

**MINUTES**

**UTAH  
PHYSICIANS  
LICENSING BOARD  
MEETING**

**January 12, 2012**

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

**CONVENED:** 9:05 A.M.

**ADJOURNED:** 3:08 P.M.

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

Noël Taxin  
Karen McCall  
Debbie Harry

**Board Members Present:**

Elizabeth Howell, MD, Chairperson  
David D. Byrd, MD  
James R. Fowler, MD  
Marc E. Babitz, MD  
Gary A. Hale  
Paul J. Affleck, MD  
Kristen Ries, MD  
Daniel J. Parker, MD  
Kenneth L. Schaecher, MD  
John W. Bennion, Ph.D.  
Alexander B. Larsen, DDS

**Board Members Absent:**

Richard W. Chapa, MD

**Guests:**

Alan Minson  
Stephanie Hughes  
Katie Carlson  
Kurt Gasser, Assistant Attorney General's Office

**DOPL Staff Present:**

Karl Perry, Assistant Attorney General

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the November 9, 2011 Board meeting were read.

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

**BUSINESS FROM PREVIOUS MEETING:**

Telemedicine/Social Media Services  
Discussion

Ms. Taxin stated FSMB asked for a letter support for them to receive a grant for research. She stated she received the Board's feedback of support and then wrote the letter.

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 or visitors. 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.**

## **APPOINTMENTS:**

### **9:15 am to 9:45 am**

David Young, Pharm. D., Pharmacist,  
Presentation on Proposed Pharmacy  
Immunization Protocol Changes

Ms. Taxin stated Dr. David Young is a member of the Pharmacy Board and he will present to the Board some proposed changes in their approved Protocol which will expand the scope of practice of the Pharmacist to be allowed to give additional immunizations.

Dr. Young stated the Pharmacist Protocol has been in place since 2000 with no changes. Dr. Young gave the Board statistics regarding vaccine-preventable diseases and vaccination rates in adults. He stated the Pharmacy Board is requesting a few changes to the current Protocol and to protect the public.

Dr. Young stated all States in the United States allow Pharmacists to vaccinate if they having the training

and most States do Protocols as is done in Utah.

**Dr. Schaecher commented he believes expanding the scope of practice for Pharmacists will increase public harm. He stated he believes giving immunizations are turning into a business which is not being tracked appropriately as it allows patients to avoid seeing their primary Physician for examinations or evaluations. He asked if the public is at risk for harm and then stated he is not sure.**

**Dr. Byrd agreed with Dr. Schaecher.**

**Dr. Babitz voiced disagreement with Dr. Schaecher and Dr. Byrd. He stated there are many underserved people who will not go to their primary Physician as they have to pay the office visit and then the vaccination fee. Dr. Babitz recommended the Health Department also review the proposed Protocol. He stated the biggest harm is for no vaccination but many times vaccinations are duplicated as the patient does not have a card with the specific types and dates of the vaccinations listed or access to all patient records.**

**Dr. Howell stated she has not heard of any adverse events from Pharmacists giving vaccinations.**

Dr. Young responded all adverse events are required to be reported. He stated in his Pharmacy when immunizations are given there is a separate Pharmacist doing the immunizations only and a separate area where they can converse with the patients and are able to ask screening questions. He stated they have a whole check list which they go through each time. He stated if someone is harmed they can report it to DOPL and have the incident investigated. He stated at his Pharmacy there is a Physician who oversees the immunizations and goes through the process again with the patient. He stated he does not believe the Pharmacists could be required to have a separate room as some facilities do not have one and also Pharmacists go out into the communities and give immunizations at clinics and schools.

**Dr. Schaecher recommended Dr. Young clarify**

**that efforts will be made to identify the primary Physician and information will be sent to the primary Physician as information should always be filtered back to be included in the patient charts. He stated he would want the information for his patients.**

**Dr. Ries asked if the information is accessible to practitioners when it is reported to the State immunization system.**

Dr. Young responded he believes it is available if the practitioner has signed up.

**Dr. Babitz voiced being nervous to be listed as the primary practitioner as he might not know or might not ever have seen the patient.**

**Dr. Howell summarized that the Board would like the original list of immunizations included in the proposed Protocol and are in favor of the changes according to the uses.**

**Dr. Schaecher again suggested the language be worded that efforts will be made to send the information to the primary care Physician.**

Mr. Minson suggested there not be a defined list as new vaccinations are always coming out. He suggested wording the Protocol the Pharmacy is approved at the discretion of the primary prescriber.

