

MINUTES UTAH PHYSICIANS LICENSING BOARD MEETING

**MAY 18, 2023
SALT LAKE CITY, UT 84114**

CONVENED: 9:02 A.M.

ADJOURNED: 11:53 A.M.

DOPL STAFF PRESENT:

Bureau Manager: Larry Marx
Board Secretary: Allison Pulsipher
Licensing Specialist: Elizabeth Houston

Compliance Officer: Jennifer Johnson
Investigations: James Furner

BOARD MEMBERS PRESENT:

Dr. Alan Smith, MD Chairman
Dr. David Moulton, MD
Dr. David Young, Ph.D.
Dr. Susan Weit, MD
Kumar Shah, Public Member

Dr. Mark Bair, MD
Dr. Rebecca Moore, MD
Dr. Stephen Voss, MD
Dr. Craig Davis, MD Vice-chair
Dr. Brian Zehnder, MD

BOARD MEMBERS NOT PRESENT:

Dr. Peter Taillac, MD

GUESTS:

Mark Brinton, UMA
Michelle McOmber, UMA
Lilith Sant
Rusty Facer

Colleen Kuhn
Ray Alonzo, UMA
Dave Davis
Ryan T.

Note: Other guests may have been in attendance electronically but were not identified.

ADMINISTRATIVE BUSINESS:

Call Meeting to Order

Dr. Smith called the meeting to order at 9:02 am.

Read and Approve March 16, 2023 Minutes (Audio 1 – 0:05:00)

Dr. Zehnder motioned to approve the minutes as written.

Dr. Davis seconded the motion.

The Board motion passed unanimously.

APPOINTMENTS:

Investigations Update (Audio 1 – 0:05:50)

Mr. Furner gave the investigations report.

There were 24 cases opened, 46 cases closed with 1 resulting in administrative action and 2 letters of concern.

Compliance Report (Audio 1 – 0:08:30)

Ms. Johnson gave the compliance report.

Dr. Chenoweth has no missed check-ins.

Dr. Chenoweth tests have been negative.

Dr. Chenoweth reports have all been submitted on time.

There are no compliance concerns at this time.

Dr. Draschil has no missed check-ins.

Dr. Draschil has been tested twice since the last meeting.

Dr. Draschil has turned in missing reports.

Dr. Phillips has no missed check-ins.

Dr. Phillips has submitted all her reports.

Dr. Riyaz is required to complete 6 additional hours of continuing education.

Dr. Riyaz submitted a quarterly council report and letters from his psychiatrist.

Dr. Shaskey missed one check-in and completed a self-test.

Dr. Shaskey's tests were all negative.

Dr. Shaskey has submitted all reports on time.

There are no compliance concerns at this time with Dr. Allen.

Dr. Voss asked for clarification on Dr. Chenoweth's estimated end date.

Dr. Davis asked for clarification on Dr. Phillip's estimated end date.

Dr. Chad Chenoweth, probationary interview (Audio 1 – 0:20:20)

Dr. Voss started the interview with Dr. Chenoweth by asking how he is doing.

Dr. Chenoweth stated things have been going well.

Dr. Chenoweth stated he is still splitting his time between three facilities for work.

Dr. Chenoweth stated he attended the American Addiction Medicine Conference and stated he felt the conference was extremely helpful for him to attend.

Dr. Voss asked Dr. Chenoweth how he is doing juggling the work between the three jobs.

Dr. Chenoweth stated it is difficult to schedule time off and he is currently trying to work on the scheduling in that area of his life.

Mr. Marx stated a previous motion to add time to Dr. Chenoweth's order was never passed and would like the Board to discuss if the additional time should be added now.

Dr. Moulton stated that the progress Dr. Chenoweth has made would make it hard to add time now that he is compliant and doing well.

Dr. Chenoweth stated he has started to see job satisfaction in his new path in addiction medicine.

Dr. Smith stated he agrees with Dr. Moulton in the assessment of Dr. Chenoweth's professional progression.

Dr. Voss stated during the review of Dr. Chenoweth full profile the growth Dr. Chenoweth had shows his eagerness and readiness to transition into an unrestricted license.

Dr. Bair made a motion to release Dr. Chenoweth from his probationary.

Mr. Kumar seconded the motion.

The Board passed the motion unanimously.

Dr. Karen Phillips, probationary interview (Audio 1 – 0:32:10)

Dr. Davis started the interview with Dr. Phillips by asking how she is doing.

