

MINUTES
UTAH
PHYSICIANS
LICENSING BOARD MEETING

January 21, 2015

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

CONVENED: 9:08 AM

ADJOURNED: 3:36 P.M.

Bureau Manager:

April Ellis

Board Secretary:

Lisa Martin

Compliance Assistant:

Debbie Harry

Board Members Present:

Kenneth L. Schaecher, MD, Chairperson

Elizabeth F. Howell, MD

Georgia Katshohirakis

Gary A. Hale, R.Ph.

David D. Byrd, MD

John S. Montgomery, MD

Lindsay Klimes, MD

Daniel J. Parker, MD

Paul J. Affleck, MD

Board Members Absent and Excused:

David A. Cook, MD

Richard W. Chapa, MD

DOPL Staff:

Guests:

Ryan Hardman

Pamela Kramer

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the November 19, 2014 Board meeting were read. Dr. Howell made a motion to approve the minutes as read. Ms. Katshohirakis seconded the motion. The Board vote was unanimous.

APPOINTMENTS:

9:15 A.M.
Debbie Harry, Compliance Update

Ms. Harry reported the following are in compliance or out of compliance with their Stipulations and Orders:

- Dr. Hillam is in compliance with his Stipulation and Order.
- Dr. Weitzel is not in compliance with his Stipulation and Order.
- Dr. Brooks is in compliance with his Stipulation and Order
- Dr. Hutsinpiller is in compliance with her Stipulation and Order.
- Dr. Keep is not in compliance with his Stipulation and Order.
- Dr. Adamson is not in compliance with his Stipulation and Order. He stated that he wants to surrender his license.
- Dr. Hansen is in compliance with his Stipulation and Order.
- Dr. Martinez-Ferrate is in compliance with his Stipulation and Order.
- Dr. Andersen is in compliance with his Stipulation and Order.
- Dr. Blackburn is not in compliance with his Stipulation and Order.

9:35 A.M.
Dr. David Hillam, Probationary Interview

Dr. Klimes conducted the interview asking how Dr. Hillam is doing.

Dr. Hillam states he has a job lined up in Georgia with a family practice clinic.

Dr. Klimes asks if the Georgia board and the hiring clinic are aware of the stipulation with Utah.

Dr. Hillam states that both the Georgia board and the hiring clinic are aware of the Utah probation and he is

scheduled to meet with the Georgia board in March.

Dr. Howell states that if the Georgia board approves his license, they would take over the probation and would be required to send compliance reports to Utah.

Dr. Hillam asks what the process is for Georgia reporting to Utah.

Ms. Harry states Georgia would need to send compliance letters to Utah.

Ms. Ellis states if the Georgia Board Order does not mirror the Utah Order, Dr. Hillam will have to comply with both Georgia and Utah Orders.

Dr. Klimes asks when Dr. Hillam expects to begin working in Georgia.

Dr. Hillam states he will begin working as soon as the Georgia license has been approved, possibly in March.

Dr. Schaecher asks if Dr. Hillam plans on attending the PRIME program in February.

Dr. Hillam states that he is still planning on attending the PRIME program.

Dr. Klimes states that the board has received all of the required reports.

The Board thanked Dr. Hillam for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Hillam to meet with the Board on March 18, 2015.

9:55 A.M.
Dr. Robert Weitzel, Probationary Interview

Dr. Byrd conducted the interview asking how Dr. Weitzel is doing.

Dr. Weitzel states he has applied for his DEA license, but has not yet received it. Dr. Weitzel made a request that the requirement of supervision be removed.

Dr. Byrd states the last chart review from the

supervisor received was in July of last year.

Dr. Weitzel states a chart review will be submitted this month, and did not realize that there was a missed submission.

Ms. Harry states the chart reviews are due quarterly, the next one is due on January 28.

Dr. Byrd states the board has received a positive test result for Dr. Weitzel.

