

# **MINUTES UTAH PHYSICIANS LICENSING BOARD MEETING**

**MARCH 21, 2024  
SALT LAKE CITY, UT 84114**

CONVENED: 9:02 A.M.

ADJOURNED: 11:58 P.M.

## **DOPL STAFF PRESENT:**

Bureau Manager: Larry Marx  
Board Secretary: Allison Pulsipher

Compliance Officer: Jennifer Johnson  
Investigations: James Furner

## **BOARD MEMBERS PRESENT:**

Dr. Rebecca Moore, MD  
Dr. Alan Smith, MD Chairman  
Dr. Michael Chen, MD  
Dr. David Young, Ph.D.  
Dr. Nicole Clark, MD  
Dr. Stephen Voss, MD

Dr. Brian Zehnder, MD  
Wade Eyerly  
Dr. Susan Wiet, MD  
Dr. William Hamilton, MD

## **BOARD MEMBERS NOT PRESENT:**

Dr. Craig Davis, MD Vice-chair

## **GUESTS:**

Breanna Stoll, University of Utah  
Melanie Powell, University of Utah  
Sharee Bracken, University of Utah  
Danika Rogers, University of Utah  
Rey Alonzo, UMA

Katie Carreau, University of Utah  
Mark Harris, MD  
Thomas Miller, MD  
Jeff Carter

**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 January 18, 2024 Minutes (Audio – 0:02:45)**

Dr. Zehnder motioned to approve the minutes as written.

Dr. Hamilton seconded the motion.

The Board motion passed unanimously.

## **APPOINTMENTS:**

### **Investigations Update (Audio – 0:03:30)**

Mr. Furner gave the investigations update.

There were 62 cases opened and 93 cases closed since the start of the year.

Dr. Hamilton asked for clarification of ‘lack of evidence’ or ‘unfounded’ cases and who is typically filing them.

Mr. Furner explained how a case is classified and ‘lack of evidence’ or ‘unfounded’ and who typically submits those complaints.

Dr. Zehnder asked if Mr. Furner had an estimate of how many complaints are submitted from patients versus others.

Mr. Furner stated about 80% of complaints come from patients.

Mr. Furner went over the administrative actions.

### **Compliance Report (Audio – 0:10:05)**

Ms. Johnson gave the compliance update.

Dr. Draschil is currently not employed.

Dr. Draschil had one missed check-in.

Ms. Johnson went over Dr. Draschil’s therapy reports.

Dr. Tam has turned in all reports.

Dr. Ponce has turned in all reports.

Dr. Ponce was given CE courses but has not confirmed any courses have been completed.

Dr. Cimikoski has rewritten and resubmitted his practice plan.

Dr. Cimikoski has completed some of his required CE’s.

Ms. Johnson informed the Board she is not monitoring Dr Aune and all questions will need to be directed to Mr. Marx.

### **Dr. Thomas Draschil, Probationary Interview (Audio – 0:30:15)**

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

Dr. Draschil stated he has had better months and explained what he has been going through.

Dr. Draschil explained a new case that he is involved in.

Dr. Zehnder asked Dr. Draschil about his lack of counselling with his therapist.

Dr. Draschil informed the Board why he is not meeting with his therapist.

Dr. Draschil informed the Board he has been thinking about his future and is concerned he may not be able to practice Psychiatry.

Dr. Smith asked how the Board should proceed with Dr. Draschil’s probation.

Mr. Marx informed the Board they can make any recommendations they think are appropriate and Dr. Draschil’s probationary time will be tolling.

Ms. Johnson asked the Board how they would like to handle Dr. Draschil’s therapy reports and requirements.

Dr. Smith recommended that the Board not require the therapist reports while Dr. Draschil is not working.

**Dr. Martin Tam, Probationary Interview (Audio – 0:45:15)**

Dr. Voss started the interview with Dr. Tam by asking how he was doing.