Dr. Phillips stated her father has passed away and the job opportunity she previously mentioned to the Board is moving forward.

Dr. Davis asked if the new job would need Board approval.

Dr. Phillips stated she would be doing the same procedures and keeping her same supervisor.

Dr. Davis reminded Dr. Phillips of her current end date to her probation.

Dr. Smith asked Mr. Marx for clarification regarding if Dr. Phillips new job opportunity would need Board approval.

Mr. Marx stated the Board would not need a new employment plan since Dr. Phillips would not be changing supervisors or practice procedures.

Dr. Davis stated Dr. Phillips is on track and is making great progress.

Dr. Farhaad Riyaz, probationary interview (Audio 1 – 0:36:45)

Dr. Smith asked Dr. Riyaz to explain to the Board why he is on probation.

Dr. Moore asked Dr. Riyaz about his continuing education.

Dr. Riyaz stated there are multiple states that have requested he complete addition continuing education in regard to his discipline.

Dr. Riyaz stated he is hoping to complete new continuing education courses for his Utah probation instead of repeating the courses he has taken previously before he started his Utah probation.

Mr. Marx explained to the Board the continuing education requirement in Dr. Riyaz disciplinary order.

Dr. Moore asked Dr. Riyaz about the list of continuing education courses he provided the Board.

Dr. Moore asked in any Board Members had concerns regarding the proposed listed of continuing education courses.

Dr. Smith stated he sees no issues with the proposed list.

Dr. Moore motioned to approve the proposed continuing education courses.

Dr. Bair seconded the motion.

The Board motion passed the motion unanimously.

Mr. Marx explained to the Board the additional requirements Dr. Riyaz needs to complete as his license is being transitioned from an Interstate Medical Compact License to a traditional Utah License.

Dr. David Shaskey, probationary interview (Audio 1 – 0:50:45)

Dr. Moulton started the interview with Dr. Shaskey by asking how he is doing.

Dr. Shaskey stated he is doing well.

Dr. Moulton asked Dr. Shaskey to explain what he does for work.

Dr. Shaskey stated he works full time in private practice in rheumatology and sports medicine.

Dr. Moulton asked Dr. Shaskey if he had any concerns.

Dr. Shaskey stated he is working on fixing his charts and counseling to ensure they are on time.

Dr. Moulton stated the Board would prefer scheduled interruptions instead of missed check-ins.

Dr. Moulton motioned to adjust Dr. Shaskey's meetings with the Board to quarterly.

Mr. Shah seconded the motion.

The Board passed the motion unanimously.

Dr. Jennifer Allen, probationary interview (Audio 1 – 0:57:10)

Dr. Wiet started the interview by asking Dr. Allen how she is doing.

Dr. Allen stated she is doing well and has had no changes to practice schedule.

Dr. Wiet asked Dr. Allen how commuting to Utah works for her.

Dr. Allen stated it works out well for her to have a set schedule.

Dr. Smith asked what the Board is required to do with Dr. Allen other than check-ins.

Mr. Marx explained the stipulation Dr. Allen signed and the Boards requirements.

Dr. Moulton asked for clarification regarding the practice procedures involved with Dr. Allen.

Mr. Marx clarified that on or off probation Dr. Allen practice procedures would remain the same.

Dr. Thomas Draschil, probationary interview (Audio 2 – 1:18:55)

Dr. Moulton stated he felt Dr. Draschil is lucky the Board is still meeting as he was 2 hours late to his scheduled appointment with the Board.

Dr. Smith started the interview with Dr. Draschil by asking how he is doing.

Dr. Draschil stated he has not been doing good, he has been stressed, and has been sitting in a point where things that needed to be done were not getting done.

Dr. Draschil stated he is working on turning around the issues he has been having to get things back on track and schedule.

Dr. Smith stated his concerns with Dr. Draschil stating he is going through a rough patch.

Dr. Draschil stated the stress and issues going on in his life can't affect his job and his probation, so he is working to not allow it to destabilize his work and probation.

Dr. Draschil stated his psychiatrist had recommended he address his issues with the Board and his job to ensure everyone is on the same page.

Dr. Smith asked Dr. Draschil what the Board can do to help him be successful.

Dr. Draschil stated the plan he created with Ms. Johnson is helping him get back on track with his probation and his job.

Dr. Draschil stated he is thankful the Board has been patient with him during his struggles.