Dr. Weitzel states the use of androgel is what caused the positive result. Dr. Weitzel states that he has never had an alcohol related problem, and would like the restriction lifted from the stipulation.

Ms. Ellis states that all substance abuse stipulations include alcohol restrictions.

Dr. Howell states the reason for a five year monitoring is based on research for the most successful results.

Dr. Weitzel states his supervisor has been like a residential supervisor, and the supervising requirements have been completed.

Dr. Schaecher states without the record reports from the supervisor it is hard to say the requirements have been completed. The board is not in a position to grant that modification at this time.

Dr. Schaecher states the testing frequency will be increased due to the positive test result.

An appointment was made for Dr. Weitzel to meet with the Board on March 18, 2015.

10:15 A.M.
Dr. Shawn Brooks, Probationary Interview

Dr. Affleck conducted the interview asking for an update.

Dr. Brooks states he has been unsuccessful at finding a job in Utah. He has renewed his Arkansas license and appeared before the Arkansas board informing

them of Utah's probation orders. Dr. Brooks informed the board of a job at an internal medicine clinic in Arkansas. Dr. Brooks' employer's attorney advised that Dr. Brooks need only follow the Arkansas stipulation and not the Utah stipulation.

Dr. Schaecher states Dr. Brooks should get written documentation of the legal advice given.

Dr. Howell states the board has not received therapist reports.

Dr. Brooks stated that he had requested Dr. Crookston to send the reports to the board.

Dr. Howell asks how often Dr. Brooks sees his therapist.

Dr. Brooks states he has seen Dr. Crookston steadily for almost four years and is attending AA meetings in Arkansas.

Dr. Schaecher states concerns that the board has not received any reports, there are three missed check-ins as of July, and there are no therapist reports as of March 2014.

Dr. Brooks asks if there is a required frequency to attend therapy sessions.

Dr. Schaecher states the board would need to review the therapist statement of recommended treatment.

Ms. Harry states documents that are required including: the supervisor's resume, notification of stipulation, chart review and practice plan.

An appointment was made for Dr. Brooks to meet with the Board on March 18, 2015.

10:35 A.M.
Molly Hutsinpillar, Probationary Interview

Dr. Howell conducted the interview asking how Dr. Hutsinpillar is doing.

Dr. Hutsinpillar states she was offered a job in Utah and accepted it. However, there have been issues

during credentialing. Dr. Hutsinpillar was unaware that Medicare had suspended her for a year. Dr. Hutsinpillar and IHC are working on the issue to be able to hire her.

Dr. Howell asks how Dr. Huntsinpillar's recovery is going.

Dr. Hutsinpillar states she has been seeing a therapist for 6 months and has been attending AA meeting and professional AA meetings.

Dr. Howell asks how long Dr. Hutsinpillar has been sober.

Dr. Hutsinpillar states about ten months.

Ms. Harry states all test have been negative, no missed check-ins, and all reports have been submitted.

The Board thanked Dr. Hutsinpillar for being in compliance with her Stipulation and Order.

An appointment was made for Dr. Hutsinpillar to meet with the Board on March 18, 2015.

Break 10:55-11:05 A.M.

11:05 A.M.

Dr. Mark Keep, Telephonic Probationary Interview

Dr. Schaecher conducted the interview asking how Dr. Keep is doing.

Dr. Keep states the North Carolina board will meet next week to determine if a license will be granted.

Dr. Schaecher clarifies that Dr. Keep has not been seeing patients.

Dr. Keep confirms he has only been in the clinic to learn the computer system.

Dr. Schaecher states the board has not received record review reports or therapist reports.

Dr. Keep states the office manager had informed him the reports had been sent in. Dr. Keep states his

counselor had submitted a report in December.

Dr. Schaecher states that the last therapist report was received in July of 2014.

Dr. Keep states the record reports will be easier to send in when he is in the office on a regular basis, and he will contact the therapist to submit a current report.