**Dr. Howell recommended the list be included with the language “any other approved vaccines as prescribed by a primary care practitioner”. She suggested the revised Protocol be sent out to Physicians to review and for patients to take a copy with them to the Pharmacies.**

**Dr. Schaecher requested the statement not to include therapeutic vaccines to be included.**

**Dr. Babitz commented the proposed Protocol does not include vaccinations for infectious preventable diseases.**

**Ms. Taxin requested Dr. Young to rewrite the proposed Protocol and submit it to her for review and she will send it out for the Board to review.**

Dr. Young thanked the Board for their comments and stated he will rewrite the document and submit it to Ms. Taxin.

**9:45 am**

Debbie Harry, Compliance Update

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

Ms. Harry reported **Dr. David M. Anderson** is currently in compliance with his Stipulation and Order. She requested the Board to decide how often Dr. Anderson should meet with the Physicians Board as he also has a Dental license and is meeting with them.

**Ms. Taxin informed the Board that Dr. Alexander Larsen, DDS, Dental Board Chairperson, will also meet today to establish continuity between the Boards for Dr. Anderson's monitoring. She stated Dr. Schaecher and Dr. Bennion attended the Dental Board meeting. Ms. Taxin stated at the Dental Board meeting the question was asked of why it has taken the Division so long to take action. She explained she had recommended Dr. Anderson go to Pine Grove but he went to A & D and saw Dr. Crookston and legal negotiations took place which slowed the process down in finding resolution to come before the Board. She stated he ultimately went to Pine Grove months later and was evaluated but continues to get treatment from A & D and Dr. Crookston. Ms. Taxin stated A & D will need to submit information regarding how they plan to coordinate with Pine Grove regarding their recommendations. She stated the report from Mr. Dusoe says he has been working with the Division but she has not spoken with Mr. Dusoe. She stated Dr. Crookston's report verifies he has read the Pine Grove recommendations. Ms. Taxin stated the meeting could be closed to discuss the evaluations and recommendations.**

**Dr. Schaecher commented Dr. Anderson had**

**shared that his problems came when he was under great personal stress.**

**Dr. Larsen stated Dr. Anderson's meeting with the Dental Board was mainly introductory. He stated he believed Dr. Anderson was compliant and thought he would be one probationer who would be in compliance through his probation. Dr. Larsen stated the Board approved the proposed supervisor after they established there was no personal relationship between them.**

**Ms. Taxin stated Dr. Anderson is an oral surgeon and practicing medicine in a dental environment. She asked if Dr. Anderson should meet with both Boards for awhile but she believes he should meet with the Dental Board as he practices in that realm.**

**Dr. Byrd asked where Dr. Anderson was obtaining the drugs.**

**Ms. Taxin responded he was ordering them through his office as he has a surgical suite. She stated he had the medications locked in a safe in his office but he now has no access to the drugs. She stated he does have a partner and a supervisor who was approved by the Dental Board. Ms. Taxin stated Mr. Dusoe and his wife have invited her to their office to observe and discuss their treatment and she will be going next week.**

**Dr. Howell commented she came across a monitoring agreement from another State which is a life time agreement so the person can be put back on drug testing if anything comes up in the future. She stated the program was through a diversion program but Utah could request drug testing for 10 years if it is believed there is or would be another problem. She stated many of her patients stay clean while on probation and then start using after probation is completed and that is when they overdose and die.**

**Dr. Babitz responded the drug testing is therapeutic for many people.**

**Ms. Harry agreed and stated the calling in every day is a reminder for many people to stay on track.**

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

Ms. Harry reported **Dr. James E. Pickens** is currently in compliance with his Stipulation and Order. She reminded the Board that Dr. Pickens deadline to complete the ethics course is June 13, 2012. She stated he found a course back East but has been searching for a course closer to Utah and is attempting to get information on a course in Denver, Colorado.

**Ms. Taxin stated the Colorado course is the CPEP course and it is only given on specific dates. She stated the Board needs to stress that he get registered right away.**

Ms. Harry reported **Dr. Michael S. Roundy** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Nathan R. Currier** is currently in compliance with his Stipulation and Order. She stated Dr. Courier's probation is scheduled to be completed February 18, 2012 so she requested he write up a statement regarding what he has learned and what changes he has made and discuss with the Board today.

