probationary interview.

Dr. Babitz conducted the interview.

Dr. Roundy explained he did not receive the notice to meet in April in time to adjust his schedule as he forgot to notify the Division of his new address when his employment at Weber Human Services was terminated.

Dr. Babitz reminded Dr. Roundy he is required by

Law and his Order to notify the Division of address changes within 10 working days. Dr. Babitz stated Dr. Roundy's supervisor has been very brief on the reports and needs to expand to include the list of items on the report for the supervisor to address for the Board to know he is actually meeting with Dr. Roundy and reviewing the boundary issues.

Ms. Taxin stated Dr. Roundy's Order requires his supervisor to address each boundary issue so Dr. Roundy understands why he should not have a relationship with patients or co-workers. She asked about Dr. Roundy's relationship with Dr. Smith, his supervisor.

Dr. Roundy responded they are co-workers who have a friendly relationship.

Dr. Babitz asked if they golf together or go out socially together and if the friendship could hamper the supervision relationship.

Dr. Roundy responded yes, they golf together maybe monthly and it could cloud the supervision. He stated Dr. McPherson could be his supervisor.

Dr. Babitz asked if Dr. McPherson is aware of his co-worker relationship.

Dr. Roundy responded yes but the person involved no longer works on his unit and he now keeps his professional life and personal life separated.

Dr. Schaecher voiced being more comfortable with a change in supervisors.

Ms. Taxin stated she would need a letter from Dr. McPherson regarding his willingness to supervise and a copy of his resume. She stated she needs to receive the letter and resume by Tuesday, July 19, 2011 at the latest. She then asked what courses Dr. Roundy has completed.

Dr. Roundy responded he completed the PACE course and a boundary course.

Ms. Taxin requested completion certificates and for Dr. Roundy to think about the courses and be prepared for discussion at his next appointment regarding changes he has made in his practice and how he is aware of the different boundaries.

Dr. Roundy responded the issues started with co-workers requesting him to write prescriptions for them. He stated he now says no to those requests.

Dr. Schaecher commented it is not always about being friendly and without evaluating the person as a patient the Physician does not know what they may need.

Ms. Taxin stated she will contact Dr. McPherson when she receives the information regarding the Board/Division expectations of a supervisor.

Dr. Roundy stated Dr. McPherson is the medical director and is very busy. He stated the Order requires the supervisor to review 20% of his records which is about 50 records a month which would be a big demand on Dr. McPherson's time.

Ms. Taxin responded she believes the supervisor needs to review all records the first time and then address the quality of charting. She stated if there are no corrections necessary the Board could consider reviewing fewer files but if there are corrections necessary the Board cannot consider reviewing fewer files.

Dr. Schaecher commented the request to review fewer files is premature as a letter and resume from Dr. McPherson have not been received.

Ms. Taxin agreed with Dr. Schaecher. She stated the supervisor will need to submit reports monthly for six months and then the Board may consider changing the requirement to reports being due quarterly but the reports are due by the 28th of each month.

Dr. Babitz agreed with Ms. Taxin for Dr. McPherson to review 20% of the charts and then

have a Board discussion in October regarding changing the frequency of when reports are due.

Ms. Taxin stated Dr. McPherson could assign or ask another Physician to help him review the files and then address in the report he did not personally review all the files but did review X amount and this is what he found and what was reported by another Physician who assisted in the review.

Dr. Roundy again stated Dr. McPherson is very busy. He stated there is another Physician at the clinic, Joe Dye, who works a couple of weekends a month and he might have more time to review the files.

Dr. Babitz recommended Dr. Roundy ask Dr. McPherson to supervise but could recommend another Physician to review the charts.

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

An appointment was made for Dr. Roundy to meet again October 12, 2011.

1:20 pm

Dr. Donald N. Harline, Probationary Interview

Dr. Harline met for his probationary interview.

Dr. Pingree conducted the interview.

Dr. Pingree informed Dr. Harline he is in compliance with his Stipulation and Order. He stated Dr. Harline should not write his own employer report which includes how well he is doing.

Ms. Taxin asked Dr. Harline to write one letter which informs the Board/Division he is self employed and will not be submitting employer reports.

