

**MINUTES UTAH PHYSICIANS
LICENSING BOARD MEETING**

**JANRUARY 18, 2024
SALT LAKE CITY, UT 84114**

CONVENED: 9:02 A.M.

ADJOURNED: 1:14 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Larry Marx
Board Secretary: Allison Pulsipher
Compliance Officer: Jennifer Johnson

CSD: Jeff Henrie
Investigations: James Furner

BOARD MEMBERS PRESENT:

Dr. Rebecca Moore, MD
Dr. Alan Smith, MD Chairman
Dr. Michael Chen, MD
Dr. Susan Wiet, MD
Dr. William Hamilton, MD
Dr. Stephen Voss, MD

Dr. Brian Zehnder, MD
Wade Eyerly
Dr. David Young, Ph.D.
Dr. Craig Davis, MD Vice-chair

BOARD MEMBERS NOT PRESENT:

Dr. Nicole Clark, MD

GUESTS:

Dr. Wan-Lin Horng, MD
Claudia Ponce
Dr. Bradley Katz.
Katie Mensell

Chelsey Phippen
Michelle McOmber
Christian Hess

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 November 16, 2023 Minutes (Audio 1 – 0:03:50)

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

Board Chair/Vice-Chair Vote (Audio 1 – 0:04:25)

Dr. Davis motioned for Dr. Smith to remain Board Chair.
Dr. Zehnder seconded the motion.

The motion passed unanimously.

Dr. Hamilton motioned for Dr. Davis to remain Board Vice-Chair.

Dr. Zehnder seconded the motion.

The motion passed unanimously.

Open and Public Meeting Act (Audio 1 – 0:06:25)

Mr. Marx gave the Open and Public Meeting Act Review.

Swear in New Board Members (Audio 1 – 0:07:10)

The Board introduced themselves to the new member.

Mr. Eyerly introduced himself to the Board.

Mr. Eyerly swore onto the Board.

CSD Update (Audio 1 – 0:11:35)

Mr. Henrie introduced himself to the new Board Members.

Mr. Henrie gave the CSD Update and different changes they have made.

Mr. Henri informed the CSD has received a grant to update the CSD and the timeline to complete that update.

Mr. Henrie asked the Board if they thought some possible updates would be useful to add to the database.

Dr. Moore asked if patient-matching is a problem the database is experiencing.

Mr. Henrie informed the Board it is a slight issue and stated they are matching information other states are already collecting.

Dr. Davis informed Mr. Henrie of his biggest issue with the CSD.

APPOINTMENTS:

Investigations Update (Audio 1– 0:21:00)

Mr. Furner gave the investigations update.

There were 234 cases opened and 191 cases closed in 2023.

Dr. Hamilton asked how most of the complaints come in.

Mr. Furner informed the Board that most complaints come from the public.

Dr. Zehnder asked why most cases are deemed “Unfounded”.

Mr. Furner explained to the Board why he sees cases classified as “Unfounded”.

Compliance Report (Audio 1– 0:29:30)

Ms. Johnson stated in the interest of time she will give the compliance report before each probationers interview with the Board.

Dr. Thomas Draschil, Probationary Interview (Audio 1– 0:31:25)

Ms. Johnson gave the compliance report for Dr. Draschil.

Dr. Draschil is currently not employed in the medical field.

Dr. Draschil has had no missed check-ins.

Dr. Zehnder started Dr. Draschil's interview by asking how he is doing.
Dr. Draschil informed the Board he is currently looking for work.
Dr. Zehnder asked Dr. Draschil to explain his upcoming court appearances.
Dr. Draschil informed the Board who he thinks the cases will go.

Dr. David Shaskey, Probationary Interview (Audio 1– 0:37:50)

Ms. Johnson gave the compliance report for Dr. Shaskey.
Dr. Shaskey has had no missed check-in and all negative tests.
Ms. Johnson asked the Board to determine if Dr. Shaskey would need to continue his counseling.

Dr. Davis started Dr. Shaskey's interview by asking how he was doing.
Dr. Shaskey stated he is great and gave an update on his practice.
Dr. Shaskey stated he has been utilizing his probation to optimize not only his practice but his personal life.
Dr. Davis how often he sees his psychiatrist.
Dr. Shaskey informed the Board how often he meets with his psychiatrist.
Dr. Davis stated he does not see the need to add any additional requirements if Dr. Shaskey continues his meetings with his psychiatrist.

Dr. Jeffrey Gross, Probationary Interview (Audio 1– 0:48:40)

Ms. Johnson gave the compliance report to Dr. Gross.
Dr. Gross has submitted documentation regarding his California Order and Malpractice Case.

Dr. Smith started Dr. Gross' interview by asking how he was doing.
Dr. Gross gave an overview of his current practice.
Dr. Gross stated he is still working through his community service hours, but all other requirements are complete.
Dr. Smith asked Dr. Gross about his other state licenses.
Dr. Gross informed the Board of his issues with California.
Dr. Smith asked what the board should be looking for regarding Dr. Gross' compliance.
Mr. Marx stated the Board's main concern is that he remains in compliance with the other state discipline.