Ms. Taxin stated Dr. Weitzel called and wanted to meet today. She stated he is not working and was disappointed with his progress in finding employment. Ms. Taxin stated she reminded Dr. Weitzel that she had talked with him regarding the possibility of not being able to find employment and she believes he now understands. She stated he wanted the Board to assist him in obtaining employment and she explained that is not a Board responsibility.

**Dr. Howell commented she attempted to locate some practitioners who might be willing to supervise Dr. Weitzel but so many people know him and had some type of previous relationship with him so it would a conflict of interest for them to supervise.**

**Dr. Schaecher commended a former Board member contacted him regarding concerns about Dr. Weitzel having a Utah license. He stated he believes a mini residency would be helpful for Dr. Weitzel.**

Ms. Taxin responded she believes Dr. Weitzel is now recognizing and understanding the concerns which were voiced. She stated Dr. Weitzel asked if the Board would have concerns if he changed his specialty and went back to school for additional education. She stated she informed Dr. Weitzel if he could obtain additional education it would be good but he would need to speak with the Board regarding their recommendation.

**10:10 am**

Dr. David M. Anderson, Initial Probationary Interview

Dr. Anderson and Dr. Flint, supervisor, met for his initial probationary interview.

Introductions were made.

Dr. Howell conducted the interview.

**Dr. Howell explained the Board would be discussing general information and then close the meeting to review and discuss Dr. Anderson's evaluation. She requested Dr. Anderson to briefly explain what brought him to the point of being on probation.**

Dr. Anderson explained he is a person who keeps everything inside and is not a great communicator. He stated he was having some stress and made some poor decisions to use drugs and became addicted. Dr. Anderson voiced feeling bad about himself and wanting to quit using. He stated with help he has stopped using the drugs and is now feeling better

about himself. Dr. Anderson stated he is now in outpatient treatment at the A & D clinic, he attends AA meetings and is the chair of a meeting. He stated he attends PIR meetings on Monday night at Alpine which he does not enjoy. Dr. Anderson stated he had been sober for eight years and then had this relapse so he returned to the A & D clinic.

**Close Meeting – 10:30 am**

**Dr. Schaecher made a motion to close the meeting to review and discuss the psychological evaluation.**

**Dr. Affleck seconded the motion.**

**The Board vote was unanimous.**

**Reopen Meeting – 10:58 am**

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

**Dr. Babitz seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin stated she will meet with Mr. Dusoe to explain the detail that is required on the reports. She asked if Dr. Anderson meets with the support groups weekly, has individual therapy with Dr. Crookston and Mr. Dusoe.**

Dr. Anderson responded yes.

**Ms. Harry suggested Dr. Anderson try Nancy Carter's PIR group meetings in Ogden.**

**Ms. Taxin stated Dr. Anderson should let the Board know if the PIR meetings are not beneficial as this process is to help him.**

**Dr. Bennion commented stress seems to have been a critical issue in the past. He asked if these appointments are helping Dr. Anderson make progress to reduce his stress and to find better ways of coping.**

Dr. Anderson responded yes. He stated he was lacking coping skills and did not know how to replace the stress in other ways like hobbies and exercise which he has now found helps him reduce that stress.

**Ms. Taxin thanked Dr. Flint for meeting today. She requested Dr. Flint to discuss his supervision of Dr. Anderson.**

Dr. Flint responded he and Dr. Anderson are friends as far as covering for each other but are not social friends. He stated he visits Dr. Anderson's office weekly but sometimes talks with Dr. Anderson more frequently. He stated he has talked privately with each of the staff and has stressed that they need to call him regarding anything they notice that is out of the ordinary. He stated he still randomly visits with the staff and always asks if they have anything out of the ordinary to report. He stated he has also spoken with Dr. Anderson's partner who monitors all medications and he pulls the charts to be sure the noted milligrams equal what is left of the medication in the lock box. He stated he also interviews all new employees and gives them the same direction he has given established employees. Dr. Flint stated he believes Dr. Anderson is doing well. He stated he has not witnessed any issues.

