

**MINUTES**  
**UTAH**  
**PHYSICIANS**  
**LICENSING BOARD MEETING**

**November 19, 2014**

**Room 474 – 4<sup>th</sup> Floor – 9:00 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED: 9:14 AM**

**ADJOURNED: 4:03 P.M.**

**Bureau Manager:**

April Ellis

**Board Secretary:**

Lisa Martin

**Compliance Assistant:**

Debbie Harry

**Board Members Present:**

Elizabeth F. Howell, MD, Chairperson

David A. Cook, MD

Georgia Katshohirakis

Kenneth L. Schaecher, MD

Richard W. Chapa, MD

Gary A. Hale, R.Ph.

David D. Byrd, MD

**Board Members Absent and Excused:**

John S. Montgomery, MD

Lindsay Klimes, MD

Daniel J. Parker, MD

Paul J. Affleck, MD

**DOPL Staff:**

Mark Steinagel, Division Director

Ray Walker, Division Compliance Officer

**Guests:**

C.J. Ewell

Michelle McOmber, Utah Medical Association

Georgia Geerlings

Ryan Hardman

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the September 17, 2014 Board meeting were read. Dr. Schaecher made a motion to approve the minutes, with the exception to include the discussion of a new board chair and

**correct Ms. Katshohirakis referred to as Doctor. Dr. Chapa seconded the motion. The Board vote was unanimous.**

**APPOINTMENTS:**

**9:15 A.M.**

Debbie Harry, Compliance Update

Ms. Harry reported the following are in compliance or out of compliance with their Stipulations and Orders:

- Dr. Simpson is in compliance with his Stipulation and Order.
- Dr. Hillam is in compliance with his Stipulation and Order.
- Dr. Adamson will be having his initial interview today.
- Dr. Keep is not in compliance with his Stipulation and Order.
- Dr. Weitzel is in compliance with his Stipulation and Order.
- Dr. Hartman is in compliance with his Stipulation and Order.
- Dr. Hutsinpiller is in compliance with her Stipulation and Order.
- Dr. Money is in compliance with his Stipulation and Order
- Dr. Blackburn will be having his initial interview today.
- Dr. Hansen is in compliance with his Stipulation and Order.
- Dr. Sazani is in compliance with his Stipulation and Order
- Dr. Chein is in compliance with his Stipulation and Order

- Dr. Andersen will be having his initial interview today.
- Dr. Martinez-Ferrate is in compliance with his Stipulation and Order.

**9:30 A.M.**  
Dr. Robert Simpson, Probationary Interview

**Dr. Schaecher conducted the interview asking how Dr. Simpson is doing with his new job.**

Dr. Simpson states that the new job is going well. Dr. Simpson states he is attending the same amount of meetings and it has been an easy transition.

**Dr. Byrd asks what the new job includes.**

Dr. Simpson states he is involved with initial evaluations including medical and psychiatric components.

**Dr. Schaecher asks if Dr. Simpson has any questions for the board.**

Dr. Simpson asks if there is an option for early termination of his probation. Dr. Simpson is willing to submit a written request and letters of support.

**Dr. Schaecher states an early termination can be considered in 2015. The board would like to continue to monitor Dr. Simpson's new job.**

**Dr. Howell states the standard of probation is a 5 year time frame, Dr. Simpson's probation is scheduled to end in 2016.**

**The Board thanked Dr. Simpson for being in compliance with his Stipulation and Order.**

An appointment was made for Dr. Simpson to meet with the Board on March 18, 2015.

**9:50 A.M.**  
Dr. David Hillam, Probationary Interview

**Dr. Cook conducted the interview asking Dr. Hillam how he is doing.**

Dr. Hillam states he is currently unemployed and struggling to obtain a new position.

**Dr. Cooks states the Order requires a polygraph test to be obtained by the end of the year.**

Dr. Hillam states he is aware of the requirement and will arrange to have a polygraph scheduled.

Dr. Hillam had submitted a letter to the Board about giving medication to a family member.