Dr. Schaecher clarifies that the submission of reports is Dr. Keep's responsibility. Dr. Schaecher states a \$150 fine will be implemented for failure to submit reports. The fines will continue to be applied and increased if reports are not submitted as required.

Dr. Keep states he has had difficulties fulfilling the report submission requirements through the transition.

Dr. Howell asks when Dr. Keep will know about his North Carolina license.

Dr. Keep states the board meets this week to make the decision and will send a letter.

Dr. Schaecher reminds Dr. Keep to inform Ms. Harry of his license status.

An appointment was made for Dr. Keep to meet telephonically with the board on March 18, 2015.

11:25 A.M.

Dr. Theran Adamson, Telephonic Probationary Interview

Dr. Adamson has indicated that he wishes to surrender his license and will not be coming to meet with the Board.

11:45 A.M.

Dr. Thomas Hansen, Telephonic Probationary Interview

Dr. Montgomery conducted the interview asking how Dr. Hansen how he is doing.

Dr. Hansen states he is doing well, mostly working in general surgery. Dr. Hansen states he will attend the PACE course at the end of this month.

Dr. Montgomery states the board has received all the requested reports.

Dr. Hansen thanks the board and Ms. Ellis for working

with him.

An appointment was made for Dr. Hansen to meet telephonically with the board on March 18, 2015.

12:00 P.M. – 1:00 P.M.

Lunch

1:00 P.M.

Dr. Randolph Martinez-Ferrate, Probationary Interview

Mr. Hale conducted the interview asking how Dr. Martinez-Ferrate is doing.

Dr. Martinez-Ferrate states things are going well, he is working on improving the practice.

Dr. Klimes asks if Dr. Martinez-Ferrate is still at the same practice.

Dr. Martinez-Ferrate confirms he is still at the same practice.

Mr. Hale asks about the assessment that was not submitted in January.

Dr. Martinez-Ferrate states he understood the deadline was extended. The Affiliated Monitoring evaluation will take six weeks. All required documents for the first part of the evaluation have been submitted and Affiliated Monitoring will outline the structure for the rest of the evaluation.

Dr. Schaecher asks if a local provider has been assigned from Affiliated Monitoring for Dr. Martinez-Ferrate.

Dr. Martinez-Ferrate states he is not aware of a provider having been assigned.

Dr. Schaecher states the program was accepted at the last meeting and that it is important to complete the process before the next meeting in March.

Dr. Martinez-Ferrate clarifies if he has to wait for the next board meeting to submit documents of completion of the Affiliated Monitoring.

1:20 P.M.

Dr. Matthew Andersen, Initial Probationary
Interview

Dr. Schaecher states all documents can be submitted prior to the meeting.

An appointment was made for Dr. Martinez-Ferrate to meet with the Board on March 18, 2015.

Dr. Howell conducted the interview stating the board has received the practice plan and asking Dr. Andersen how he is doing.

Dr. Andersen states he is attending meetings, and searching for a new job. There may be an opportunity at the Steinmann clinic or with a mobile barium swallow provider.

Dr. Howell asks about the clinic Dr. Andersen is interested in working at.

Dr. Andersen states it is mostly a suboxone clinic.

Dr. Howell asks if Dr. Andersen has started with Dr. Greenwood at the Steinmann clinic.

Dr. Andersen states he has not, he is waiting for approval of the practice plan that has been submitted to the board. The other plan submitted was an opportunity with a speech language pathologist with a mobile unit to various nursing homes.

Dr. Howell states concern about Dr. Andersen over extending himself.

Dr. Andersen states his goal is to obtain one position to meet the 18 hour requirement of the stipulation.

Dr. Howell asks about the Steinmann clinic opportunity.

Dr. Andersen states the he would start with one afternoon a week then leading into one full day.

Dr. Howell clarifies that Dr. Andersen doesn't have his controlled substance license at this time.

