

**Awaiting Formal Approval
MINUTES**

**UTAH
OSTEOPATHIC PHYSICIANS
LICENSING BOARD MEETING**

December 19, 2013

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

CONVENED: 9:20 A.M.

ADJOURNED: 12:13 P.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Noël Taxin
Tammy Baker
Debbie Harry

Board Members Present:

Layne A. Hermansen, DO, Chairperson
Noel C. Nye, DO
Jacob Jessop, DO
Lynsey J. Drew, DO (10:00 am)

Board Members Absent and Excused:

Eric Pierce, Public Member

Guests:

Rebecca Concoby

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Jacob Jessop, DO, as a Board Member

Ms. Taxin conducted the swearing in of Dr. Jessop.
Board members welcomed him.

MINUTES:

The minutes from the August 8, 2013 Board meeting were read.

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

APPOINTMENTS:

9:15 am
Debbie Harry and Ms. Taxin, Compliance

Ms. Harry and Ms. Taxin reported the following

Update

Osteopathic Physicians are in compliance or out of compliance with their Stipulations and Orders:

- **Dr. Bruce Latham**

Ms. Harry stated Dr. Latham is in compliance with his Stipulation and Order.

- **Dr. Dennis Concoby**

Ms. Harry stated Dr. Concoby is in compliance. She requested the Board to ask about frequency of appointments with his therapist and to make sure that a chaperone is present with each meeting.

Ms. Taxin explained the structure of the probation files to Dr. Jessop.

- **Dr. Ernest C. Severn**

Ms. Harry stated that Dr. Severn started a new job at the Riverton Family Health Center. The Board needs to decide whether to accept the Supervising Physician and the Practice Plan.

Ms. Taxin stated that the Board needs to decide how the Supervising relationship is going to be structured since Dr. Francis is not an employee or in close vicinity to the employment facility.

- **Dr. Ronald Baird**

Dr. Baird emailed Ms. Harry the Practice Plan which was submitted to the Board. Dr. Baird will be seeing a therapist, taking the Pace Course and the Prime Course. He will be attending two support meetings a week and will have a chaperone with him at all times when treating female patients.

- **Dr. Kerry Blackham**

Ms. Taxin stated that Dr. Blackham's license is currently suspended and he has been receiving treatment at the VA. His therapist and Medical Director both provided status letters.

An evaluation from Pinegrove was also submitted. Pinegrove recommended additional intensive

treatment.

Ms. Taxin stated that Pinegrove was very direct about his therapy needs and Dr. Blackham stated he did not like how he was treated at Pinegrove. Dr. Blackham stated that he could not afford to be treated at Pinegrove and wanted to be treated at the VA, due to his veteran status. Dr. Blackham completed the 30 day, VA in-treatment program and received a supportive letter from Warren Thorley, Ph.D., Staff Psychologist.

Dr. Bauer MD, Medical Director at the VA, declined to write a Fitness for Duty letter, recommending further evaluation and treatment be conducted by professional staff in specialized program for impaired physicians.

Dr. Hermansen stated that Dr. Blackham should be required to have a Fitness for Duty letter from a physician.

9:35 am

Dr. Bruce Latham, Telephonic Probationary Interview

Dr. Hermansen conducted the telephonic interview.

Dr. Latham stated that he submitted paperwork to take the Boards. The AOA is having issues with catching up and is approximately 6 months behind.

Dr. Latham stated that there is no new news regarding the New Hampshire Board.

Dr. Hermansen informed Dr. Latham that he is in compliance with his Utah Stipulation and Order.

An appointment was made for Dr. Latham to meet again May 8, 2014.

9:55 am

Dr. Dennis Concoby, Probationary Interview

Dr. Nye conducted the interview.

Dr. Concoby and his wife, Rebecca Concoby, were present for the interview.

Dr. Concoby stated that several insurances dropped

him as a provider which makes it very difficult financially. He stated that he hired an additional employee who will also be a chaperone.

Ms. Taxin stated that his chaperone log with procedures needs to be documented more clearly stating the specific procedures.

