

**MINUTES UTAH PHYSICIANS
LICENSING BOARD MEETING**

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

CONVENED: 9:03 A.M.

ADJOURNED: 11:09 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Larry Marx
Bureau Manager: Lisa Martin
Bureau Manager: Jim Garfield
Board Secretary: Allison Pulsipher

Compliance Officer: Jennifer Johnson
Investigations: James Furner
ITAC: Lauren Beheshti

BOARD MEMBERS PRESENT:

Dr. Stephen Voss, MD
Dr. Susan Wiet, MD
Dr. Nicole Clark, MD
Dr. Michael Chen, MD

Wade Eyerly, Public Member
Dr. David Young, Ph.D.
Dr. William Hamilton, MD

BOARD MEMBERS NOT PRESENT:

Dr. Craig Davis, MD Vice-chair
Dr. Alan Smith, MD Chairman

Dr. Rebecca Moore, MD
Dr. Brian Zehnder, MD

GUESTS:

Rey Alonzo, UMA
Dave Davis, Utah Retail Merchants
Association

Representative Ray Ward
Sondra Davis
Courtney Kochevar

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

ADMINISTRATIVE BUSINESS:

Call Meeting to Order

Dr. Hamilton called the meeting to order at 9:03 am.

Read and Approve May 16, 2024 Minutes (Audio – 0:25:00)

Dr. Clark motioned to approve the minutes as written.

Dr. Voss seconded the motion.

The Board motion passed unanimously.

DISCUSSION ITEMS:

THERAPEUTICALLY SIMILAR MEDICATIONS

Representative Ray Ward (Audio – 0:03:15)

Representative Ray Ward gave the Board an overview of HB 132 and informed the Board of the importance of creating this list.

Dr. Voss asked who decides which medications are similar and equivalent.

Representative Ward explained how this list would be created and agreed upon.

Dr. Hamilton asked what the Board needs to accomplish today.

Representative Ward stated he was hoping to just clarify what is needed today and find someone willing to help work on these lists.

Mr. Marx informed the Board of the lists they were able to obtain with the help of the University of Utah.

Ms. Martin informed the Board what the Pharmacy Board would like to focus on first then move towards other medications.

Pharmacy Board Questions (Audio - 0:25:50)

Ms. Pulsipher informed the Board of some questions the Board of Pharmacy had.

Ms. Pulsipher asked the Board how a pharmacist should inform a provider the medication has been substituted.

The Board agreed that if the provider has already opted-in to the therapeutically similar medications there would not be a need to communicate a substitution has been made.

ALTERNATE LICENSING MODELS (AUDIO – 0:28:40)

FSMB Symposium Review

Dr. Hamilton gave the Board an overview of what he learned from the FSMB Alternate Licensing Models Symposium.

Ms. Beheshti informed the Board the progress of the ITAC Team and how that compares to other state Boards.

IMG Meeting: New York

Ms. Beheshti informed the Board of the meeting she will be attending for Project IMG.

Mr. Marx informed the Board it would be beneficial to send a Board Member to attend the meeting with Ms. Beheshti.

UPHP UPDATE

This discussion was postponed to the September meeting.

Investigations Update (Audio – 0:43:48)

Mr. Furner gave the investigations update.

There were 166 cases opened and 151 cases closed since the start of the year.

Dr. Hamilton asked for clarification regarding unlicensed practice.

Mr. Furner informed the Board what he sees when he investigates someone for unlicensed practice.

Compliance Report (Audio – 0:47:48, Audio - 0:54:00, Audio – 59:20, Audio - 1:08:10, Audio – 1:15:45)

Ms. Johnson gave the compliance update.

Dr. Tam submitted all reports.

Dr. Gross has completed all requirements included within his stipulation.

Dr. Gross has submitted a request for early release from his probation.

Dr. Aune is on a default order.

Dr. Aune does not currently have a supervisor and needs to complete a Fitness for Duty Evaluation before he can request to resume practice.

Ms. Johnson reviewed Dr. Potthoff's Stipulation and Order with the Board.

Dr. Potthoff has completed continuing education and has submitted them for review.

Dr. Cimikoski has not made a new payment towards his fine.