**Dr. Howell thanked Dr. Flint for the report. She asked how often the Dental Board meets.**

**Dr. Larsen responded the Dental Board meets quarterly.**

**Dr. Schaecher suggested the Dental Board monitor Dr. Anderson as most of his practice is Dental but also meet with the Physicians Board for at least the first year and then move to meeting the Physician Board every six months with copies of all reports being sent to the Physicians Board. He stated after meeting with the Dental Board for Dr. Anderson's appointment he believes that Board will monitor as well as the Physicians Board.**

**Dr. Fowler commented he believes it is the obligation of the Physicians Board and the Dental**

**Board to monitor as Dr. Anderson holds both licenses.**

**Ms. Taxin suggested Dr. Anderson meet with the Dental Board quarterly and with the Physicians Board the months he does not meet with the Dental Board, such as meeting with the Dental Board in March and Physicians Board in May.**

**Dr. Byrd, Dr. Babitz and Dr. Parker commented they believe Dr. Anderson needs to meet with the Physicians Board on a regular basis so they are up to date on his probation and that could mean meeting back to back with both Boards.**

**Ms. Taxin informed Dr. Flint that he is not expected to meet every time with either Board unless he has a concern to report. She stated she hopes Dr. Anderson hears the concern everyone has for him. Ms. Taxin stated there is not a lot asked of Dr. Anderson but he does need to meet and let the Boards know how he is doing, discuss his sobriety and work performance.**

**Dr. Howell commented the Physicians Board does watch to see how probationers are doing. She stated Dr. Anderson has a significant history and once the Board gets to know him and they see how he is progressing then the Board could consider meeting with him less frequently. Dr. Howell stated the Physicians Board is not scheduled to meet in April but if it becomes necessary to meet in April Dr. Anderson should meet. She stated the next scheduled meeting would be for May and if he does not meet in April then he will be scheduled for May. Dr. Howell stated Dr. Crookston and Mr. Dusoe need to be sure both Boards received their reports.**

**The Board determined Dr. Anderson is in compliance as much as possible for his first appointment with the Physicians Board.**

**An appointment was made for Dr. Anderson to meet May 9, 2012.**

**11:15 am**

Dr. Donald N. Harline, Probationary Interview

Dr. Harline met for his probationary interview.

Dr. Byrd conducted the interview.

**Dr. Byrd asked if Dr. Harline is still doing pain management and family practice and if there have been any issues or concerns.**

Dr. Harline responded yes, his practice is still pain management and family practice and no, there have not been any issues or concerns. He stated his supervisor, Dr. Oakey, is very thorough and spends time on how to apply protocols in Dr. Harline's practice. He stated his practice used to be more family practice but due to no longer being on insurance panels it has moved more into nerve block and nerve injections. He explained he moonlighted from 2004 to 2007 and learned the procedure. He stated his supervisor has him check the following four things with each patient:

1. Drug screens for low, moderate or high doses
2. DOPL reports
3. Overnight sleep study
4. Adverse reactions and activity level

**Dr. Byrd referred Dr. Harline to a patient on the database who received a high amount of methadone.**

Dr. Harline explained he is slowly bringing the patient down from the high amounts but the patient has a very painful condition. He stated there are a few patients who followed him from a previous practice which closed and this patient is one of those. Dr. Harline stated his chaperone is in every appointment with females and he does not have any female patient boundary issues.

**Dr. Byrd asked if there have been times when he is uncomfortable with a female patient.**

Dr. Harline responded he was uncomfortable at first but is no longer. He stated he and his wife have been working on their issues and things are better between them.

**Dr. Byrd stated Dr. Oakey's report indicates there has been positive growth for Dr. Harline. He asked for an explanation.**

Dr. Harline responded it took him awhile to get consistent with the four levels of measuring his patients as it takes a lot of effort but now it is in place and his practice runs smoother. He stated he can look back and recognize how other practitioners not doing these activities could have some problems.

**Dr. Schaecher asked Dr. Harline if he completed a suboxone certification as he indicated he uses this prescription and if he did complete the certification, where it was completed.**

Dr. Harline responded he did complete the certification and worked with a Psychiatrist.

**Ms. Taxin stated at Dr. Harline's last appointment he had shared that Pine Grove had him and his staff complete an evaluation. She stated she is aware there is a cost each time and he has completed a couple of evaluations. Ms. Taxin stated Dr. Harline had asked if it is necessary to continue these evaluations so she contacted Pine Grove to determine the purpose and why they were requiring it and it was decided to discontinue the office evaluation.**

Dr. Harline responded he has not heard from Pine Grove again. Dr. Harline stated his charting is not perfect but he and Dr. Oakey are working toward better charting. He then requested the Board to consider reducing the number of charts his supervisor reviews.