Dr. Nye stated that the quarterly reports began two months ago and the next report is due Jan 28, 2014.

Dr. Concoby stated that after going to the Pace course he was better able to recognize boundaries. Dr. Concoby stated that he became too comfortable with attending church rather than going to meetings and he does not do that anymore; he makes sure to attend meetings in addition to church.

Dr. Concoby stated that the Pace course helped him to recognize everything that was around him and helped him to realize that he needs to forgive himself.

Dr. Hermansen asked him how his practice of medicine has changed since attending the Pace course.

Dr. Concoby stated his wife is helping him by pointing out changes that could be made and making suggestions to help him continue to be in compliance.

Ms. Concoby stated that this entire process has helped to humble Dr. Concoby. She stated from a legal standpoint it seems practical to have an additional person in the room.

Dr. Hermansen asked how Ms. Concoby is handling being her husband's chaperone.

Ms. Concoby stated that it is sometimes difficult having a dual role.

Dr. Jessop made a motion to change reporting from monthly to quarterly. Dr. Nye seconded the motion. The Board vote was unanimous.

Ms. Harry stated that the next quarterly report will be due by January 28, 2014.

An appointment was made for Dr. Concoby to meet again May 8, 2014, he is in compliance this quarter.

10:15 am

Dr. Ernest C. Severn, Probationary Interview

Dr. Nye conducted the interview.

Dr. Severn told the Board that he is now practicing at Zenith Health Clinic which is a satellite clinic for Riverton Family Health Center. He stated that he currently sees between 0-8 patients a day.

Dr. Nye asked about supervision and how the charts are being reviewed if Dr. Francis is not practicing at the same facility as Dr. Severn?

Dr. Severn submitted a Practice Plan to the Board for approval. Dr. Francis is still the supervising physician and is reviewing the charts. Dr. Thompson is randomly selecting the charts to be reviewed. The charts are faxed to Dr. Francis and they talk on the telephone weekly and meet in person monthly. Dr. Thompson and Dr. Allred are physically in the same practice as Dr. Severn.

Ms. Taxin stated that it seems more practical to have Dr. Thompson or Dr. Allred as a Supervising Physician because they are closer in proximity and owners of the practice.

Dr. Severn asked if he changed supervising physicians if they would be required to attend a board meeting.

Ms. Taxin stated that the new supervising physician could just call her to discuss the responsibilities.

Dr. Nye asked about Dr. Severn's Texas status.

Dr. Severn stated that Texas will not lift the restriction until he is practicing in Texas and he has no intention to go back to Texas so he does not

think the restriction will be released.

Dr. Nye asked if Dr. Severn is supervising any P.A.'s?

Dr. Severn stated, no.

Dr. Drew made a Motion to approve Dr. Severn's Practice Plan. Dr. Nye seconded the motion. The Board vote was unanimous.

Ms. Harry reminded Dr. Severn that his reports are due monthly.

Dr. Severn stated that he does not want to treat pain patients. He is not just fearful of the Board; there are multi-facet reasons as to why he does not want to treat pain patients, including: financial, emotional, and very time consuming.

Dr. Jessop stated that he works with pain patients and understands how difficult it is to have PCP's.

Dr. Severn asked whether early termination is possible.

Ms. Taxin stated that it can always be requested.

The Board thanked Dr. Severn.

An appointment was made for Dr. Severn to meet again on February 13, 2014.

10:35 am

Dr. Ronald Baird, Initial Probationary Interview, Dr. Terry Sellers, Proposed Supervisor and Employer Mr. Jed Price

Dr. Hermensen conducted the interview.

Dr. Terry Sellers, supervising physician and Mr. Price, employer and owner of Tree North were introduced.

Dr. Hermensen asked how Dr. Baird is doing and what insights he's gained to go forward.

Dr. Baird stated that he now knows that practicing medicine is truly a privilege and not a right. He realizes that he was not appreciating the privilege. He

has a better understanding of consent and boundaries along with the power differential between him and his staff. He now believes that those types of relationships can not be consensual; there are differences when a person is in a position of power. He stated that this has been a humbling experience.