Dr. Harline thanked Dr. Pingree and Ms. Taxin for the information. He stated he is trying to maintain his practice but IHC will not let him work there until he is Board Certified and he will not be Board Certified

until he off probation. He stated he is schedule to return to Pine Grove in Mississippi as requested.

Ms. Taxin asked if Dr. Harline has had to set any limits with patients.

Dr. Harline responded no. He stated he knows he has to be professional. He stated he has a chaperone and his practice seems to be going according to plan.

Dr. Pingree stated Dr. Harline has a little over a year left on his probation. He asked if Dr. Harline has made any other plans to return to Pine Grove after this visit.

Dr. Harline responded no.

Ms. Taxin clarified after Dr. Harline goes to Pinegrove this time he is not required per his Order to attend on-going treatment there and if they recommend he return again it would be his personal choice. She stated if Pine Grove does request he return to let the Board know. Ms. Taxin asked if Dr. Harline has learned anything from Dr. Oaky, his supervisor.

Dr. Harline responded Dr. Oaky is great. He stated he is very professional, they have an opportunity to talk about issues during their evaluations. He stated they usually go over the charts which is helpful as Dr. Oaky gives feedback. Dr. Harline requested the monthly reports be changed to quarterly.

Dr. Babitz made a motion to reduce the frequency of the monthly reports to quarterly based on Dr. Harline's compliance.

Dr. Ries seconded the motion.

The Board vote was unanimous.

Dr. Harline then requested the weekly meetings with his supervisor to review charts be changed to a less frequency.

Dr. Babitz asked if Dr. Oaky selects the charts to

be reviewed.

Dr. Harline responded no. He stated Dr. Oaky does pain management and family practice and has requested Dr. Harline to pull mostly the pain management charts.

Dr. Babitz made a motion to reduce the chart review frequency to twice a month, for Dr. Harline to pull 20% of his charts and have Dr. Oaky select half to review.

Dr. Ries seconded the motion.

The Board vote was unanimous.

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

An appointment was made for Dr. Harline to meet again October 12, 2011.

1:40 pm

Dr. Robert F. Finnegan, Probationary
Interview

Dr. Finnegan met for his probationary interview.

Dr. Babitz recused himself as he is the medical supervisor of the clinic where Dr. Finnegan works.

Dr. Pingree also recused himself as he works at the clinic with Dr. Finnegan.

Dr. Byrd conducted the interview.

Dr. Byrd asked how Dr. Finnegan is handling patient requests for prescriptions.

Dr. Finnegan responded some of his patients cry for more medications but he has been firm about informing his patients of the way it will be now and in the future.

Dr. Byrd asked how his supervision with Dr. Nelson is going.

Dr. Finnegan responded it is going well. He stated sometimes his supervisor is coming as he is going out

but they do talk about his issues.

Ms. Taxin stated the supervision report from Dr. Nelson has not been received and the record review was received late.

Ms. Harry stated there were no triplicate copies of prescriptions received.

Ms. Taxin asked Dr. Finnegan to explain why required information has not been received on time.

Dr. Finnegan responded he believed the reports were being completed and sent in.

Ms. Taxin asked what made Dr. Finnegan believe the reports were completed and submitted.

Dr. Finnegan responded submitting the reports has been discussed with his supervisor and employer.

Ms. Taxin suggested Dr. Finnegan request the reports be given back to him to submit.

Dr. Byrd stated the lack of paperwork indicates Dr. Finnegan is not taking his probation seriously. Ms. Harry reminded Dr. Finnegan that his Order requires six months of consistent compliance which includes six months of reports to be submitted.

Dr. Byrd asked why the triplicate prescriptions are not being submitted.

Dr. Finnegan responded his staff said they can send the information through the State courier system and that is what they have done.

Ms. Taxin voiced concern and stated Dr. Finnegan needs to verify the information was sent and now there is private patient information somewhere out there. She stated his office is close enough that there should not be a problem with him or his staff hand delivering the prescription triplicates to Ms. Harry or for him to send the information in the mail.

Dr. Byrd requested Dr. Finnegan give examples on how he is taking someone off high doses of medications as he noticed there are still high doses being prescribed.