Dr. Andersen states his controlled substance license was a discussion at during his treatment. It was

recommended that with restrictions it would be reasonable to reinstate the controlled substance license.

Dr. Howell read from the report: fit to return to family and addiction medicine practice. No solo practice for at least three years. Limit ability to prescribe controlled substances to Suboxone for out patient and in patient detox medications for at least a year.

Dr. Howell states each work plan would need to be voted on and that only one of his plans would require a controlled substance license.

Dr. Andersen states the mobile barium swallow opportunity with a speech language pathologist would be five hours a week.

Dr. Schaecher asks if Dr. Andersen will be interpreting the barium swallow studies.

Dr. Andersen states the interpretation will be performed with the speech language pathologist.

Dr. Howell makes a motion to approve the practice plan for the mobile barium swallow provider. Dr. Parker seconded the motion. The board vote was unanimous.

Dr. Howell asks if Dr. Andersen feels he is ready to go back into working with suboxone and working with addiction patients.

Dr. Andersen states with supervision and slow movement into the environment he feels that he would be successful.

Dr. Howell clarifies that Dr. Andersen would be limited to prescribing suboxone and inpatient detox medication if this were approved.

Dr. Andersen states the Steinmann clinic would not include any additional prescriptions, it is limited to suboxone.

Dr. Howell states concerns that Dr. Andersen may be more focused on other peoples' recovery rather than his own.

Dr. Howell made a motion to reinstate Dr. Andersen's controlled substance license, with the restrictions of practicing no more than 8 hours a week, prescribing only buprenorphine products for out patient and any controlled drug for detox inpatient within a facility. Dr. Parker seconded the motion. Seven in favor, one opposed.

Dr. Howell made a motion to approve the Steinmann practice plan with the restrictions stated. Dr. Klimes seconded the motion. Seven in favor, one opposed.

Dr. Andersen asks for clarification of the requirement for controlled substance prescriptions to be submitted.

Ms. Harry states all copies of prescriptions will be due by the 28 of every month.

An appointment was made for Dr. Andersen to meet with the Board on March 18, 2015.

1:40 P.M.
Roy Blackburn, Probationary Interview

Dr. Schaecher conducted the interview asking Dr. Blackburn to explain why he is before the board.

Dr. Blackburn states he applied for a Utah license, and the restrictions on the Oregon license were carried over to Utah.

Dr. Schaecher reads from the stipulation. Dr. Schaecher clarifies that Dr. Blackburn does not currently have a Utah controlled substance license.

Dr. Blackburn states he doesn't have a controlled substance license.

Dr. Byrd asks about Dr. Blackburn's work and training history.

Dr. Blackburn states his experience is with internal medicine and physical medicine rehabilitation.

Dr. Byrd asks if Dr. Blackburn intends to remain in pain management.

Dr. Blackburn states it depends on the regulatory requirements set by the board.

Dr. Schaecher states the board's concern that the Oregon actions are a result of opiate and other controlled substance prescribing. And in the Oregon stipulation Dr. Blackburn was required to take a professionalism course and not a prescribing course.

Dr. Blackburn states he attended a professionalism course sponsored by cpep. It still needs to be completed by submitting an essay.

Dr. Schaecher asks why a prescribing course was not required by Oregon.

Dr. Blackburn states there were limitations placed on his Oregon controlled substance license, an amount limit was not one of the limitations.

Dr. Schaecher states the quantities that were prescribed for the cases listed are concerning.

Dr. Blackburn states those patients do not represent the practice, they were the exception. Those patients were referred to the practice on those dosage amounts.

Dr. Byrd asks about Dr. Blackburn's training in pain management.

Dr. Blackburn states he worked at Loveless Pain Clinic in New Mexico for several years.

Dr. Schaecher states he is not convinced that Dr. Blackburn is able to safely prescribe controlled substances. Dr. Schaecher suggests a prescribing course is necessary.