**Dr. Cook asks about this incident because it is a violation of Dr. Hillam's Order.**

Dr. Hillam states after providing medications for his family member he realized it was a mistake, and will not repeat the action.

**Dr. Cook asks how long Dr. Hillam has been unemployed.**

Dr. Hillam states the clinic closed a month and a half ago.

**Ms. Harry asks if Dr. Hillam has been able to attend any Professionals in Recovery meetings.**

Dr. Hillam states he has attended a few meetings at different locations, Dr. Hillam has not found the meetings a successful means of networking.

**Dr. Howell states the board would like to help in assisting with ideas to network and search for job opportunities.**

**The Board thanked Dr. Hillam for being in compliance with his Stipulation and Order.**

An appointment was made for Dr. Hillam to meet with the Board on January 21, 2015.

**10:05 A.M.  
UMA Telemedicine / Telehealth Discussion**

Ms. McOmber states that it is the Utah Medical Association's desire to ensure requirements are in place to protect patient safety as telehealth moves forward. These requirements should follow the guidelines set by the AMA and FSMB. Items on Page 3 are the UMA's guidelines.

**Dr. Byrd asks if insurance companies have stated if they will reimburse for telehealth.**

Ms. McOmber states some insurance companies have made a decision about reimbursement. Medicaid has stated it will reimburse for telehealth.

**Dr. Byrd asks if there is a target patient group for telehealth.**

Ms. McOmber states there is not a specific group, there are a lot of areas that Telehealth can be utilized.

**Dr. Schaecher states there are several developing tele-services, most of these services are being done in urban and rural areas. Dr. Schaecher states that Medicare and Medicaid have very specific regulations concerning reimbursement options. Dr. Schaecher states that definitions need to be established by the state.**

Mr. Steinagel states that many states have had to modify their laws to permit telehealth; Utah already permits telehealth as defined in the Medical Practice Act.

**Dr. Schaecher states there is a need for defined regulations for patient safety.**

Mr. Steinagel suggests a worksheet be created to compare regulations already in place by the AMA and FSMB.

**Dr. Schaecher states there are some items that the board would want to be key elements and items to be set rules. The standards do need to be the same between the osteopathic board and the physician board.**

Mr. Walker asks if telehealth is a discussion that is limited to the Physician and Osteopathic boards or if the discussion should be opened to a wider range of health care professions.

Mr. Steinagel states the reason we are starting with

these two boards is because of the interstate licensing compact.

**Dr. Howell suggests the option of a conference call between the Osteopathic Board and the Physician board.**

Ms. Ellis asks if there is a need for a sub-committee to be created.

Mr. Steinagel states a sub-committee is not needed at this time.

**10:35 A.M.  
Medical Assistant IV Administration  
Discussion**

~~Ms. Ewell states there have been inquiries regarding medical assistants being able to take an IV therapy program. The current pre-requisite to attend an IV therapy program at her school is completion of a practical nursing program. Ms. Ewell contacted the National Association of Medical Assistants in Florida in which they stated there are Advanced Medical Assistants in some states and they can administer IV hydration.~~

Mr. Steinagel states the board has the ability to add into regulations items that medical assistants can or cannot do. The board needs to determine if IVs are an item that should be defined in the rule.

Ms. Ellis states currently medical assistants administering IV is an item not defined in the practice.

**Dr. Chapa states there is no defined training for medical assistants.**

**Dr. Howell states if an individual is a certified medical assistant there may be consequences of practicing outside of the scope of practice, however an on the job trained medical assistant lacks similar consequences.**

**Dr. Schaecher states medical assistants are not trained in recognition and understanding of the details of orders given. Untrained medical assistants performing IV insertion is a patient safety issue.**

**Dr. Chapa states the patient has no way of knowing the education level of medical assistants.**

**Dr. Byrd asks if there is a standard of education for medical assistants.**

Ms. McOmber states the standard of education is defined by the National Association of Medical Assistants, however many are trained to the specialty of the office they are employed.

**Dr. Howell asks if there is a reason Utah does not have a standard for medical assistants.**

Ms. McOmber states in the Medical Practice Act it does state that a medical assistant shall practice within the confines of their profession and training. If you define too carefully what medical assistants can do the cost of healthcare may increase.

