

**MINUTES**

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

**January 5, 2012**

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

**CONVENED:** 9:15 A.M.

**ADJOURNED:** 12:43 P.M.

**Bureau Manager:**  
**Board Secretary:**  
**Compliance Assistant:**

Noël Taxin  
Karen McCall  
Neena Bowen

**Board Members Present:**

Warren A. Peterson, DO, Chairperson  
Keith P. Ramsey, DO  
Noel C. Nye, DO  
Layne A. Hermansen, DO

**Board Members Absent:**

Jane W. Brown

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the October 13, 2011 Board meeting were read.

Dr. Nye made a motion to approve the minutes as read. Dr. Hermansen seconded the motion. **The Board vote was unanimous.**

**APPOINTMENTS:**

**9:20 am**

Neena Bowen, Compliance Update

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

Ms. Bowen reported **Dr. Larry G. Andrew** is currently in compliance with his Stipulation and Order. She stated in the December 20, 2011 therapist

it recommended therapy every 60 days.

**Board members approved Dr. Andrew to meet with his therapist every other month.**

**Ms. Taxin suggested the Board discuss with Dr. Andrew his boundaries before making a decision to change his therapy to make sure nothing has come up since his last appointment. She stated they should also discuss specifically his boundaries with his staff and that no staff members have requested treatments from Dr. Andrew and ask if anything uncomfortable has occurred with his staff or patients.**

Ms. Bowen reported **Dr. Vaughn T. Johnson** is currently in compliance with his Stipulation and Order. She stated he submitted a letter requesting termination of his probation. Ms. Bowen stated the letter includes his experience with DOPL and his probation.

**Dr. Hermansen commented the Board had mentioned possible early termination but never discussed how early. He stated the probationary process is not for punishment but for personal growth. He asked if the Board should consider termination of probation today.**

**Ms. Taxin responded at the last meeting the Board requested Dr. Johnson to write his request for the Board to consider. Ms. Taxin reminded the Board that Dr. Johnson did not supervise his Physician Assistants (PA) properly while on probation, he failed to curtail their CS prescription privileges to parallel his own restriction on his CS license, Dr. Johnson provided a copy of the CS database information on a patient to the patient's estranged husband and the information was used in a court hearing, he signed blank prescription forms for an employee at a weight loss clinic and the prescriptions were then filled out by an unlicensed person to obtain Phentermine. Ms. Taxin stated Dr. Johnson's license was put on probation when**

**Diana Baker was the Bureau Manager which was prior to her regulating Osteopathic Physicians.**

**Dr. Nye commented Dr. Johnson's practice is now more of the boutique model which would lean more toward unusual types of questions.**

**Ms. Taxin stated maybe Dr. Johnson should set a precedence and have a specific procedure in place regarding he will not prescribe anything if it has been a specific time since he has seen the patient without a patient visit/evaluation. Ms. Taxin stated Dr. Johnson has been on probation since 2002. She stated his violation would probably warrant about a three year probation except he was in violation on his initial Stipulation. She stated since November 25, 2008, Dr. Johnson has always followed through with his conditions and there have been no additional complaints against him. She stated she does believe it is important for him to be aware and to call someone or have peer support for advice if he has questions.**

**Dr. Ramsey commented he believes Dr. Johnson has done well in his probation and he would consider early termination of probation as it appears Dr. Johnson has overcome the challenges he has had. Dr. Ramsey stated when Dr. Johnson was first put on probation under Diana Baker the Board talked about early termination but the Board was informed the time was established at five years and they could not consider less time. He thanked Ms. Taxin for her willingness to work with probationers and consider the issues and the timeframe.**

Ms. Bowen reported **Dr. Raymond L. Bedell** is currently in compliance with his Stipulation and Order but the evaluation has still not been received from Dr. Carpenter. She stated Ms. Taxin has called several times but the evaluation has not arrived. Ms. Bowen stated in fairness to Dr. Bedell he did complete the evaluation as required in the Order but the Board does need to review the results.