Dr. Blackburn states he is unable to participate in a prescribing course right now.

Dr. Byrd states that the combinations are

unprecedented and not appropriate for the practice.

Dr. Blackburn states he understands and he would change his prescribing methods.

Dr. Byrd states there are judgment problems and a lack of opioid management.

Dr. Blackburn stated these cases are extreme.

Dr. Klimes states the board likes to see a level of recognition from those on probation that they need to make some changes.

Dr. Blackburn states his plans on being more aware of the regulations.

Dr. Schaecher states the stipulation allows the board to require a prescribing program. The Board would not feel comfortable granting a controlled substance license without a prescribing course.

Dr. Blackburn asks if he finds a job that will not require the controlled substance license would he be eligible to work

Dr. Schaecher states the practice plan would need to be submitted and approved prior to starting work.

Dr. Blackburn asks if he finds a prescribing course can he submit it for board approval.

Dr. Schaecher states any prescribing course will need to be approved by the board.

An appointment was made for Dr. Blackburn to meet with the Board on March 18, 2015.

2:00 P.M.
James Miller

Mr. Miller states his acknowledgement of poor decision making in the past, leading to the surrender of his license. Mr. Miller states he has been working with an AA sponsor, attending meetings, attending Lighthouse recovery, and has been working with

Dr. Peter Byrne as recommended by Pinegrove. Mr. Miller states the purpose of meeting with the board is to report these actions to the board, to answer any questions the board may have, and to comply with any requests the board may have in order to qualify for relicensure.

Dr. Howell asks Mr. Miller if he voluntarily surrendered his license.

Mr. Miller confirms it was voluntary on December 10, 2012, for five years.

Dr. Schaecher asks what the goals of coming to the board today are.

Mr. Miller states he would like to ensure that he is complying with all requirements.

Dr. Byrd asks if there are any exceptions to voluntary surrendered licenses.

Ms. Ellis states it is unusual; occasionally a board will make an exception.

Dr. Schaecher states until there is a request before the board to respond to, it is difficult for the board to provide direction.

Dr. Byrd asks why Mr. Miller surrendered rather than go through the probation process.

Mr. Miller states that the DOPL investigator suggested surrender.

Ms. Ellis states it is common for investigators to recommend surrender.

Dr. Howell asks Mr. Miller if he felt he had to sign the surrender.

Mr. Miller states he has no regrets signing the order.

Dr. Howell recommends Mr. Miller complete the Pinegrove program.

The board thanks Mr. Miller for his time.

2:20 P.M.

Dr. David Kramer, Seeking to have the Suspension.

Dr. Schaecher reads from Dr. Kramer's order, stating requiring a fitness for duty letter, based on a full evaluation.

Dr. Kramer states due to his health he does not feel he can leave for a 12 week treatment program.

Dr. Schaecher states the board has reviewed Dr. Kramer's nurocognitive evaluation. The initial evaluation outlined significant concerns with the ability to safely practice medicine.

Dr. Howell made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-250(1)(a) to discuss the character, professional competence or physical or mental health of an individual. Mr. Hale seconded the motion. All board members voted in favor of closing the meeting. Meeting was closed at 2:56 P.M.

Dr. Howell made a motion to re-open the meeting. Dr. Affleck seconded the motion. Board vote was unanimous. Meeting opened at 3:15 P.M.

Dr. Schaecher states based on the evaluation Dr. Kramer's health is too fragile to practice. After the health concerns are addressed, he will need to address the boundary issues. The board is in agreement that Dr. Kramer is not safe to practice at this time.

Dr. Kramer asks if the health concerns are based on his current physicians or the nurocognitive evaluation.

Dr. Schaecher states the nurocognitive evaluation recommendation is to seek follow-up treatment. The board would require statements from his four specialists stating Dr. Kramer's progress.