**Dr. Byrd states medical assistants are used in a vast array of capacities.**

**Dr. Cook asks if the rule can differentiate certified medical assistants and non-certified medical assistants.**

**Dr. Byrd asks if the National Association of Medical Assistants state if IVs are within the scope of practice.**

Ms. Ewell states the National Association states an IV would not be within the scope of practice for the standard medical assistant, it would constitute advanced training.

**Dr. Cook asks if there is advanced training offered.**

Ms. McOmber states there is no advanced training offered by the National Association, it would be a state by state certification.

**Dr. Scheacher states that Medical Assistant programs do not include IV curriculum.**

**Dr. Byrd states he is concerned about regulating too much when the supervising physician would not put his license in jeopardy.**

**Dr. Howell states the bigger issue is the erosion of the formal training.**

Ms. McOmber suggests writing a rule that medical assistants must obtain the same IV training that LPNs obtain.

**Dr. Scheacher states that would be a good accommodation, however the definition of a medical assistant is not well defined in the state.**

Ms. Ellis suggests the Board continue this discussion at the next meeting in January.

**Break 10:55-11:00 A.M.**

**11:00 A.M.**

Dr. Theran Adamson, Initial Telephonic Probationary Interview

**Dr. Chapa conducted the interview asking Dr. Adamson asked how things are going.**

Dr. Adamson states as of November 3rd he is employed in Idaho at a behavioral health clinic. In order to get an Idaho license, Dr. Adamson participates in a voluntary monitoring program and is attending several meetings.

**Dr. Chapa asks what type of patients Dr. Adamson is seeing.**

Dr. Adamson states he is seeing patients of all ages and a chaperone is present with all female patients.

**Dr. Chapa asks about the required courses.**

Dr. Adamson states he has taken the required courses.

**Dr. Chapa asks if the completed courses have changed Dr. Adamson's practice style.**

Dr. Adamson states he has changed the inconsistent style he had. Dr. Adamson asks if starting to practice in Idaho will start the probation time.

**Dr. Chapa states that anytime Dr. Anderson is practicing that time is included on the length of the probation.**

**Ms. Ellis states Dr. Anderson did not make the board aware that he is working as a physician. Dr. Anderson's Order states the board is to approve the supervising physician and the practice plan.**

**Dr. Schaecher states that Dr. Adamson did not inform the board of his employment and that means he is not complying with the Order.**

Dr. Adamson asks what he should do.

**Ms. Ellis states the board will have to review the supervising physician and the practice plan. It can be emailed to the board for approval. If it is not approved, it will be discussed at the next board meeting. Ms. Harry will send a link of the practice plan guidelines.**

**Dr. Scheacher asks if the Idaho license board required a stipulation or agreement.**

Dr. Adamson states he signed a voluntary agreement that involves Southwest Associates.

**Dr. Scheacher states the board would like to see the Idaho agreement.**

**Dr. Howell states Southwest Associates is a private company that Utah does not use, the board will have to review the Southwest Associates plan.**

**Ms. Ellis states Dr. Adamson's order requires the completion of a PACE course within a year of the stipulation.**

Dr. Adamson asks if the PACE course is in addition to the Vanderbilt course.

**Ms. Ellis states the Vanderbilt course is not in the Utah order. The personal boundaries PACE course is listed in the Utah order.**

Dr. Adamson asks if the Vanderbilt course can replace the PACE course.

**Dr. Schaecher states the board will review the Vanderbilt course that Dr. Adamson has already taken.**

**Dr. Howell asks if the Vanderbilt course is a boundaries course.**

Dr. Adamson states it is a boundaries course.

**Ms. Ellis requests Dr. Adamson to send information about the Vanderbilt course for review.**

**Dr. Cook states it would help the Vanderbilt review if the board could have a review of the difficulties leading up to this point.**

Dr. Adamson states he was involved in personal communication with a patient. The patient then filed a harassment suite and obtained a restraining order. Dr. Adamson submitted a self report. The boundary issues were addressed with the Colorado board.