**Ms. Taxin stated she believes the Board/Division will have to release Dr. Bedell when at the end of his time period even through his compliance and participation with his probation has been with minimal effort.**

**9:40 am**

Dr. Larry G. Andrew, Telephonic Probationary Interview

Dr. Andrew met telephonically for his probationary interview.

Dr. Ramsey conducted the interview.

**Dr. Ramsey informed Dr. Andrew that he is in compliance with his Order. He asked if Dr. Andrew had any questions for the Board.**

Dr. Andrew asked if the Board approved his meeting with his therapist every other month and if reports are still due monthly.

**Dr. Ramsey responded the Board discussed the therapy issue and agreed every 60 days would be acceptable and the reports will be due quarterly.**

**Ms. Taxin commented if Dr. Andrew meets twice in a quarter with his therapist then only one report will be required which should discuss both the visits.**

**Dr. Ramsey asked if Dr. Andrew has had any challenges, issues or circumstances occur regarding boundaries.**

Dr. Andrew responded no. He stated he has put guidelines in place and informed his staff up front that they will need to go elsewhere for the services he provides the patients. He stated his staff have followed the guidelines with no issues or problems. He stated his practice is going well and he is now doing more hormone therapy and more fertility procedures than he was before.

**Ms. Taxin asked if he is more comfortable with his staff relationships as they are now more of a**

**business relationship. She asked if he no longer feels bad that he can not help his staff.**

Dr. Andrew responded yes, it is now much better. He stated he believes every practitioner feels bad when they believe they have the knowledge and could do a procedure but they need to hold the boundary line and require staff to go elsewhere. He stated he is able to treat the families of his staff.

**Dr. Ramsey asked Dr. Andrew to share his future plans and talk about if his therapy has helped him.**

Dr. Andrew responded his practice is growing but it would be helpful to be back on the insurance panels. He stated personally he is now happier. He stated therapy has helped him learn how to deal with other people and with his family. He stated he has grown from going to therapy.

**Dr. Peterson asked if Dr. Andrew is still located at the same address.**

Dr. Andrew responded yes. He stated he is still trying to expand the area next to him but cannot until the lease is up for the current tenant. Dr. Andrew stated he would like to bring in a reproductive endocrinologist but he does not currently have the space and could not guarantee the salary. He stated he is working on bringing one in as a partner.

**Dr. Peterson asked Dr. Andrew to speak about the patient surveys.**

Dr. Andrew responded he believes he may need to revise the survey. He stated he is aware that one survey was a little critical but he believes it was due more to a personality issue.

**Ms. Taxin informed Dr. Andrew that there have not been any survey forms received this quarter. She asked if the Board would want the form amended and sent out to patients again or no longer request them to be submitted. She stated they do give feedback regarding the procedures**

**and services performed. Ms. Taxin reminded the Board that the surveys were not required but Dr. Andrew agreed to do them for feedback for himself and the Division. She stated there is a program online called Survey Monkey where anyone can ask questions and email it out. Ms. Taxin suggested Dr. Andrew try that approach and let the staff email it out. She stated the responses sometimes are very quick.**

**Dr. Ramsey responded he believes the feedback is beneficial to Dr. Andrew.**

**Dr. Peterson stated if Dr. Andrew had a website potential patients are able to look him up where they can read other patient's responses and give their own responses.**

**The Board recommended Dr. Andrew no longer be requested to submit the surveys.**

Dr. Andrew informed the Board of a request to assist at a conference in Kosovo for a few weeks. He stated he will need to finalize the plans and get someone in his area go cover for him while he would be gone. Dr. Andrew asked if the Board/Division needed to be notified of the plans.

**Ms. Taxin responded Dr. Andrew should write a letter regarding the plans and what he will be doing. She suggested Dr. Andrew meet at the April 5, 2012, Board meeting in person to report since he will be going out of the country.**

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

**An appointment was made for Dr. Andrew to meet again April 5, 2012.**

**9:50 am**

Dr. Vaughn T. Johnson, Probationary  
Interview

Dr. Johnson met for his probationary interview.

Dr. Hermansen conducted the interview.