Dr. Klimes clarifies the four step approach outlined should be followed by repeating the nurocognitive testing; after which Dr. Kramer would be required

to participate in a board approved residential professional treatment program that addresses boundary issues.

Dr. Howell states the neurocognitive evaluation raised the question of Dr. Kramer being safe to practice as he was impaired during the initial evaluation.

Dr. Kramer states he was sick during the evaluation.

Dr. Schaecher states the board's concern is that Dr. Kramer is a risk to patients and does not recognize it.

Dr. Howell states the board will not change the current suspension orders.

Dr. Byrd asks Dr. Kramer to address the boundary issue.

Dr. Kramer states it was a poor decision due to a prescription of testosterone.

Dr. Klimes states a concern that Dr. Kramer is not taking responsibility of events.

Dr. Kramer states the evaluation dose not accurately reflect him.

The board thanks Dr. Kramer for his time.

DISCUSSION ITEMS:

UMA Telemedicine / Telehealth Discussion

Ms. McOmber states the UMA wants to ensure telehealth establishes a doctor patient relationship and provides a means of follow up on testing that is prescribed. Patients need to have the ability to consult with the originating physician and copies of patient records should be available to all physicians involved in telemedicine.

Patient safety needs to be a priority. The concern is without regulations in place, the quality of care will decrease.

Dr. Schaecher states the Idaho board endorsed the FSMB telehealth guidelines as the accepted standard. Dr. Schaecher asks if the UMA has discussed accepting the FSMB guidelines.

Ms. McOmber states the UMA compared the FSMB and AMA guidelines and there are some differences in the two. The UMA merged the two in order to create the best guidelines for Utah.

Dr. Schaecher states that Idaho authorized a telehealth counsel to set the rules around telehealth in Idaho. The IMA accepted the FSMB guidelines and formulated regulations specific to Idaho including the requirement of being licensed in Idaho, which should be included in Utah standards.

Ms. McOmber agrees, requiring licensure would create an avenue of discipline if any issues arise.

Dr. Schaecher states another item of consideration is prescribing controlled substances by telehealth. Dr. Schaecher asks if the UMA has an opinion on controlled substance prescribing through telehealth.

Ms. McOmber states the UMA is cautious about telehealth prescribing. It needs to be extremely controlled and well thought out. The UMA would caution against telemedicine controlled substance prescribing at this time, until improved technology is developed.

Dr. Schaecher asks if the UMA has a position on the definition of telehealth and telemedicine.

Ms. McOmber states that there are two avenues. Telemedicine an extension of in clinic care already provided. Telehealth is considered the more formal care, with the real time interaction and with a second physician available, similar to a phone consultation.

The board is in support of efforts around defining telehealth and telemedicine.

Ms. Ellis states if the board wants regulations created it would be a process through the board.

Dr. Schaecher suggests the board review what Idaho has created and discuss telehealth at the next meeting.

FSMB Voting Delegate

Dr. Schaecher states he is planning on attending the FSMB conference and asks if any members of the board are interested in attending.

Dr. Montgomery states he is interested, but not for this year.

Dr. Schaecher states Dr. Cook may be interested in going as he went last year.

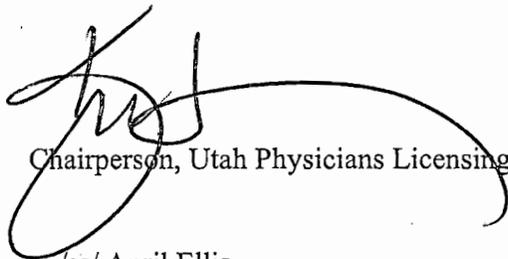
CORRESPONDENCE:

NEXT MEETING SCHEDULED FOR: March 18, 2015

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.

3/18/15
Date Approved

3/9/15
Date Approved



Chairperson, Utah Physicians Licensing Board

/ss/ April Ellis
Bureau Manager, Division of Occupational &
Professional Licensing