Dr. Finnegan responded most of his patients are on high doses. He stated he tells them x amount is all he will prescribe. He stated he is tapering off the short acting medications and is no longer prescribing Soma.

Ms. Taxin stated since information has not been received the Board is at a loss for information to discuss. She suggested Dr. Finnegan pull the database and compare his records/written prescriptions with the database printout for the next meeting.

Dr. Ries commented she knows Dr. Finnegan works with a difficult group of patients as he does pain management. She asked what type of pain management he does besides medications.

Dr. Finnegan responded he prescribes some anti-seizure and anti-depressant agents and does very little physical therapy and psychological counseling. He stated there is some counseling available through Valley Mental Health.

Dr. Byrd commented Dr. Finnegan works with a group of patients who overdose and abuse medications. He stated they have a heavy subset of issues and he is sure there are many times Dr. Finnegan ends up being the bad guy and feeling bad. He stated people do not die of pain but they do die from overdoses and Dr. Finnegan is before the Board today because there have been issues with his prescribing. He stated maybe Dr. Finnegan needs to tell some patients if they are not willing to adjust then he should not be their Physician.

Dr. Finnegan did not respond.

Dr. Schaecher asked if Dr. Finnegan has read the information on Utah clinical guidelines for

treatment of pain.

Dr. Finnegan responded he helped write the book. He stated patients are tested every four months and some are stable on low doses of medications.

Dr. Schaecher asked how much pain management Dr. Nelson does as he is an OBGYN.

Dr. Finnegan responded Dr. Nelson does only very low doses of pain management and no high doses.

Dr. Schaecher asked how capable Dr. Nelson is in supervising and if he understands what to look for. He stated Dr. Nelson might defer to Dr. Finnegan's judgment if he is not sure.

Dr. Byrd stated Dr. Nelson has written his concern that he does not believe the patients warrant the high doses of medications. He stated Dr. Finnegan should be concerned that he may not be doing the right thing for his patients and he needs to be very vigilant with his patients.

Dr. Finnegan responded he agrees with Dr. Byrd. He stated it is a difficult clinic and when patients come in he tries to focus on what does not work right, what hurts and where, etc. He stated he believes he needs to talk more with Dr. Nelson regarding what he wants to see on the patient evaluations.

Ms. Taxin suggested Dr. Finnegan watch Dr. Nelson evaluate patients or watch someone else.

Dr. Babitz responded Dr. Nelson does pelvic examinations not pain management evaluations.

Dr. Byrd stated Dr. Finnegan should be concerned about the quality and care of his patients. He stated an evaluation/examination should consist of evaluating basic motor skills, affect, neurological findings, strengths, weaknesses, etc. He stated to write on a chart "no change" is too brief and the Board needs more information. He stated every time Dr. Finnegan writes a note he has to have the patient tell him what they are doing, i.e.; going for

a hike and then document the need for the medication. He stated Dr. Finnegan also needs to document any indication of abuse, reactions, etc.

Dr. Babitz responded the Physicians at the clinics cannot just write “no change”. He stated they have to asses for themselves and document what was assessed.

Ms. Taxin stated everything the Board has discussed and suggested is in the book “Responsible Opioid Prescribing” by Scott M. Fishman, MD.

The Board determined Dr. Finnegan is out of compliance with his Stipulation and Order based on the lack of submitting the required monthly reports and triplicate prescriptions.

An appointment was made for Dr. Finnegan to meet again October 12, 2011.

2:00 pm

Dr. Gregory R. Hoffman, Probationary
Interview

Dr. Hoffman met for his probationary interview.

Dr. Byrd conducted the interview.

Dr. Byrd asked if there are any issues at the Sandy clinic and if Dr. Hoffman continues to use a chaperone.

Dr. Hoffman responded there are no issues at the clinic and yes, he does use a chaperone for all pelvic examinations.

Ms. Taxin stated Dr. Hoffman’s supervisor reported Dr. Hoffman provides good patient care and the reports were submitted on time.

Dr. Hoffman requested the reports be submitted quarterly and the supervisor be allowed to review 10% of the charts instead of 20%.