Dr. Hermersen asked what is in place to help protect the public.

Dr. Baird stated that he had a reputation as being “one of the family” and would not set boundaries with his staff or with his patients. He now realizes that he was crossing boundaries by being that comfortable with his patients and staff. He no longer discusses his personal life and his personal feelings; he keeps conversations friendly, but generic.

Dr. Hermersen asked if this was realized through treatment.

Dr. Baird stated that, yes; the Pinegrove Professional Enhancement Program helped him recognize this along with Dr. Peter Burn, psychologist.

Dr. Baird stated that his real issue came from owning the practice and becoming too close to his staff. He stated that he was sharing personal information and having personal conversations which led to physical relationships. He stated that he will no longer share personal information with employees or patients.

Dr. Baird stated that he will begin to practice once he receives approval from the Board. A practice plan will include 100% of charts being reviewed until a Suboxone permit is obtained. Chaperones will be with Dr. Baird at all times while patients are being seen. Dr. Sellers will train and work very closely with Dr. Baird and they will be seeing patients together for an extensive period of time.

Dr. Baird stated that he will not be allowed to sit for the Boards until he is off probation.

Ms. Taxin stated that the Division and the Board

that all chaperones need to be provided with details as to why Dr. Baird needs to be chaperoned. Ms. Taxin asked that all chaperones be given her contact information.

Dr. Hermensen asked what kind of appointments will be set for the patients that Dr. Baird will be treating.

Dr. Sellers stated that a physical exam is only performed on new patients. Follow up patients will not need physicals. Dr. Sellers stated that he knows the responsibility of a supervising physician as he has supervised a pharmacist on probation.

Dr. Hermensen stated that he needs to make sure that Dr. Baird is supervised extensively. Dr. Hermensen asked Mr. Price if he has any concerns.

Mr. Price stated that he would mostly be the chaperone, but if a female is needed, they will assign a different staff member. He stated that he understands Dr. Baird's history and wants to bring him on board.

Dr. Jessop made a motion to approve Dr. Baird's practice plan. Dr. Nye seconded the motion. The Board vote was unanimous.

Dr. Nye made a motion to approve Dr. Seller's as Dr. Baird's Supervising Physician. Dr. Jessop seconded the motion. The Board vote was unanimous.

Dr. Hermensen asked if Dr. Baird is still seeing Dr. Peter Burn and what other meetings is Dr. Baird attending?

Dr. Baird stated that he is still seeing him 2 times a month and calls into Pinegrove on Monday's and Thursday's for a group meeting.

Dr. Baird stated that he has been doing the 12 step meetings for about 4 years. It went from 6 a week to

benefit.

Ms. Taxin stated that Mr. Baird should find another support group that is more beneficial.

The Board thanked Dr. Baird and reminded him to submit his reports by Jan 28, 2014.

An appointment was made for Dr. Baird to meet again on February 13, 2014.

11:30 am

Dr. Kerry A. Blackham, Probationary
Interview

Dr. Hermensen conducted the interview.

Dr. Blackham stated that he went through a rehabilitation program at the VA Medical Center.

Dr. Hermensen asked how long he's been sober.

Dr. Hermensen stated that the last time he had a drink was in September.

Dr. Hermensen asked what insights Dr. Blackham gained from treatment.

Dr. Blackham stated that he thought he needed alcohol to settle his nerves, but the program helped him to reinforce his strengths without alcohol. He stated that he is attending three AA meetings a week. Two are local meetings and one meeting is at the VA.

Dr. Blackham stated that he sees Warren Thorley once a week for counseling.

Dr. Hermensen asked how life is and what types of hobbies Dr. Blackham is participating in.

Dr. Blackham stated that fresh air and outdoors does him a lot of good. He sold his horses, but is still ice fishing.

Dr. Blackham asked what requirements were needed to go back to work.

Dr. Hermensen stated that one of the specific

recommendations is a fitness for duty letter by an approved physician that is working with Dr. Blackham.