Dr. Martin Tam, Probationary Interview (Audio 1– 0:53:50)

Ms. Johnson gave the compliance report for Dr. Tam.
Dr. Tam is currently working about 5 hours per week with his new employer.

Dr. Voss started Dr. Tam's interview by asking for an update regarding his employment status.
Dr. Tam stated he is currently only working one day a week as he eases back into active practice and has great support from his supervisor.
Dr. Tam stated he anticipates increasing his working hours soon and will bring up the increase with his employer.

Dr. Patrick Slater, Initial Probationary Interview (Audio 2– 0:00:05)

Ms. Johnson gave the compliance report for Dr. Slater.
Ms. Johnson gave an overview of Dr. Slater’s Public Reprimand.

Dr. Smith asked Dr. Slater if he wanted to give a summary of his situation.
Dr. Slater gave the Board an overview of why he is meeting with the Board.
Dr. Smith asked Dr. Slater where he is currently licensed and what compliance those states require.
Dr. Slater informed the Board where he is licensed and what requirements he needs to meet with those states.
Dr. Smith asked Dr. Slater to explain his current practice.
Dr. Slater gave the Board an overview of his current practice.
Ms. Johnson informed the Board they need to determine a meeting schedule.
Dr. Smith stated the Board should plan to meet with Dr. Slater in May.
Dr. Hamilton asked Dr. Slater if he was still conducting surgeries.
Dr. Slater stated he is doing limited surgeries and working to increase the type of surgeries he conducts.

Dr. Sean Ponce, Initial Probationary Interview (Audio 2– 0:12:10)

Ms. Johnson gave the compliance report for Dr. Ponce.
Ms. Johnson gave an overview of Dr. Ponce’s Stipulation and Order.
Ms. Johnson informed the Board of Dr. Ponce’s conditionally approved supervisor and practice plan and the Board would need to determine if they are approving them today.
Ms. Johnson asked the Board for guidance on report schedules, board recommendation, and Board meeting schedule.
Dr. Hamilton asked about the permanent bar from prescribing controlled substances.
Mr. Marx confirmed the bar from prescribing controlled substances was enacted by the DEA and what that entails.

Dr. Smith asked Dr. Ponce to give an overview of his situation.
Dr. Ponce explained to the Board his situation and why he is meeting with the Board today.
Dr. Ponce informed the Board of his recent employment search and his current employment.
Dr. Young asked Dr. Ponce what questions he had for the Board or regarding his requirements.
Dr. Ponce asked for clarification regarding what continuing education he should be looking for.
Dr. Young asked for clarification regarding Dr. Ponce practice.
Dr. Davis asked Dr. Ponce if he is utilizing any in-office sedation in his practice.
Dr. Ponce indicated he is not using in-office sedation.
Dr. Davis asked for more information regarding Dr. Ponce training to do the procedures he will be doing in his practice.
Dr. Ponce explained the different training he has completed.
Dr. Hamilton asked if he had an in-person provider to supervise him.

Dr. Ponce stated he did not have an in-person provider to supervise his practice.
Dr. Davis stated he has concerns regarding Dr. Ponce not having a provider available for in-person assistance.

Dr. Hamilton asked if Dr. Ponce has a procedure set in place if a patient needs escalated care.

Dr. Ponce informed the Board of his plan.

Dr. Davis asked if it would be possible to require Dr. Ponce to have an in-person supervisor for his surgical procedures.

Dr. Hamilton motioned to accept Dr. Ponce Practice Plan.

Dr. Wiet seconded the motion.

The Board passed the motion.

Dr. Davis and Dr. Moore expressed their concerns.

Dr. Smith suggested having Dr. Horng write a statement for the Board regarding her observations watching Dr. Ponce completing the procedures.

Mr. Marx stated the Division would feel more comfortable with Dr. Ponce finding a local provider to aid in his supervision when needed.

Dr. Horng joined the meeting via phone call.

Dr. Horng explained the training she completed with Dr. Ponce to prepare him for completing this procedure.

Dr. Voss stated he thought it would be best for Dr. Ponce to find a local supervisor.

Dr. Hamilton motioned to approve Dr. Horng as Dr. Ponce supervisor and recommend Dr. Ponce finds a local secondary supervisor.

Dr. Wiet seconded the motion.

The Board passed the motion.

Dr. Young recommended having Dr. Ponce employer reports be due on the same frequency as the supervisor reports.

Dr. Hamilton motioned to have Dr. Ponce employer reports be due monthly.

Dr. Voss seconded the motion.

The Board motion passed unanimously.

Mr. Marx went over the continuing education requirements Dr. Ponce must complete.

Dr. Ponce asked for Board and Division input to find courses to fulfill his requirements.

Mr. Marx stated he can provide Dr. Ponce with different course options.

Dr. Davis requested Dr. Ponce have an updated ACLS certification to aid with the procedures he is completing.