Ms. Johnson informed the Board Dr. Cimikoski submitted additional information the morning of the meeting. This information was not provided to the Board.

Dr. Hamilton asked if Dr. Cimikoski has provided documentation of his previous education as request by the Board during the May Meeting.

Ms. Johnson and Mr. Marx confirmed he has not provided the documentation.

Dr. Voss asked what the Board could do if he continues to remain non-compliant.

Mr. Marx informed the Board what option they have if he remains non-compliant.

Ms. Johnson informed the Board what information she provided to Dr. Cimikoski at the start of his probation.

Ms. Johnson informed the Board what will need to be provided for the Board to approve Dr. Cimikoski's supervisor.

APPOINTMENTS:

Dr. Martin Tam, Probationary Interview (Audio – 0:49:40)

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

Dr. Tam stated there have been no changes to his practice and he is still working to increase his practice hours.

Dr. Tam reminded the Board of his current practice hours.

Dr. Tam asked the Board if he can be excused from the next meeting as he will be traveling internationally.

The Board agreed

Dr. Voss motioned to accept Dr. Tam in compliance with his probation.

Dr. Clark seconded the motion.

The Board passed the motion unanimously.

Dr. Jeffrey Gross, Probationary Interview (Audio – 0:55:28)

Dr. Young started the interview reviewing Dr. Gross's request with the Board.

Dr. Gross informed the Board he has maintained his community service even after his probationary requirement has ended.

Dr. Young motioned to accept Dr. Gross request for early termination of his probation.

Dr. Voss seconded the motion.

The Board motion passed unanimously.

Mr. Marx informed the Board he will remain on probation until he receives his release order.

Dr. David Aune, Probationary Interview (Audio – 1:01:25)

Dr. Hamilton started the interview with Dr. Aune by asking how he is doing.
Dr. Aune stated he is doing well and there have been no changes to his employment.
Dr. Aune informed the Board why he has not completed his Fitness for Duty Evaluation or paid his fine.
Dr. Aune stated he is planning to volunteer for the next year while he handles his personal concerns.

Dr. Hamilton motioned for Dr. Aune is not in compliance with his probation.
Dr. Clark seconded the motion.
The Board motion passed unanimously.

Dr. Troy Potthoff, Initial Probationary Interview (Audio – 1:09:30)

Dr. Clark started the interview by asking how he is doing.
Dr. Potthoff stated he is well.
Dr. Clark asked for clarification regarding Dr. Potthoff's continuing education.
Dr. Potthoff clarified the course submitted and informed the Board he has is looking for a course regarding medical record keeping.
Dr. Potthoff asked how often the Board would like to meet with him.

Dr. Clark motioned to find Dr. Potthoff in compliance with his stipulation.
Dr. Chen seconded the motion.
The Board motion passed unanimously.

Mr. Marx stated he will provide Dr. Potthoff with continuing education for record keeping and suggested he meets with the Board again November.

Dr. Preston Ward, Initial Probationary Interview

Dr. Preston Ward was excused from attendance at the July meeting.

Dr. William Cimikoski, Probationary Interview (Audio – 1:35:30)

Dr. Hamilton started the interview by asking Dr. Cimikoski how he is doing.
Dr. Cimikoski stated he is doing well.
Dr. Hamilton asked Dr. Cimikoski about his progress with his fine.
Dr. Cimikoski informed the Board of personal issues he is experiencing stopping him from paying his fine.
Dr. Cimikoski informed the Board of his plan to pay off his fine.
Ms. Kochevar informed the Board which course Dr. Cimikoski is planning to take for his ethics and opioid prescribing continuing education.
Dr. Hamilton reminded Dr. Cimikoski the Board requested all information to be submitted at least one-week in advance.
Dr. Hamilton asked for clarification regarding his current practice.
Dr. Cimikoski stated he is working 40 hours a week.
Mr. Marx informed Dr. Cimikoski the concern the Division and Board has regarding his compliance with the Stipulation and Order.
Mr. Marx informed Dr. Cimikoski what the Board would need to review his supervisor.

Dr. Hamilton motioned that Dr. Cimikoski is not in compliance with his stipulation.