Dr. Blackham stated he is working on getting a fitness for duty letter but cannot afford to go to Pinegrove.

Dr. Hermensen stated that if Dr. Bauer provides alternative ideas or programs, the Board and the Division are open to accepting suggestions.

Ms. Taxin stated that Dr. Blackham could discuss the possibilities with Dr. Bauer about setting up a comprehensive treatment program for him or referring him to an appropriate program.

Dr. Nye asked if anything else has been done in regards to the grief Dr. Blackham is dealing with.

Dr. Blackham stated that he spends a lot of time talking to Warren Thorley, Ph.D. about it.

Dr. Nye recommended that Dr. Blackham reads "*The Worst Loss*".

Dr. Nye stated that the number one concern of the Board is the safety of the public.

Ms. Taxin stated that Dr. Blackham is not required to meet with the Board, while suspended, but is welcome if he wants to come.

Dr. Blackham informed the Board that he is selling his practice to the hospital in Gunnison.

The Board thanked Dr. Blackham for coming.

DISCUSSION ITEMS:

FSMB 2014 Annual Meeting in Denver, CO

Ms. Taxin asked if anyone on the Board is willing or desires to go to the FSMB 2014 Annual Meeting in Denver CO.

Dr. Hermansen explained what the FSMB Annual Meeting is about and the voting processes.

Ms. Taxin asked the Board members to call Ms. Baker by the second week of January, if they are able to attend.

FSMB Board Visit, June 18, 2014

Ms. Taxin stated that FSMB will be coming to the MD Board meeting on Wednesday, June 18, 2014, and would like the DO Board to attend.

FSMB Prescribing Opioid Rule

Ms. Taxin informed the Board that the Opioid Guidelines Rule was updated to follow both the 2004 and 2013 version of the FSMB Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain and Model Policy.

Ms. Taxin stated that it would be unprofessional conduct to not abide by these prescribing guidelines.

Ms. Taxin informed the Board that the 2014-2016 Renewal cycle will require 4 hours of CME training on Prescribing Opioids.

Telemedicine Research Project

Ms. Taxin stated that Utah's Laws and Rules do not specifically address telemedicine but it has been accepted that it falls within 58-67-102(12)...by any means or instrumentally as long as the physician is licensed in Utah.

Ms. Taxin stated that the Telemedicine Research Project is to gain a better understand of the facts, current practices, and laws nationally in telemedicine.

Dr. Jessop stated that using the Media for rural areas is beneficial to the patients if they are living at least 200 miles from a provider. He stated that "Project Echo" is being used n NM and WA to treat Hepatitis patients.

Ms. Taxin let the Board know that there is a Physician's Education Fund and that the fund can be used for the research project. Ms. Taxin stated that the MD Physician's, Nursing, and Pharmacy Boards approved the research project.

The Board voiced support for the RFP research on Telemedicine

Medical Assistant Rule

Ms. Taxin informed the Board that the Rule for a Medical Assistant has been updated to state that a Medical Assistant cannot diagnose or establish a treatment plan.

Ms. Taxin stated that since the rule filing she was contacted by UCAP Medical Assistant Focus Group who is interested in more clearly defining the scope for MA's. She stated that she met with this group and that it was requested that the Board consider incorporating information from the Commission on Accreditation of Allied Health Education Programs to establish criteria that aligns with the national credentialing standard.

Ms. Taxin provided a copy of the Commission on Accreditation of Allied Health Education Programs information in addition to a list of suggested methods that would not be in the scope of practice for an MA provided by the UCAP group. She suggested the Board review the information provided and be prepared to discuss at the next Board meeting their desire to expand the rule to more clearly define the MA scope and do they want to consider including the UCAP's recommendations.

Board Member Training

Postponed until all Board Members are present.

CORRESPONDENCE:

NEXT MEETING SCHEDULED FOR:

February 13, 2014

ADJOURN:

The time is 12:13 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.

2-13-14
Date Approved

1/23/14
Date Approved



Chairperson, Utah Osteopathic Physicians Licensing Board



Bureau Manager, Division of Occupational & Professional Licensing