**Dr. Hermansen informed Dr. Johnson of the receipt of his letter regarding his progress and personal experience going through the probation process. He asked Dr. Johnson who should see the DOPL controlled substance database (CSDB) reports.**

Dr. Johnson responded the CSDB reports are for his eyes only however, his nurse might pull the reports to review. He stated at no time should he show the reports to any patient family member or give a copy to any patient family member.

**Dr. Hermansen asked if Dr. Johnson has discussed the guidelines with his office staff and PA's that are working there.**

Dr. Johnson responded yes.

**Ms. Taxin clarified that Dr. Johnson may designate up to three people to pull the CSDB for his review but it does not go out of the office.**

**Dr. Hermansen reminded Dr. Johnson of his comment regarding mixed thoughts on the boutique practice. He asked if Dr. Johnson would like to share anything more today.**

Dr. Johnson responded in the boutique practice it limits who he is able to care for as the patients have to pay for the program.

**Dr. Hermansen commented it would be easy in the boutique practice to have a Michael Jackson scenario if patients call needing something but have not been seen for awhile. He asked if Dr. Johnson has something in place regarding when he needs to see the patient.**

Dr. Johnson responded yes. He stated all patients must be seen in the office if they have not been seen for two or three months. He stated he has had patients try to use the boutique model to obtain prescriptions and when he has discovered it he has released them as patients. He stated some patients are routinely seen

monthly. Dr. Johnson stated there is some leeway depending on what is being treated but if it has been over a year then he will not prescribe anything until he has seen the patient. Dr. Johnson stated he believes he has ignored his 6<sup>th</sup> sense or gut feelings in the past but now he will say no to patients and if the patient needs to see a specialist or the malady is out of his scope he will refer the patient out.

**Dr. Hermansen commented the Board is aware Dr. Johnson has contacted Ms. Taxin a few times to ask her advice. He stated Dr. Johnson should trust his own sense when he feels the need to make contact for advice.**

**Dr. Hermansen asked if Dr. Johnson's practice will change when he is off probation.**

Dr. Johnson responded no. He stated he will continue what he has learned in his appointments with the Board and from the courses he has taken. He stated he believes his practice will get better as he continues to set limitations. He stated he now avoids the practice of pain and pain medication management. Dr. Johnson stated he does set goals but he believes if they cannot be achieved then it is out of his scope of practice. He stated he believes his practice has improved due to what he has learned but he also believes he probably does not need to continue to meet with the Board.

**Ms. Taxin informed Dr. Johnson of his compliance with his Order while he has been on probation. She challenged him to be aware that he should not just prescribe to be nice but prescribe with a medical justification. She stated the Michael Jackson scenario is a good example but Dr. Johnson needs to be sure to separate his business from his friendship and continue to run his business as a business. She advised Dr. Johnson to be aware and watch all the little ethical things so he does not have to be questioned and to remember the PA is an extension of the Physician and he should trust the PA but it is still his responsibility to see the patient as the PA is not a Physician. She**

**stated he should use the PA appropriately but co-sign the appropriate prescriptions and, if he does decide to supervise a PA, he should be sure to review their Law and Rule regarding appropriate supervision and practice.**

**Dr. Ramsey made a motion to terminate probation based on Dr. Johnson's consistent compliance and completion of all the condition of his Order except the timeframe.**

**Dr. Hermansen seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the process for termination of probation.**

**10:05 am**

Dr. Raymond L. Bedell, Probationary  
Interview, Dr. Kevin R. Duke, Supervisor,  
Telephonic appointment

Dr. Bedell met for his probationary interview and Dr. Duke met telephonically for the interview.

Dr. Nye conducted the interview.

**Dr. Nye informed Dr. Bedell of his compliance since his last meeting. He stated the Board/Division is still missing Dr. Carpenter's evaluation as that has not yet been received.**

**Ms. Taxin stated she has contacted Dr. Carpenter several times but has not yet received the evaluation. She stated Dr. Bedell's probation termination date is coming up and the evaluation is needed to complete his file. She asked how long an appointment Dr. Bedell had with Dr. Carpenter.**

Dr. Bedell responded he met last May with Dr. Carpenter and the appointment was about two and a half to three hours. He stated he would be willing to drive down today and ask or a copy if that would help.