Dr. Young motioned to approve Dr. Ponce in compliance with his probation.

Dr. Hamilton seconded the motion.

The Board passed the motion unanimously.

Dr. William Cimikoski, Initial Probationary Interview (Audio 2– 1:19:20)

Ms. Johnson gave the compliance report for Dr. Cimikoski

Ms. Johnson went over Dr. Cimikoski's Stipulation and Order.

Dr. Cimikoski gave an overview of his situation and why he is meeting with the Board today.

Dr. Moore asked Dr. Cimikoski to explain his practice plan.

Dr. Cimikoski explained how he has written his practice plan who he considers to be “qualified provider”.

Dr. Moore asked the Board if they have any concerns regarding the practice plan.

Dr. Smith asked Dr. Cimikoski to explain his training, specialty, and practice.

Dr. Cimikoski explained his different training and his practice.

Dr. Smith asked Mr. Marx if he had further clarification regarding the investigation of Dr. Cimikoski’s case.

Mr. Marx gave more information regarding the investigation.

Dr. Davis asked for clarification regarding Dr. Cimikoski’s supervisor.

Mr. Marx stated Dr. Cimikoski is not required to have a supervisor.

Dr. Hamilton asked Dr. Cimikoski to clarify his certifications.

Dr. Cimikoski confirmed he is not Board Certified for the procedures he does, but is Board eligible for different specialties.

Mr. Marx asked Dr. Cimikoski to clarify his ketamine use.

Dr. Cimikoski clarified how he utilizes ketamine in his clinic.

Dr. Davis asked Dr. Cimikoski if he was aware of the current state requirement for ketamine use.

Dr. Cimikoski stated he was not aware of the requirement.

Dr. Cimikoski asked for assistance regarding his continuing education requirements.

Ms. Pulsipher clarified what information she sent Dr. Cimikoski regarding continuing education requirements.

Mr. Marx clarified what is required and different places he could find courses that will fulfill his requirements.

Dr. Young asked if there is a continuing education requirement for maintaining knowledge of current laws and rules in Utah.

Mr. Marx stated that is not a current requirement for physicians.

Dr. Young stated he feels Dr. Cimikoski’s practice plan is missing key details that would make him feel comfortable approving the plan.

Mr. Eyerly motioned to reject the practice plan as written and require a new plan to be submitted before the next meeting.

Dr. Hamilton seconded the motion.

The Board passed the motion unanimously.

Dr Young motioned to require Dr. Cimikoski to review the relative Utah Laws and Rules.

Dr. Moore seconded the motion.

The Board motion passed unanimously.

DISCUSSION ITEMS:

FSMB ANNUAL MEETING (AUDIO 2– 2:18:40)

Dr. Smith informed the Board has one additional available spot for a Board Member to attend.

Mr. Marx confirmed that Dr. Smith and Mr. Steinagel have confirmed they will be going for the Physicians Board.

Mr. Marx stated he can speak with the Division to see if additional funds could be provided to send an additional member.

DISCIPLINARY ACTION DISCUSSION (AUDIO 2– 2:24:55)

Mr. Marx discussed the different disciplinary actions he has been taking lately.
Mr. Marx explained the different way he has been handling the disciplinary actions to streamline the process for the Board.

LICENTIATE OF THE MEDICAL COUNCIL OF CANADA, LMCC, EXAM (AUDIO 2– 2:27:15)

Ms. Pulsipher explained a current situation that has arisen an applicant who is missing LMCC Part 2. When the applicant was eligible to take the exam it was not offered due to the COVID-19 crisis and the LMCC Part 2 is no longer offered as the exam has been rewritten into a one-part exam.

Dr. Smith motioned to accept the LMCC Part 1 Exam on a case-by-case basis.

Dr. Hamilton seconded the motion.

The Board passed the motion unanimously.

OPLR OPTOMETRY LASER PRIVILEGES REPORT (AUDIO 2– 2:34:40)

Mr. Marx explained the purpose of OPLR and the report they recently released.

Dr. Hamilton informed the Board of the discussion he had Jeff Shumway, OPRL, regarding his report.

Dr. Katz expressed his concerns with OPRL's report.

Dr. Smith asked how the Board should move forward.

Mr. Marx stated the Board could provide advisement on this issue and could make a motion to make their opinion known.

Dr. Voss made a motion to provide a letter stating their opposition.

Dr. Davis seconded the motion.

The Board passed the motion.

Mr. Eyerly informed the Board he voted against the motion, as he would prefer the Board to provide the steps towards learning this new skill.

CORRESPONDENCE:

NEXT SCHEDULED MEETING: MARCH 21, 2024


2024 MEETING SCHEDULE:


MARCH 21, MAY 16, JULY 18, SEPTEMBER 19, NOVEMBER 21

ADJOURN:

Meeting adjourned at 1:14 P.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.

3/21/2024 (ss) 
Date Approved **Chairperson, Utah Board of Physician Licensing Board**

3/21/2024 (ss) 
Date Approved **Bureau Manager, DOPL**