**Ms. Harry asked if Dr. Adamson had attended Pinegrove for treatment.**

Dr. Adamson stated he did not attend Pinegrove.

**Ms. Harry states that the order details that if Dr. Adamson does not attend Pinegrove, he must be seen by a therapist who will send us reports. Ms. Harry asks if Dr. Adamson is seeing a therapist.**

Dr. Adamson states he is seeing a therapist. Dr. Adamson asks if the disciplinary action can be rescinded and his license be surrendered.

**Ms. Ellis states Dr. Anderson can surrender his license however it would be with the disciplinary action.**

An appointment was made for Dr. Adamson to meet telephonically with the board on January 21, 2015.

**11:25 A.M.**

Dr. Mark Keep, Telephonic Probationary Interview

**Dr. Schaecher conducted the interview asking how Dr. Keep is doing.**

Dr. Keep states he has moved to North Carolina and is waiting for the North Carolina board to process his application for licensure. Dr. Keep is not currently working.

**Dr. Schaecher states the board has not been receiving Dr. Keep's reports. The reports do need to be submitted, but they may state that Dr. Keep is not currently practicing.**

**Dr. Schaecher asks if Dr. Keep has a supervising physician in North Carolina**

Dr. Keep states he does have a supervising physician.

**Dr. Schaecher states the supervising physician information should be submitted for board approval. Dr. Schaecher asks what Dr. Keep has been doing while not in practice.**

Dr. Keep states he has been attending continuing medical education courses. Dr. Keep asks if the board wants the CME information submitted.

**Ms. Harry states Dr. Keep should submit his CME certificates and they will be added to Dr. Keep's file. The board has not received a therapist report.**

Dr. Keep agrees to submit both the supervising physician information and a therapist report.

**An appointment was made for Dr. Keep to meet telephonically with the board on January 21, 2015.**

**11:40 A.M.**

Dr. Robert Weitzel, Probationary Interview

**Dr. Cook conducted the interview and asked how Dr. Weitzel is doing.**

Dr. Weitzel states he has been working with the DEA and a memorandum of understanding will be completed soon. Dr. Weitzel has continued to talk with Salt Lake Behavioral Center. The practice has 15-20 hours of medicine management patients weekly. Dr.

Weitzel requests that his quarterly reports be submitted on a more regular schedule.

**Ms. Harry states Dr. Weitzel can submit his quarterly reports in January, April, July and October.**

Dr. Weitzel requests that the restriction on his Order that he may not practice psychotherapy be lifted.

**Dr. Howell asks what the current wording in Dr. Weitzel's order.**

**Ms. Ellis reads from the order.**

**Dr. Scheacher made a motion to change Dr. Weitzel's order to include psychotherapy. Ms. Katshohirakis seconded the motion. The Board vote was unanimous.**

**Dr. Weitzel is scheduled to meet with the board on January 21, 2015.**

**12:00 P.M. – 1:00 P.M.**

Lunch

**1:00 P.M.**

Dr. Hartman, Probationary Interview

**Dr. Cook conducted the interview asking Dr. Hartman about his request to reduce chart reviews to 20% each quarter. Dr. Cook asks what the review order is currently.**

Dr. Hartman states the chart review is 20% every other week.

**Dr. Hale made a motion to accept the recommendation to review 20% of a weeks chart each quarter. Dr. Byrd seconded the motion. The Board vote was unanimous.**

**The Board thanked Dr. Hartman for being in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Hartman to meet with the Board on March 15, 2015**

**1:15 P.M. Molly Hutsinpillar, Telephonic  
Probationary Interview**

**Dr. Howell conducted the interview and asked how  
Dr. Hutsinpillar is doing.**

Dr. Hutsinpillar states she has received a job offer in  
Utah. She has also submitted paperwork to the board.

**Dr. Howell states the board has received a practice  
plan and asks for information concerning the job.**

Dr. Hutsinpillar states the job is a 36 hour full time  
position with Intermountain Health Care in an  
Instacare clinic. Dr. Wallen runs the Instacare and has  
offered to be Dr. Hutsinpillar's supervising physician.