**Dr. Nye responded it would help for Dr. Bedell to obtain a copy and submit it to the Board/Division.**

**Dr. Nye stated the Board had talked about Dr.**

**Duke sitting in with Dr. Bedell for a couple of his appointments. He asked how that went.**

Dr. Duke responded he has not been able to set up a time yet to sit in with Dr. Bedell but will schedule it soon. He stated he has talked with Dr. Bedell's staff. Dr. Duke stated he and Dr. Bedell have a few mutual patients. He explained Dr. Bedell has a Nurse Practitioner who sees the female patients. Dr. Duke stated he has not heard any inappropriate comments, negative comments or of any concerns from any of Dr. Bedell's patients.

**Ms. Taxin asked if he has observed any boundary violations with his staff or any patients.**

Dr. Duke responded no, none that he has heard about or observed. He stated he has talked with several people without Dr. Bedell being aware and has not heard of anything inappropriate. He stated Dr. Bedell's staff are supportive of him. Dr. Duke stated Dr. Bedell has a different style and he believes Dr. Bedell has been a little naïve but good habits have been put in place for him to have a female chaperone with all female appointments.

**Ms. Taxin asked the Board if they still want Dr. Duke to observe a few appointments even if it is a male patient as Dr. Duke might see how Dr. Bedell treats the male patients. She stated she believes if Dr. Bedell was going to be inappropriate he would not do it with Dr. Duke present.**

**The Board responded yes, they want Dr. Duke to observe a few appointments with all patients.**

**Ms. Taxin recommended Dr. Duke type his last observations and include a statement of support for termination of Dr. Bedell's probation if he is supportive. She thanked Dr. Duke for meeting and for his support for the Board and Dr. Bedell. She stated she believes it was good for Dr. Bedell to have someone step up to supervise him.**

Dr. Duke responded he believes the process helps

everyone. He stated he also believes it is important to find ways to support the pain management Physicians as they are trying to help their patients and are not always treated fairly. He stated he hopes the probationary process will help Dr. Bedell improve his practice with his patients and make him a better practitioner.

The phone call with Dr. Duke was terminated.

**Ms. Taxin stated she and Rich Oborn, the Psychology Bureau Manager, will follow up with Dr. Carpenter for Dr. Bedell's evaluation.**

Dr. Bedell responded he plans to drive to Dr. Carpenter's office and ask in person for a copy of his evaluation. Dr. Bedell commented he has learned a lot through the probationary process and he believes medicine is moving toward having another person present for all appointments.

**Ms. Taxin asked where Dr. Bedell is with the court ordered probation.**

Dr. Bedell responded that probation has been completed.

**Ms. Taxin requested Dr. Bedell submit a copy of the court information to document completion of his court ordered probation. She suggested he also get a letter from Mr. Yonk to be reviewed at the April 5, 2012 Board meeting.**

**Mr. Oborn came into the meeting with faxed copies of Dr. Carpenter's evaluation.**

**11:55 am**

**Dr. Ramsey made a motion to close the meeting to review and discuss the evaluation regarding Dr. Bedell's character, professional competence, or physical or mental health.**

**Dr. Nye seconded the motion**

**The Board vote was unanimous**

**12:14 am**

**Dr. Ramsey made a motion to reopen the meeting.**

**Dr. Nye seconded the motion.**

**The Board vote was unanimous.**

**Dr. Peterson summarized the last paragraph recommending Dr. Bedell continue to work on his professional and interpersonal skills on a collaborative basis with other professionals.**

**Ms. Taxin called Dr. Bedell to tell him not to drive to Provo to pick up a copy of the evaluation as it was received.**

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

**An appointment was made for Dr. Bedell to meet again April 5, 2012.**

## **DISCUSSION ITEMS:**

Annual Board Member Training

Ms. Taxin conducted the yearly board member training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year.