Dr. Babitz asked how the charts are chosen.

Dr. Hoffman responded he provides some charts he wants his supervisor to review and she pulls those

charts of patient he saw the day before. He stated at the Sandy clinic Dr. Morris chooses the charts at random.

Dr. Babitz made a motion to decrease the number of charts reviewed to 5% as long as the supervisor randomly chooses the charts and also for reports to change from being due monthly to being due quarterly with continuing to include details on the reports.

Dr. Ries seconded the motion.

The Board vote was unanimous.

Dr. Pingree asked if Dr. Hoffman and the patients are comfortable with a chaperone being present during specific examinations.

Dr. Hoffman responded yes. He stated he has had the Nurse Practitioner do some procedures and tests for him. He stated there are times when a chaperone is not appropriate such as a 70 year old female talking about the passing of her spouse and he does not have one present during those appointments.

Ms. Taxin asked if he will continue to use a chaperone after his probation is completed.

Dr. Hoffman responded yes he does plan to continue using a chaperone in his practice.

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

An appointment was made for Dr. Hoffman to meet again October 12, 2011.

2:15 pm

Dr. James Pickens and Dr. Robert Youngblood, Proposed Supervisor, Initial Probationary Interview

Dr. Pickens, Mrs. Pickens and Dr. Youngblood met for Dr. Pickens initial probationary interview.

Board members and Division staff were introduced.

Dr. Ries disclosed she worked with Dr. Pickens about 20 years ago and she asked if he would be

opposed to her conducting the interview.

Dr. Pickens agreed for Dr. Ries to conduct the interview.

Ms. Taxin disclosed there are two other Board members who know Dr. Pickens. She explained those Board members may recuse themselves and not participate in voting if there is something concerning his license but if they recuse themselves today they are recused for all Dr. Pickens appointments.

Dr. Fowler and Dr. Pingree stated they believed they could be objective and, if Dr. Pickens agrees, they would not recuse themselves from his appointments.

Dr. Pickens responded he would be comfortable with Dr. Fowler and Dr. Pingree participating in his appointments. He stated he does not have a social or personal relationship with Dr. Fowler or Dr. Pingree.

Dr. Ries requested Dr. Pickens to briefly explain what brought him before the Board.

Dr. Pickens responded he had a weight loss program in his practice. He stated most people were getting their drugs over the internet and he asked them if he could assist them to obtain medications over the internet. He stated he then started to prescribe Fen-Phen over the internet and continued until the end of March 2005 when the internet site Jive Network closed.

Ms. Taxin explained there was one company with an approved contract to prescribe online in Utah but the group Dr. Pickens was affiliated with was not approved and he prescribed controlled substances that were not approved. She stated Florida took action against Dr. Pickens first.

Dr. Ries asked if Dr. Pickens has a Florida license.

Dr. Pickens responded he did have a Florida license but at the time he was prescribing online he no longer

had that license. He stated when Jive Network closed he was not informed he was breaking the Law.

Ms. Taxin explained online prescribing requires a license with an online evaluation tool and Dr. Pickens prescribed without an evaluation tool.

Dr. Pickens explained guidelines were so vague in 2008 and the Ryan Haight Act was passed which says you have to do a face to face evaluation to prescribe. He stated the Federal Government then filed charges and some people pled guilty and went to jail while he has been fighting the charges. He stated he has been doing Botox fillers and weight loss and let his Utah controlled substance license expire in January 2010.

Ms. Taxin clarified she requested Dr. Pickens not to renew his CS in January 2011 and he agreed.

Dr. Ries requested Dr. Pickens to review the controlled substance database printout as it indicates Dr. Pickens has written a CS.

Dr. Pickens reviewed the information and stated he does not know the patient and did not write the prescription.

Dr. Ries requested Ms. Taxin to have the prescription for the CS checked out. She then asked if Dr. Pickens still does telemedicine.

Dr. Pickens responded no. He stated he went to trial in 2009 on the count of conspiracy to dispense controlled substances.

Dr. Ries asked if any patients need pain medications based on his practice of plastic surgery.

Dr. Pickens responded he prescribes Tramadol sometimes.