~~**Dr. Howell asks if Dr. Wallen oversees all the  
Intermountain Health Care Instacare clinics.**~~

Dr. Hutsinpillar states Dr. Wallen does oversee all of  
the Instacare clinics, he also works clinical hours.

**Dr. Howell states the board has reviewed the  
practice plan.**

**Dr. Schaecher makes a motion to accept the  
practice plan as written. Dr. Byrd seconded the  
motion. The Board vote was unanimous.**

**Dr. Howell asks if the board has been receiving the  
reports.**

**Ms. Harry state the reports have been received.**

Dr. Hutsinpillar states she has requested to transfer  
DEA registration to Utah.

**Ms. Harry asks if the board will require triplicate  
prescriptions.**

**Dr. Howell states no triplicates are needed for  
prescriptions as long as everything is prescribed  
within electronic medical records. If there is ever a  
need for a handwritten prescription then triplicate  
copies will need to be provided.**

**The Board thanked Dr. Hutsinpillar for being in  
compliance with her Stipulation and Order.**

An appointment was made for Dr. Hutsinpillar to meet with the Board on January 21, 2015.

**1:35 P.M.**  
Dr. Nolan Money, Probationary Interview

**Mr. Hale conducted the interview and asked how Dr. Money is doing.**

Dr. Money states he has completed a 12 hour self-evaluation course.

**Dr. Howell asked what did Dr. Money learn from the course.**

Dr. Money states it was more of a refresher course for things already learned from other courses taken. Dr. Money states his pain management patient load is decreasing and he is not accepting new pain patients.

**Dr. Byrd states the board's concern is that patients will take advantage of the fact that Dr. Money is a nice guy. The goal is continuous patient education.**

Dr. Money was reminded of the seriousness of good management with a patient that overdosed recently.

**Dr. Byrd asks how Dr. Money is managing the case.**

Dr. Money states he has not seen that patient in the clinic and the patient will not be eligible for continued management.

**Dr. Schaecher states the board believes Dr. Money is working toward the best responsible prescribing practices.**

Dr. Money asks about the dates his reports are due.

**Ms. Harry states reports should be submitted in January, April, July and October of 2015.**

**The Board thanked Dr. Money for being in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Money to meet with the Board on March 18, 2015.**

**1:50 P.M.**

Roy Blackburn, Initial Telephonic  
Probationary Interview

**Dr. Byrd conducted the interview.**

**Dr. Schaecher made the motion to deny Dr. Blackburn's proposed supervising physician because the supervisor is also his employer. Dr. Byrd seconded the motion. The Board vote was unanimous.**

**Dr. Byrd states the board has been discussing Dr. Blackburn's case and would like to meet with Dr. Blackburn in person.**

Dr. Blackburn states it would be difficult to get to Utah without the option of starting employment. Dr. Blackburn asks if there is a list of approved supervising physician.

**Dr. Schaecher states it is not the board's responsibility to establish supervising physicians.**

Dr. Blackburn asks when he will be able to meet with the board.

**Dr. Byrd states the next board meeting is January 21 and that Dr. Blackburn should look for a different supervisor prior to that meeting.**

**Ms. Ellis clarifies Dr. Blackburn can not work until the board has approved the supervising physician and a practice plan.**

**An appointment was made for Dr. Blackburn to meet with the Board in person on January 21, 2015.**

**2:15 P.M.**

Dr. Thomas Hansen, Telephonic Probationary  
Interview

**Dr. Schaecher conducted the interview asking how Dr. Hansen is doing with his job search.**

Dr. Hansen states he is waiting for his license to be processed through the Arizona licensing board. Arizona will not complete the license until the Utah board approves Dr. Hansen to start working. Dr. Hansen states he has an Order of Consent with the Arizona board.

**Dr. Schaecher states the board has information**

**about a job opportunity in Arizona seeing patients at two clinics and Cobra Valley Surgical Services as a General Surgeon. Dr. Schaecher clarifies Dr. Hansen will not supervise any mid-level providers.**

Dr. Hansen confirms the information is correct. Dr. Hansen's partner will supervise the mid-level providers. Dr. Hansen will work with the mid-level providers in the operating room.