**Dr. Babitz made a motion for Dr. Harline's supervisor to review 10% of female patient records quarterly and report on the review.**

**Dr. Byrd seconded the motion.**

**The Board vote was unanimous.**

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

**Dr. Harline was reminded his reports will be due in April. An appointment was made for Dr. Harline to meet again May 9, 2012.**

**11:30 am**

Dr. James E. Pickens, Probationary Interview

Dr. Pickens met for his probationary interview

Dr. Ries conducted the interview.

Dr. Pickens reported Florida had oral arguments in December regarding his legal action there. He stated there were three judges who asked what Law he had broken and could not come up with a specific Law so he is anticipating a positive outcome.

**Dr. Ries reminded Dr. Pickens that completion of the required ethics course is June 2012. She asked where he is in locating a course to complete.**

Dr. Pickens stated New Jersey was too far to travel and cost too much but he has located a course in Denver, Colorado. He submitted the information to the Board to review for approval.

**Dr. Ries asked when the course is offered.**

Dr. Pickens responded the schedule has not yet been set up but will have to be soon.

**Ms. Taxin commented the Colorado CPEP course covers overall ethics and is very intensive. She stated she has also recommended the PACE program in San Diego, California, for prescribing and knows there are other programs that are also good.**

**Dr. Ries stated Dr. Youngblood sent his reports but they are very brief. She requested Dr. Pickens to ask Dr. Youngblood to be more specific and document how many charts he reviewed, what he is looking for and looking at in the charts.**

**Ms. Taxin requested Dr. Youngblood also include**

**what he has discussed with Dr. Pickens, any feedback he has given and how Dr. Pickens has responded.**

**Dr. Ries asked what type of medications Dr. Pickens prescribes.**

Dr. Pickens responded he prescribes for weight loss only.

**Dr. Babitz commented he looked up the PACE course online and it is offered in April.**

**Ms. Taxin stated Dr. Pickens will need to get registered right away as they need time to schedule his program.**

**Dr. Howell asked what the consequences will be if the course is not completed by the June deadline.**

**Ms. Taxin responded if the course is not completed by the deadline then Dr. Pickens will be out of compliance. She stated he should have time to complete the course by the May 9, 2012 Board meeting and should be prepared to talk about what he learned and how he will incorporate the concepts in his practice.**

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

**An appointment was made for Dr. Pickens to meet again May 9, 2012.**

**11:45 am**

Dr. Michael S. Roundy, Probationary  
Interview

Dr. Roundy met for his probationary interview.

Dr. Babitz conducted the interview.

Mr. Hale was introduced.

**Dr. Babitz informed Dr. Roundy of his compliance and stated he did find the essay Dr. Roundy had written. Dr. Babitz asked if Dr. Roundy is experiencing any stress or has any concerns.**

Dr. Roundy responded he has good support from his friends and is managing his stress much better than he was a few years ago.

**Dr. Babitz stated Dr. Roundy mentioned at his last appointment that he gives discharge medications. He stated there are a few people on the database list that he wanted to ask if they were taking these medications prior to coming to the hospital.**

Dr. Roundy responded if they were on specific medication when they came to the hospital then the same medications are given upon discharge.

**Ms. Taxin asked if Dr. Roundy is maintaining appropriate boundaries at work.**

Dr. Roundy responded yes. He stated he and his supervisor have discussed professionalism and he has read a book on professionalism in the work place. He stated a Nurse Practitioner wanted additional training and went with him to other locations until it came to his attention that the relationship might be misunderstood. He stated he went to the Nurse and explained he could not have a misunderstanding of their relationship so she no longer attends his consults or meetings.

**Ms. Taxin asked if some of the concerns were valid and others did not realize she was shadowing him.**

Dr. Roundy responded yes. Dr. Roundy stated at his last appointment the Board talked about decreasing the chart review.

**Dr. Babitz responded at the last meeting the Board did vote for 10% of charts to be reviewed. He stated the person who reviews the charts could review a few at a time but the reports will still be due quarterly.**

Dr. Roundy responded Dr. McPhearson reviews the charts.

**Ms. Taxin stated she knows Dr. McPhearson has been very thorough in reviewing the charts and**

**providing feedback.**

**Dr. Babitz made a motion for 10% of female charts only be reviewed by Dr. McPhearson with reports due quarterly.**

**Dr. Byrd seconded the motion.**

**The Board vote was unanimous.**

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

**An appointment was made for Dr. Roundy to meet again May 9, 2012.**

**12:00 pm**

Dr. Nathan R. Currier, Probationary Interview

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

Mr. Hale and Dr. Affleck were introduced.