Ms. Taxin suggest Dr. Pickens check on Tramadol as she believes it was moved up to the CS list.

Dr. Ries asked how many patients a week Dr.

Pickens sees.

Dr. Pickens responded he works in Bountiful and sees about 20 patients a week. Dr. Pickens then introduced Dr. Youngblood and requested Board approval for Dr. Youngblood to be his supervisor. He stated he has known Dr. Youngblood many years and he is knowledgeable about nutrition.

Ms. Taxin asked Dr. Youngblood to explain his understanding of supervising Dr. Pickens.

Dr. Youngblood responded he has read Dr. Pickens Order and understands he would be required to review 20% of Dr. Pickens charts, submit reports and supervise all aspects of his medical practice.

Ms. Taxin clarified supervision reports are due monthly by the 28th and need to be sent to Ms. Harry. She stated the reports need to address Dr. Pickens competency and his prescribing to be sure they are to the standards of the practice, be sure he is professional, etc. and if there are issues or concerns Dr. Youngblood would need to also write the concerns on the report or he may call her. She stated she will also need a letter from Dr. Pickens stating he is self employed.

Dr. Ries asked if Dr. Pickens has completed the PRIME course.

Dr. Pickens responded he has completed one course. He stated he found another course at a campus in New Jersey but if the Board knows of courses closer it would be easier for him as he would like to complete the requirement this year.

Dr. Ries stated the preferred course for him to take is the PRIME course in New Jersey but if he can find an equivalent course the Board would consider it.

Ms. Taxin suggested Dr. Pickens go to the website and choose a course at a location closer to him. She reminded Dr. Pickens he is allowed to count the course toward the required 40 hours of CE.

Dr. Bennion asked what Dr. Pickens chances are of an appeals court dropping the charges or conviction.

Dr. Pickens stated the case has gone on a long time with the courts now having oral arguments which they say they will take to the supreme courts. He stated a similar case in Florida was dismissed.

Ms. Taxin responded if Dr. Pickens is charged then the Division would hold him to the Order and if the charges are overturned then Division would review the Order.

Dr. Ries commented she believes telemedicine will come at some point but Dr. Pickens was not monitoring patients and that is a poor choice.

Ms. Taxin commented Dr. Pickens was paid to prescribe online and he should have done the research prior to doing it.

Dr. Schaecher asked if Dr. Pickens is convicted, serves time and his Utah probation is complete are there any additional consequences.

Ms. Taxin responded the Division will evaluate at that time.

Dr. Bennion asked how Dr. Youngblood will handle problems that may arise as he and Dr. Pickens are close personal friends.

Dr. Youngblood responded he and Dr. Pickens will have to be objective. He stated he and Dr. Pickens have had occasions where they have gone to dinner together but not often. He stated he believes he can be objective with Dr. Pickens.

Dr. Bennion asked what Dr. Youngblood would do if he saw something out of line.

Dr. Youngblood responded he would not have a problem reporting to the Board.

Dr. Schaecher asked how Dr. Youngblood would

handle a situation where some other practitioner was prescribing for Dr. Pickens.

Dr. Babitz explained if another practitioner is prescribing then that practitioner needs to see and evaluate the patient.

Dr. Youngblood responded he would talk with Dr. Pickens and the other practitioner.

Dr. Ries made a motion to approve Dr. Youngblood as Dr. Pickens supervisor.

Dr. Babitz seconded the motion.

The Board vote was unanimous.

The Board determined Dr. Pickens is in compliance with his Stipulation and Order as much as possible for his first appointment.

An appointment was made for Dr. Pickens to meet again October 12, 2011.

3:00 pm

Dr. Edmund Chein, Telephonic Probationary Interview

Dr. Chein met telephonically for his probationary interview.

Dr. Fowler conducted the interview.

Dr. Chein reported he is doing well and he submitted his paperwork to California for termination of probation there. He stated he is appealing the vandalism case in California.

Ms. Taxin stated Dr. Chein's Utah probation is scheduled to terminate in October 2011. She requested Dr. Chein request a letter from California regarding his issues as the Utah Board will need to address those issues if they are not resolved. She stated she believes Dr. Chein has addressed the issues regarding why he is on probation but the Board should wait to review the California letter.