**Dr. Schaecher asks about the supervising physician's location.**

Dr. Hansen states the supervising physician splits time between Illinois and Arizona.

**Dr. Cook asks about access to Controlled Substance Database reports from Arizona.**

Dr. Hansen states Arizona does participate in the database.

**Dr. Cook made a motion to accept the practice plan and the supervising physician with exception that the supervising physician will submit controlled substance database reports. Dr. Chapa seconded the motion. The Board vote is unanimous.**

Dr. Hansen asks if he is to wait to begin practicing for the next board meeting.

**Dr. Schaecher states the practice plan and the supervising physician have both been approved and to let the Utah board know once he is starting to work.**

**An appointment was made for Dr. Hansen to meet telephonically with the board on January 21, 2015.**

**2:30 P.M.**  
Dr. Thomas Sazani, Telephonic Probationary  
Interview

**Dr. Chapa conducted the interview asking how Dr. Sazani is doing.**

Dr. Sazani states there are no changes.

**Dr. Chapa states Dr. Sazani's probation started in**

**February of 2012 and is scheduled to be complete in February of 2015.**

**Dr. Schaecher asks if Dr. Sazani plans to practice in Utah prior to February.**

Dr. Sazani states he does not plan to practice in Utah.

**Dr. Howell states the board will not schedule an appointment for Dr. Sazani in January.**

**Ms. Ellis requests Dr. Sazani send the order from California when the probation is terminated and then Utah will also terminate probation.**

**The Board thanked Dr. Sazani for being in compliance with his Stipulation and Order.**

**2:45 P.M.**  
Dr. Edmund Chein, Telephonic Probationary Interview

**Mr. Hale conducted the interview asking how Dr. Chein is doing.**

Dr. Chein states things are going well.

**Mr. Hale asks when Dr. Chein's probation started.**

Dr. Chein states probation started 2 years ago and will finish next year.

**Dr. Schaecher asks if Dr. Chein is planning to practice in Utah again at some point in time.**

Dr. Chein states he is not planning to come to Utah while on probation.

**Ms. Ellis asks when Dr. Chein's probation ends in California.**

Dr. Chein states his probation ends in March of 2016.

**Dr. Schaecher made a motion to move his probationary appointments to every 6 months. Mr. Hale seconded the motion. The Board vote is unanimous.**

**Mr. Hale clarifies that if anything changes in Dr. Chein's status he is to inform the board.**

**The Board thanked Dr. Chein for being in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Chein to meet telephonically with the Board on May 20, 2015.**

**3:00 P.M.**

**Dr. Matthew Andersen, Initial Probationary Interview**

**Dr. Howell conducted the interview and informed Dr. Andersen about the open and closed meeting protocol. Dr. Howell asked Dr. Andersen to tell the board why he is here today.**

Dr. Andersen states he had finished the diversion program with Ms. Harry four years ago. Dr. Andersen spoke with his administrator about how to self-report to the board issues of sobriety. Dr. Andersen contacted Dr. Howell, Ms. Ellis, and the DOPL investigation team. Dr. Andersen went to Cumberland Heights for a four day evaluation and then a 90 day treatment stay. Dr. Andersen arrived home on 11/18/2014.

**3:05 PM**

**Meeting closed in accordance with the Open and Public Meetings Act, 52-4-250 (1)(a) to discuss the character, professional competence or physical or mental health of an individual.**

**Dr. Schaecher made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-250(1)(a) to discuss the character, professional competence or physical or mental health of an individual. Dr. Byrd seconded the motion. All board members voted in favor of closing the meeting.**

Meeting was closed at 3:05 p.m.

**Dr. Schaecher made a motion to open the meeting. Dr. Chapa seconded the motion. The board vote was unanimous.**

The meeting opened at 3:27 p.m.