Dr. Tam stated he has been doing well.

Dr. Voss asked for an update regarding Dr. Tam's work status and current hours.

Dr. Tam informed the Board of the number of hours he is working and stated he is currently looking into childcare to allow for more hours.

Dr. Smith asked if Dr. Tam's time is tolling because he is not working a full set of hours or if this time counts towards his probation.

Ms. Johnson informed the Board of status of Dr. Tam's probation and asked if the Board would like to make any adjustments.

Dr. Voss stated Dr. Tam needs to work on progressing to the minimum hour requirement.

**Dr. Sean Ponce, Probationary Interview (Audio – 0:54:15)**

Dr. Young started the interview with Dr. Ponce by asking how he is doing.

Dr. Ponce stated his work has been going well and he speaks with his supervisor often.

Dr. Young asked Dr. Ponce about his employer reports and his controlled substance management.

Dr. Ponce confirmed he has not be practicing with controlled substances and would speak with his employer to ensure the reports are accurate.

Dr. Young asked Dr. Ponce about his continuing education.

Dr. Ponce asked for clarification on how many hours he needed and stated he has found a few courses that should be useful for him.

Dr. Young motioned to accept Dr. Ponce in compliance with his probation today.

Dr. Voss seconded the motions.

The Board passed the motion unanimously.

**Dr. William Cimikoski, Probationary Interview (Audio – 0:58:45)**

Dr. Moore started the interview with Dr. Cimikoski by asking how is doing.

Dr. Cimikoski stated he is doing well.

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

Dr. Cimikoski informed the Board that he created a new detailed practice plan and summarized the information he provided.

Dr. Hamilton asked Dr. Cimikoski if he has someone available to manage the airway while a procedure is being conducted.

Dr. Cimikoski confirmed he does have someone available dedicated to the management of patient airways.

Mr. Marx asked where Dr. Cimikoski received his training for liposuction.

Dr. Cimikoski informed the Board of his training.

Dr. Moore explained her concerns with Dr. Cimikoski's training.

Dr. Smith informed the Board of his concerns.

Dr. Cimikoski explained to the Board how he presents himself to patients.

Dr. Hamilton asked if Dr. Cimikoski has ever had to transfer a patient and if he current has privileges that would allow him to transfer the patient to a hospital.

Dr. Cimikoski stated he has never had to transfer a patient and does not have hospital privileges but has a plan in place in case he does need to transfer a patient.  
Dr. Smith asked if Dr. Cimikoski has any chart review or supervision requirements.  
Ms. Johnson informed the Board that he does not, and there are no reports coming into the Division regarding Dr. Cimikoski's practice.  
Dr. Voss expressed his concerns with Dr. Cimikoski's practice.  
Dr. Moore asked what the Board should be deciding today.  
Ms. Johnson informed the Board what she is looking for today.  
Dr. Zehnder recommended Dr. Cimikoski revise his practice plan and practice standards to ensure his stipulation is being followed and met.  
Dr. Smith asked if there was a way to include a supervisor on Dr. Cimikoski stipulation to require a chart review and oversight to his practice.  
Dr. Smith asked Dr. Cimikoski revise his practice plan and resubmit the plan to the Board.  
Dr. Young asked for clarification regarding the continuing education requirements and what was provided.  
Ms. Johnson informed the Board if they do not feel the courses completed and submitted by Dr. Cimikoski fulfil his stipulation requirement, they may request he complete new courses.  
Dr. Smith asked Dr. Cimikoski to submit the ethic courses he took for the Board to review.