Dr. Smith asked if there is anything Dr. Draschil can do to simplify his life.
Dr. Draschil stated his talk with Ms. Johnson made him realize his systems were not working for him, so he is creating new systems to simplify his life.
Dr. Young asked Dr. Draschil if he is working with his therapist to help him get through his struggles and rough spots in his life.
Dr. Draschil stated he is working with his therapist and he has increased his meeting frequency to help work through his problems.

DISCUSSION ITEMS:

FSMB UPDATE (AUDIO 2 – 0:00:05)

Dr. Zehnder started the update from the FSMB Conference.
Dr. Zehnder reviewed the topics discussed at the conference with the Board.
Mr. Shah stated he noticed there was a large diversity at the conference and it was inspiring to see.
Mr. Shah explained to the Board the new databases the different states are creating to document information.
Mr. Marx went over the new training required for the controlled substance prescribing requirements and the DEA requirements.
Dr. Zehnder stated he would like more clarification and information regarding Utah's health professionals impaired program.
Mr. Marx stated the UPHP program is modeled after Best Practices and is an independent program from the Physicians Licensing Board.
Dr. Young stated he used to be involved with the UPHP program; the processes they use are very methodical and detailed.
Ms. McOmber stated the UMA is aware of the lack of residency programs available and they are working to fix the problem in Utah.

SB 16 UPDATE (AUDIO 2 – 0:14:50)

Mr. Marx gave the Board an update regarding Senate Bill 16.
Mr. Marx has had multiple meetings to put together a certification process for those who provide transgender care to minors in Utah.
Mr. Marx stated he has more meetings set up in the upcoming to help narrow down the training.
Dr. Moulton asked for clarification as to what the multi-pathway entails.
Mr. Marx clarified the different pathways that are being created.
Dr. Moulton stated his concerns on remaining vague or open ended.
Dr. Bair asked for clarification regarding who this would be for.
Mr. Marx stated it would apply to physicians, physician assistants, and advanced practice registered nurses.
Dr. Smith stated he thinks the language should be specific to the concern and does not think there should be a pathway that avoids the continuing education.
Dr. Bair agreed with Dr. Smith and Dr. Moulton.
Dr. Bair stated there can be multiple interpretations based of the wording involving the requirements.

Dr. Moulton expressed his concern with proving the person completing the certification is competent; whether someone just participated in the training versus someone who understands and can demonstrate the appropriate skill set.

Dr. Smith stated the treatments in question are life altering so the requirements need to be clear.

Dr. Moulton stated they can suggest a clinical supervision to have someone qualified sign off that the practitioner is qualified to conduct this care.

Dr. Bair stated he does not think it is in the public's best interest to create a small certification when the people already conducting this care have years of experience.

Dr. Wiet stated she is concerned of the short time frame the Board and DOPL have been given to create a certification for a large and complex issue.

Dr. Voss suggested making the requirement the completion of a fellowship program.

Mr. Brinton explained different parts of the bill the Board seems to be overlooking and the explanation of the moratorium that is currently in place.

Mr. Brinton suggested looking at the certification recommendation for those who are currently providing the care at this time, not for those who would want to in the future.

Once the timeline has been met the Board can reassess the situation for those who want to start providing this care.

Dr. Moulton asked if the Board could mirror the training of the experts in the field that are already providing this care.

Dr. Bair reiterated his concern with the continuing education requirement and if they will accept anything else as equivalent.

CORRESPONDENCE:

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) (AUDIO 2 – 1:30:25)

Dr. Smith asked if it is possible for Mr. Marx to release that information to the practicing physicians in the state.

Mr. Marx stated he can get that information sent out.

NEXT SCHEDULED MEETING: July 20, 2023

2023 MEETING SCHEDULE:

JULY 20, SEPTEMBER 21, NOVEMBER 16

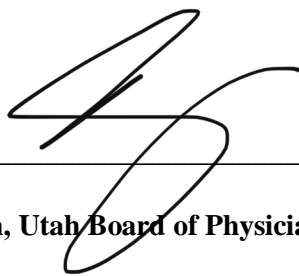
ADJOURN:

Meeting adjourned at 11:53 A.M.

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.

7/31/23

Date Approved

(ss)  _____

Chairperson, Utah Board of Physician Licensing Board

7/31/2023

Date Approved

(ss) Larry Marx _____

Bureau Manager, DOPL