

**MINUTES UTAH PHYSICIANS
LICENSING BOARD MEETING**

**NOVEMBER 16, 2023
SALT LAKE CITY, UT 84114**

CONVENED: 9:03 A.M.

ADJOURNED: 11:45 A.M.

DOPL STAFF PRESENT:

Bureau Manager: Larry Marx
Board Secretary: Allison Pulsipher

Compliance Officer: Jennifer Johnson
Investigations: James Furner

BOARD MEMBERS PRESENT:

Dr. Nicole Clark, MD
Dr. Rebecca Moore, MD
Dr. Alan Smith, MD Chairman
Dr. Stephen Voss, MD
Dr. William Hamilton, MD

Dr. Brian Zehnder, MD
Dr. Michael Chen, MD
Dr. Craig Davis, MD Vice-chair
Dr. Susan Wiet, MD

BOARD MEMBERS NOT PRESENT:

Dr. David Young, Ph.D.

GUESTS:

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 9:03 am.

Swear in New Board Members (Audio – 0:02:20)

Dr. Clark swore onto the Board.
Dr. Chen swore onto the Board.
Dr. Hamilton swore onto the Board.

The Board introduced themselves to the new members.
The new members introduced themselves to the Board.

Read and Approve September 21, 2023 Minutes (Audio – 0:08:45)

Dr. Zehnder motioned to approve the minutes as written.
Dr. Voss seconded the motion.
The Board motion passed unanimously.

UPHP Update (Audio – 0:09:15)

Mr. Marx gave the UPHP update.

APPOINTMENTS:

Investigations Update (Audio – 0:10:05)

Mr. Furner gave the investigations update.

There were 50 cases, 48 cases were closed with 1 administrative action in the previous quarter.

Mr. Marx gave the Board an update on the Notice of Agency Actions he has issued.

Compliance Report (Audio – 0:15:20)

Ms. Johnson gave the compliance report.

Dr. Draschil has no missed check-ins.

Dr. Draschil has been tested 4 times.

Ms. Johnson gave an update regarding Dr. Draschil's previous negative tests.

Ms. Johnson went over the incidents Dr. Draschil has experienced over the last few months.

Ms. Johnson also informed the Board Dr. Draschil as of October Dr. Draschil is no longer employed by Salt Lake Behavioral Health.

Dr. Smith asked how to handle the information the Board was just given.

Mr. Marx went over the options the Board has for moving forward.

Dr. Phillips has no missed check-ins.

Dr. Phillips has provided all reports.

Dr. Riyaz has completed his continuing education course previously approved.

Dr. Riyaz is missing his therapist report.

Dr. Allen has requested early termination from her probation.

Dr. Tam's probation has been extended due to lack of employment.

Dr. Tam has notified the Division of a possible job opportunity and will be meeting with the Board for approval of his practice plan and supervisor.

Ms. Johnson went over the working requirements Dr. Tam would need to meet to count the time towards his probation.

Dr. Thomas Draschil, Probationary Interview (Audio – 0:42:50)

Dr. Smith asked Dr. Draschil to introduce himself to the new Board Members.

Dr. Draschil explained why is on probation to the new members.

Dr. Draschil explained the problems he has been having recently with work and his probation with the Division.

Dr. Zehnder asked Dr. Draschil to explain how he feels about his current situation.
Dr. Draschil stated he had a rough year, but he has created more structure in his life and work to get himself back on track.
Dr. Smith asked Dr. Draschil how he is looking to fix his situation.
Dr. Draschil stated he is looking for a new job and get his probation in order.
Dr. Zehnder stated he is concerned about Dr. Draschil's compliance and his on-going trouble with his driving situation.
Dr. Smith stated his concerns about Dr. Draschil have issues with distractions in his personal life and if it is merging into his patient care.
Mr. Marx asked Dr. Draschil to keep the Division informed regarding his pending disposition.

Dr. Karen Phillips, Probationary Interview (Audio – 1:02:25)

Dr. Davis asked Dr. Phillips to introduce herself to the new Board Members.
Dr. Davis asked Dr. Phillips how she has been doing.
Dr. Phillips stated she is doing well and explained her current practice.
Dr. Davis asked Dr. Phillips if she will change her practice when she finishes her probation.
Dr. Phillips stated she does not see herself making any changes.
Dr. Davis explained to Dr. Phillips to process for early termination.
Dr. Phillips asked if the Board would recommend terminating her probation during today's meeting.
Dr. Davis motioned to terminate Dr. Phillips' probation.
Dr. Wiet seconded the motion.
The Board passed the motion unanimously.

Dr. Farhaad Riyaz, Probationary Interview (Audio – 1:10:25)

Dr. Moore started the interview with Dr. Riyaz by asking how he is doing.
Dr. Moore asked Dr. Riyaz to introduce himself to the new Board Members.
Dr. Riyaz explained the continuing education courses he has been taking.
Dr. Moore motioned to approve Dr. Riyaz continuing Education.
Dr. Davis seconded the motion.
The Board passed the motion unanimously.

Dr. Jennifer Allen, Probationary Interview (Audio – 1:16:25)

Dr. Wiet started the interview by asking Dr. Allen how she is doing.
Dr. Wiet asked Dr. Allen to introduce herself to the new Board Members.
Dr. Wiet asked Dr. Allen about her practice.
Dr. Allen explained her practice to the Board.
Dr. Allen stated her current work schedule and how it may change in the future.
Dr. Wiet motioned to terminate Dr. Allen's probation.
Dr. Davis seconded the motion.
The Board passed the motion unanimously.