**Dr. David Aune, Initial Probationary Interview (Audio – 1:46:50)**

Dr. Hamilton introduced himself to Dr. Aune.  
Dr. Hamilton asked Dr. Aune about his probation and current practice.  
Dr. Aune stated he is not currently practicing, does not currently have a supervisor, and stated he has not completed paying his fine.  
Dr. Hamilton asked Dr. Aune about his Fitness for Duty evaluation.  
Dr. Aune stated he has found a psychologist to provide the evaluation.  
Mr. Marx informed Dr. Aune that the psychologist will need to be approved by the Division.  
Dr. Hamilton asked Dr. Aune about the cases involved in his stipulation.  
Dr. Aune informed the Board why he failed to respond to the administrative actions from the Division.  
Dr. Hamilton asked Dr. Aune to explain what he has learned so far through this process and what he is doing to improve his practice.  
Dr. Aune stated he has been looking to obtain a counselor and has been completing self-studies.  
Dr. Smith asked Dr. Aune to describe his medical specialty and practice.  
Dr. Aune informed the Board of his medical specialty and his practice.  
Dr. Aune explained the different paths he is looking into while he continues to deal with his legal issues.  
Dr. Hamilton proposed the Board meet with Dr. Aune during the next meeting.  
Dr. Smith reminded Dr. Aune the things he needs to complete and bring to the Board in order to comply with his stipulation.

## **DISCUSSION ITEMS:**

### **RESIDENCY AND FELLOWSHIPS (AUDIO – 1:59:55)**

Dr. Smith invited the University of Utah to join the discussion regarding residencies and fellowships.

Ms. Carreau, University of Utah, informed the Board that the University of Utah GME Office has questions regarding evaluating the credentials of foreign trained fellows.

Dr. Miller, University of Utah, asked the Board how the Physician Educator Licenses will change due to new legislation.

Mr. Marx informed the Board what the Physician Educator license has allowed and how HB 58 may adjust this license type.

Dr. Harris, University of Utah, informed the Board the University of Utah is not going to have the manpower to conduct reviews for international education.

Ms. Stoll, University of Utah, clarified the University of Utah is also looking for guidance on if an accredited fellowship could be accepted for the 24-month accredited residency.

Mr. Marx informed the Board what the Division currently looks for when processing applications.

Dr. Clark informed the Board of what Canada has already started doing and asked anyone has thought to use that as a starting point.

Dr. Smith expressed his concern regarding the Board not having the expertise to confirm the international training is substantially similar to what is currently required.

Mr. Marx informed the Board the Division would like the Board to determine if an accredited fellowship can be utilized in place of an accredited 24-months residency.

Dr. Hamilton informed the Board of his opinion regarding residencies and fellowships.

Mr. Marx informed the Board how this would affect licensing.

Dr. Clark clarified that the issues discussed are two separate issues and would need two separate solutions.

Dr. Hamilton motioned to accept an accredited fellowship in place of an accredited residency during the licensure process.

Dr. Moore seconded the motion.

The Board passed the motion unanimously.

### **LEGISLATION REVIEW (AUDIO – 0:22:10)**

Mr. Marx went over HB 58 with the Board.

Mr. Marx explained the changes this bill will make to licensing and explained the help the Division will need from the Board.

Mr. Marx explained HB 534 and how it will affect the medical board.

Dr. Clark asked how HB 58 will affect the profession as many hospitals require Board Certification or Board Eligibility for employment.

Dr. Hamilton stated those requirements are hospital specific and could be different for smaller clinics.

Dr. Wiet asked if there has been research done regarding the need for this change.

Mr. Marx informed the Board of a survey that was conducted by Workforce Services.

## CORRESPONDENCE:

**NEXT SCHEDULED MEETING:        MAY 16, 2024**



## **2024 MEETING SCHEDULE:**

MAY 16, JULY 18, SEPTEMBER 19, NOVEMBER 21

## **ADJOURN:**

**Meeting adjourned at 11:58 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.

<u>5-16-24</u>	(ss) <u></u>
<b>Date Approved</b>	<b>Chairperson, Utah Board of Physician Licensing Board</b>
<u>5/16/2024</u>	(ss) <u></u>
<b>Date Approved</b>	<b>Bureau Manager, DOPL</b>