Dr Babitz conducted the interview.

**Dr. Babitz asked if Dr. Currier could share any reflections regarding what he has learned in the probationary process.**

Dr. Currier summarized the notes he had written. He stated he looked back three years when he was working at Macy's as a frozen food manager and thought he could still be there if he had not been given the opportunity of probation. He stated he also had a new wife and family and his wife, Maria, has always been there with her support. He stated he believes it is important to carefully evaluate the patient/doctor relationship and to be sure they are not encroaching on each other's boundaries. Dr. Currier stated his supervisor and therapist have gone over good patient boundaries at each of their meetings. Dr. Currier stated they are switching to the electronic medical records system but the prescriptions information will all still be available and there will be monthly reminders in order for practitioners to know if another prescription is too early, etc. Dr. Currier stated the electronic system will have forms for patients to

review and sign and a tracking system. He stated it has helped in keeping track of the records for his office. He stated meeting with the Board and receiving feedback and guidance has also helped him.

**Dr. Babitz requested Dr. Currier to review a name on the database printout and the prescriptions written.**

Dr. Currier responded he has checked the database and this patient did not fill any of prescriptions she was given as the insurance would not cover it.

**Ms. Taxin asked if he noted the information in the patient chart.**

Dr. Currier responded yes.

**Dr. Babitz asked how frequently Dr. Currier checks the database.**

Dr. Currier responded on this particular patient he check it right away and then a couple of times later. He then pointed out the regular medications for this specific patient.

**Dr. Babitz stated there are some patients on Soma. He asked why.**

Dr. Currier reviewed the name and stated he was weaning this patient off Ambien and then took the patient off Soma. He stated there is another patient who is bipolar with severe chronic pain and he prescribed Soma for a period of time until the patient was able to get into the pain clinic.

**Dr. Howell commented there are different types of boundary violations and one is getting into prescribing when the patient wants it.**

Dr. Currier responded he has had some patients that have tried to obtain medications prior to refill time and he has said no it is too soon.

**Ms. Taxin recommended Dr. Currier pull his CSD frequently to see if there are any patterns he should**

**be aware of.**

Dr. Currier responded once the new system is in place he can pull the last six months and review it.

**Dr. Babitz stated Dr. Currier's probation is scheduled to be terminated February 18, 2012. He then made a motion to support and approve termination of probation.**

**Dr. Parker seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the termination process for Dr. Currier. She stated the Board and the Division are here if he has any questions and recommended he continue to seek peer review from his supervisor as needed. She then thanked Mrs. Currier for her support.**

**12:15 pm**

Lynn Hooper, Investigator, Investigative Report

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 Lynn Hooper.

Mr. Hooper delivered an overview of the 2011 investigative statistics.

**The Board thanked Mr. Hooper for the review.**

**12:15 pm to 1:00 pm**

**Working Lunch**

**1:00 pm to 2:30 pm**

Discussion with Karl Perry, AG, Regarding What Other Residencies are Equivalent to ACGME Residencies

Ms. Taxin explained the Board had recommended three applications be denied due to their interpretation of the licensing requirements in the Law. She stated the Law is not very clear and may need to be opened for clarification. Ms. Taxin stated the requirement for licensure is 24 months of a progressive ACGME residency and the three denials had only 12 months of

ACGME residencies and 36 months or more of CODA residencies.

**Mr. Perry read the Law for the Board and stated applicants, the Board and Division have struggled with the specifics as they are not clear.**

**Dr. Byrd stated he is aware of an oral surgeon who is now doing breast augmentations as he has the Physician & Surgeon license.**

**Ms. Taxin responded if this type of practice is occurring the Division Investigations should be notified in order to address the specifics of the issue. She stated the Law requires the Physician to practice within their education and training.**

**Dr. Byrd reminded Dr. Brown of his comment when he met at the last meeting that he stated he already knew the Utah requirements but still chose to attend the Dental/Medical school.**

**Dr. Brown responded yes, he did know the requirements but had been informed that licenses have been issued to others with the same education so he did not believe there would be an issue.**

**Dr. Tien responded he also knew the requirements and knew others had been issued licenses so he also did not believe there would be an issue.**