Ms. Taxin reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained additional agenda items cannot be added after the 24 hour deadline and will be on the next scheduled Board meeting agenda. She explained a quorum of Board members is required to make decisions with motions and votes.

Ms. Taxin explained the purpose for closing a meeting and stated with the Open Public Meetings Act there are very few reasons to close a meeting for the public to leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews. She stated Board members and public visitors may be requested to leave a Board meeting if they are being disruptive.

Ms. Taxin covered the issue of requesting a probationer, an applicant or any individual to leave the meeting for Board discussion and stated meetings are open and comments should be made to the individual in order for them to understand the issues.

She stressed the importance of Board members being professional, remembering they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated Board members should be respectful to each other as well as any probationers, visitors or appointments. She stated they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented.

Ms. Taxin recommended the Board review and be familiar with their Laws and Rules in order to make correct decisions. She stated they should be positive role models.

Ms. Taxin covered the fire drill and her expectations for everyone to get out of the building and meet across the street in the parking lot to be accounted for. She asked the Board to let her know if they have any special needs and to be aware of any visitors who may have special needs in order for her to get assistance for Board members or visitors. Ms. Taxin reviewed the fire escape locations.

**The Board thanked Ms. Taxin for the information.**

Ms. Taxin explained she has requested someone from the investigative unit to meet with the Board and report on where they are with investigations. She

stated there will be no specific cases discussed but if the Board wants something more than is presented they may request it for the next report.

Ms. Taxin then introduced Irene Woodford.

Ms. Woodford delivered an overview of the January 2006 through December 2011 investigative statistics.

FYI

Ms. Taxin informed the Board that Ms. Brown implied she may resign from this Board due to the time commitment. She stated she will know more by the next meeting.

**No Board action was taken.**

FYI

Ms. Taxin informed the Board that she received a phone call from Dr. Hallie Robbins, the Association President, requesting her to do a presentation for the Association regarding Legislative issues over the last year, Board issues and all changes over the last year for the Association. She stated she sent a synopsis of the Legislative information and highlighted sections for Dr. Robbins. She stated Dr. Robbins could also read the minutes from this past year to determine any Board issues.

**The Board thanked Ms. Taxin for giving the information to Dr. Robbins.**

Fine Authority Rule

Ms. Taxin reported she filed the Rule on Fine Authority and then realize there were a few errors which needed correcting so she refilled with the corrections. She stated there does not need to be another hearing and effective date is March 9, 2012.

**Dr. Ramsey asked what the Division does with the fines.**

Ms. Taxin responded the fines go into the Physicians Education and Enforcement Fund.

**Board members thanked Ms. Taxin for the update.**

2012 Board Meeting Schedule

The Board noted the following dates for the 2012

meeting schedule: April 5, July 19 and October 4,  
2012.

**CORRESPONDENCE:**

FSMB Telemedicine

Ms. Taxin stated she responded to FSMB that the Utah Board would give their support but she did make some changes in the letter from FSMB's standard letter. She explained FSMB is trying to put together a group for discussion and planning and she requested she be allowed to meet with them as they have been utilizing some people who are not Utah Board members who are speaking for Utah. Ms. Taxin stated she suggested the group meeting focus on standards and scope of practice for telemedicine and not just brainstorming and she outlined for them some terms of importance to consider. She stated she has also talked with the Physicians Board and they agree some things need to be put in place as the Law will need to be changed to allow for telemedicine in Utah.

**The Board voiced agreement with Ms. Taxin's comments.**

FSMB Information

Ms. Taxin reviewed the FSMB Annual Meeting information for April 26 – 28, 2012, in Ft. Worth, Texas.

**Dr. Nye and Dr. Ramsey voiced a desire to attend the meeting if it will fit in their schedules. They stated they will let Ms. Taxin know.**

**NEXT MEETING SCHEDULED FOR:**

April 5, 2011

**ADJOURN:**

The time is 12:43 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 5, 2012  
Date Approved

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

February 16, 2012  
Date Approved

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