Dr. Ana Bhattacharyya, Request for USMLE Sponsorship (Audio – 1:22:15)

Dr. Smith asked Dr. Bhattacharyya why she is meeting with the Board today.

Dr. Bhattacharyya gave an overview of why she is meeting with the Board.
Dr. Davis asked for a reminder of the Board's decision last time Dr. Bhattacharyya met with the Board.
Mr. Marx explained the previous decision made by the Board.
Dr. Davis asked Dr. Bhattacharyya to explain her previous attempts and the implications of cheating.
Dr. Bhattacharyya explained the previous attempts and what she has changed to ensure she passes the exam.
Dr. Smith asked Mr. Marx if there is any liability on the Board if they agree to sponsor Dr. Bhattacharyya's last attempt at the USMLE.
Mr. Marx confirmed there is no liability on the Board or Division.
Dr. Davis expressed his concerns with sponsoring Dr. Bhattacharyya.
 Dr. Wiet motioned to sponsor Dr. Bhattacharyya's additional attempt.
 Dr. Zehnder seconded the motion.
 4 Board Members voted in favor, 6 opposed the motion.
 The motion did not pass.

Dr. Stephen Jones, Reinstatement Review (Audio – 1:46:40)

Dr. Smith asked Dr. Jones to explain why he is meeting with the Board.
Dr. Jones explained his case to the Board.
Dr. Hamilton recused himself from the discussion regarding Dr. Jones.
Dr. Smith asked Mr. Marx what options the Board has moving forward with Dr. Jones.
Dr. Jones explained the recent complaints against his practice as a pain management provider.
Dr. Smith asked What Dr. Jones future plans are is his license is reinstated.
Dr. Jones stated what he intends to do if his license is reinstated.
Dr. Davis stated his opinion of reinstating Dr. Jones license.
Dr. Davis suggested requiring continuing education courses showing understanding of controlled substances and over-prescribing.
 Dr. Davis motioned to request continuing education courses concerning controlled substances before the Controlled Substance License is reinstated.
 Dr. Wiet seconded the motion.
 The Board passed the motion unanimously.

Dr. Smith motioned to reinstate Dr. Jones Physician & Surgeon license and the Controlled Substance License remain suspended until he completes the required CME.
Dr. Davis seconded the motion.
The Board passed the motion unanimously.

Dr. Martin Tam, Probationary Interview (Audio – 2:11:25)

Dr. Voss asked Dr. Tam to introduce himself to the new Board Members.
Dr. Tam explained why he is meeting with the Board.
Dr. Voss asked if Dr. Tam had completed the evaluation required by stipulation and found a therapist.

Dr. Tam stated he has completed his evaluations and continuing education courses and meets with his therapist on an as needed basis.

Dr. Voss asked Dr. Pieffer, Dr. Tam's proposed supervisor, to explain the work Dr. Tam will be completing under his supervision and at his practice.

Dr. Pieffer explained to the Board the job he offered Dr. Tam.

Dr. Voss clarified that Dr. Tam would need to work a minimum of 16 hours for this time to count towards his probation.

Dr. Smith informed Dr. Tam why he has the minimum time requirement.

Dr. Voss asked Dr. Pieffer how long his trial period working with Dr. Tam would be.

Dr. Pieffer stated he would assess how Dr. Tam is comfortable with the work and ensure he is not overwhelmed and would be willing to ensure Dr. Tam meets the minimum hour requirement.

Dr. Smith asked if the Board could accept his trial period towards his probation while he builds up to the minimum hour requirement.

Mr. Marx explained to the Board what the Division is looking for.

Dr. Hamilton motioned to accept Dr. Pieffer as Dr. Tam's supervisor.

Dr. Zehnder seconded the motion.

The Board passed the motion unanimously.

Dr. Smith motioned to accept Dr. Tam's practice plan.

Dr. Voss seconded the motion.

The Board passed the motion unanimously.

Dr. Smith motioned to accept below the minimum of hours of clinical practice required while Dr. Tam works during a trial period with Dr. Pieffer.

Dr. Voss seconded the motion.

The Board passed the motion unanimously.

Dr. Voss clarified with Dr. Pieffer which clinic Dr. Tam will be working in.

Dr. Pieffer confirmed Dr. Tam will be working in the men's clinic.

Dr. Tam asked for clarification as to what reports he will now need to submit.

Ms. Johnson explained the supervisor reports Dr. Tam will be required to submit.

DISCUSSION ITEMS:

SB 16 UPDATE (AUDIO – 2:29:30)

Mr. Marx gave the Board an update regarding SB 16.

Mr. Marx informed the certificate and form are complete and he has already approved 2 certificates.

Mr. Marx stated he does not have an update regarding the Departments of Health report.

Dr. Smith asked for clarifications regarding the certificates Mr. Marx approved.

Mr. Marx clarified the timeframe the certificates are valid.

EDUCATION FUND (AUDIO – 2:33:00)

Mr. Marx explained what the Education Fund is and what it can be used for.

Mr. Marx asked the Board to approve using some of the fund towards an Addiction Summit.