**After discussing the pros, cons and questions, Ms. Taxin asked Mr. Hale and Dr. Bennion their opinions.**

**Mr. Hale responded, as a Pharmacist he knows many Physicians and the education appears to be similar as the education is completed at the same school with the same training. He stated it appears the three applicants have met the criteria under equivalent education.**

**Dr. Bennion responded he is of the same opinion as Mr. Hale. He stated he believes it is arbitrary not to issue them the Physician license.**

**Mr. Perry commented he believes the Board can give the Division guidance based on the discussion. He stated for the long term he, the Board and Division will need to review the Law and Rule and have additional discussion regarding if there is authority to write a Rule or if the Law will need to be opened.**

**Following the discussion, Dr. Schaecher made a motion to accept the CODA residency as being similar to the ACGME residency education program which will meet the 24 months of residency for licensure. He further stated the Board/Division should approve licensure if the applicant has 12 months of ACGME residency and 36 months of the similar CODA residency.**

**Dr. Ries seconded the motion.**

**There was not a Board vote.**

**Dr. Schaecher withdrew the motion.**

**Following more discussion Dr. Babitz made a motion for the purpose of Physician Utah licensure, CODA may be considered equivalent for one year of ACGME if 36 months of CODA residency have been completed with the CODA residency being the final year of a successfully completed oralmaxillofacial training program.**

**Dr. Bennion seconded the motion.**

**Dr. Howell, Dr. Fowler, Dr. Babitz, Mr. Hale, Dr. Affleck, Dr. Ries, Dr. Parker, Dr. Schaecher, Dr. Bennion and Dr. Larsen voted in favor of the motion.**

**Dr. Byrd voted against the motion.**

Ms. Taxin thanked the Board and stated she will meet with Mr. Perry to review the current Law and Rule to determine if it is possible to write a Rule.

Ms. Taxin stated the Board has given a recommendation for the three applications which were

denied. She stated all three have provided all additional information requested of them and she now is comfortable in issuing their licenses for Physician.

**Dr. Byrd requested Ms. Taxin and Mr. Perry consider the intent of the Law.**

**Mr. Perry again stated if Board members are aware of someone who is practicing outside their specialty of education and training they need to turn in the information to investigations.**

## **DISCUSSION ITEMS:**

FYI

Ms. Taxin reminded the Board of the February 8, 2012 Board meeting which will probably need to commence at 8:00 am with the hearing from 10:30 am to approximately 5:00 pm. She stated the Division will confirm the times.

CME Discussion

Ms. Taxin read the CME requirements and stated there is no provision for teaching to be accepted as CME. She stated she has had a few hours of request to 40 hours of request for teaching to count as some of the CME and she has accepted some hours but not all 40 hours teaching this renewal period but has informed licensees that it might not be accepted for the next renewal. She stated the Dentists CE Rule allows for 10 hours of teaching. Ms. Taxin asked if the Physicians want to change their Rule to include a specified number of hours for teaching.

**The Board requested Ms. Taxin make the change in their Rule.**

Ms. Taxin stated she will prepare a Rule for the Board to review.

Rule on Fine Authority

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 the effective date is March 9, 2012.

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

FYI

Ms. Taxin informed the Board that Dr. Robert F. Finnegan signed a surrender of license.

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

FYI

Ms. Taxin informed the Board that Dr. Joseph E. Berg signed a surrender of license.

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

2012 Board Meeting Schedule

The Board noted the following dates for the 2012 Board meeting schedule: **February 8, March 7**, April 11, **May 9**, June 13, **July 11**, August 15, **September 12**, October 10, **November 14** and December 12, 2012. The Board noted the planned meetings are in bold.

**CORRESPONDENCE:**

FSMB Telemedicine Support Letter

Ms. Taxin stated this item was discussed under Previous Board Business.

FSMB Annual Meeting

Ms. Taxin informed the Board of the FSMB annual meeting which will be April 26 through 28, 2012, in Ft. Worth Texas. She stated she if a Board member would like to attend she will talk with the Division Director to seek approval for the attendance.

**Dr. Fowler stated he will check his schedule as he would like to attend.**

**NEXT MEETING SCHEDULED FOR:**

February 8, 2012, possibly commencing at 8:00 am but will be confirmed.

**ADJOURN:**

The time is 3:08 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.*

February 8, 2012  
Date Approved

(ss) Kristen Ries, MD  
Acting Chairperson, Utah Physicians Licensing Board

February 2, 2012  
Date Approved

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