The Board determined Dr. Chein is in compliance

with his Stipulation and Order.

An appointment was made for him to meet again October 12, 2011.

DISCUSSION ITEMS:

Status of Rule Filing

Ms. Taxin explained she sent the proposed Rule on fine authority to the Board and received three responses, all of which were supportive. Ms. Taxin stated she then sent the information to the UMA who want to review it July through August and will get back to her. She stated if the Association has minor changes she will make them and file the Rule but if there are substantive changes she will rewrite the Rule and send it out for the Board to again review. Ms. Taxin stated the fines were based on the Law and modeled after the Nursing and Pharmacy fines.

Telemedicine

Ms. Taxin stated a lot of questions are received regarding Utah's requirements for telemedicine. She stated there is one Law regarding telemedicine (26-18-13) but it does not give expectations, etc. Ms. Taxin stated she is aware there are practitioners doing telemedicine and the U of U does it with Southern Utah but they are doing it within the State of Utah. She stated, based on the Law, she has been advised by Karl Perry, AG, that the practice of telemedicine is not within the scope of the Statute. Ms. Taxin stated the four corners area has something they call a consortium for all four States but it is unlawful for them to practice telemedicine at this time.

Dr. Schaecher commented there is a lot going on right now with telemedicine and it can become emedicine by doing office notes, telemonitoring with a video camera between the patient and Physician. He stated the U of U uses a monitor on a pole with a camera and they go from room to room to treat patients in Southern Utah while the Physician monitors. He stated the reality is as the gap between rural and urban areas increases telemedicine will become more common.

Dr. Ries responded she also believes telemedicine is the future for medicine in rural areas. She stated

New Mexico already is using it for treating Hepatitis C throughout the State through a program called ECHO.

Ms. Taxin requested Board members to research and think about their position on telemedicine and be prepared for further discussion. The Board agreed the subject should be on the October agenda for a full discussion.

Update on Dr. Lisa Morgan

Ms. Taxin stated Dr. Morgan had mentioned she would like to take a break to get her life in order. She stated she sent Dr. Morgan a proposed Suspension of licenses Order which Dr. Morgan signed. Ms. Taxin stated she included several requirements to complete prior to lifting the suspension. She stated Dr. Morgan has requested a verification if her license for Idaho.

FYI

Ms. Taxin notified the Board of the cancelation of the tentatively scheduled August 10, 2011 Hearing as the issues were resolved.

CORRESPONDENCE:

American Board of Medical Specialties
Information regarding their Maintenance of
Certification Program

The Board reviewed the information.

No Board action was taken.

FSMB Information

The Board reviewed the following FSMB information:

- FSMB Conference Information

No Board action was taken.

- Information regarding Unaccredited Residencies & FCVS Packets

No Board action was taken.

- Richard A. Whitehouse Letter requesting Ideas and/or Issues of the Utah Board

The Board noted Mr. Whitehouse will contact and address any questions the Board may have.

FYI

Ms. Taxin informed the Board of the frustration of her staff and applicants with the slowness of the FCVS packets being completed and received. She stated she contacted FCVS regarding the issues and was informed they have been making changes to their computer program but are working on completing packets in a timely manner. Ms. Taxin stated FCVS

has also changed the format of the packets to be more compatible with their computer system.

The Board thanked Ms. Taxin for the information.

Dr. Pingree Comments

Dr. Pingree informed the Board that he has not been reappointed for another four year term and today is his last meeting. He stated he has enjoyed serving.

Board members thanked Dr. Pingree for his service.

Dr. Bennion asked if a replacement has been chosen for Ms. Buhler's position.

Ms. Taxin responded the Governor's office has not notified the Division yet of a replacement for Ms. Buhler's position.

NEXT MEETING SCHEDULED FOR:

October 12, 2011

ADJOURN:

The time is 3:22 pm and the Board meeting is adjourned.

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

October 12, 2011
Date Approved

(ss) Elizabeth F. Howell, MD
Chairperson, Utah Physicians Licensing Board

August 15, 2011
Date Approved

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