**3:00 P.M.**

**Dr. Matthew Andersen, Initial Probationary Interview Continued**

**Dr. Howell states one of the issues Dr. Andersen may find while on probation is not being able to renew his board certification.**

**Dr. Schaecher asks if Dr. Andersen was self-prescribing.**

Dr. Andersen states he was obtaining prescriptions from his surgeon and primary care provider. Other medications were obtained by other means.

**Dr. Howell states the stipulation and order needs to be reviewed and signed.**

Dr. Andersen states he has been recommended to a provider for couples counseling and will inquire if she will do individual therapy as well.

**Dr. Howell advises Dr. Andersen obtain a separate individual therapist that can work with the couples therapist to define clearer boundaries.**

**Ms. Ellis states if the order is signed the license shall be issued, however the controlled substance license will remain suspended until the board determines a controlled substance license should be granted.**

**Dr. Howell asked if Dr. Andersen had given any indication of returning to the patients he had been treating.**

Dr. Andersen states he has a prepared letter to patients advising them not to expect his return.

**Dr. Howell asks what type of work Dr. Andersen was planning to do when he got back.**

Dr. Andersen states he had considered a limited capacity at a clinic, possibly a medical clearance position with a rehab clinic. Dr. Andersen is discussing an opportunity with the prison to start a vivitrol clinic.

**Dr. Schaecher states a concern that the board does not have a signed stipulation at this time.**

**Dr. Howell states there are 5 years of monitoring at a probationary level.**

**Dr. Byrd asks if the board would want to recommend other careers in order to avoid triggers of cravings.**

**Dr. Howell states it may be good to work between 2-5 years before getting back to practicing**

**addiction treatment. The prison vivitrol clinic setting would be less similar to an addiction treatment clinic.**

Dr. Andersen states he would like to see soboxone patients.

**Dr. Howell states it is essential to establish boundaries. Dr. Andersen will need to submit a practice plan when he is ready to practice.**

Dr. Andersen asks if signing the order will impact getting back to work.

~~**Dr. Howell states there are more factors needed than just the stipulation to get to a status to begin working. Dr. Howell states after the order is signed the board would want to meet with Dr. Andersen again to consider the controlled substance license.**~~

**Dr. Schaecher states a controlled environment is the goal as Dr. Andersen continues to improve.**

**Ms. Ellis confirms Dr. Andersen will have license when the stipulation is signed, however he cannot practice until the practice plan and supervising physician are approved by the board.**

Dr. Andersen asks if he can start applying for jobs.

**Dr. Howell states Dr. Andersen can search and apply for jobs, and should not start to work prior to board approval.**

**The board thanks Dr. Andersen for his time. An appointment was made for Dr. Andersen to meet with the Board on January 21, 2015.**

**Mr. Hale conducted the interview asking how Dr. Martinez-Ferrate is doing.**

Dr. Martinez-Ferrate states things have been difficult.

**Mr. Hale asks if the supervising physician has made any recommendations that have been implemented.**

**3:20 P.M.**

Dr. Randolph Martinez-Ferrate, Probationary  
Interview

Dr. Martinez-Ferrate states several recommendations have been implemented. Dr. Martinez-Ferrate states he has connected with Federation of State Medical Boards to obtain a list of programs and would like to start with Affiliated Monitors in Boston. This is a program that would suite the needs of the stipulation.

**Ms. Ellis asks if Affiliated Monitors is familiar with working with state boards and sending in reports.**

Dr. Martinez-Ferrate confirms they are familiar with working with boards and have an individual

**Dr. Howell asks for clarification of Affiliated Monitors' process.**

Dr. Martinez-Ferrate states Affiliated Monitors will start with a review of the stipulation and then assign a local provider for an initial meeting followed by formal chart review and testing.

**Ms. Ellis asks if the board is willing to accept Affiliate Monitors program for Dr. Martinez-Ferrate.**

**Dr. Schaecher states the board would like to obtain more information about the program prior to approval.**

**The Board thanked Dr. Martinez-Ferrate for being in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Martinez-Ferrate to meet with the Board on January 21, 2015.**

**3:40 P.M.**  
Designated Practitioner Dispensing Rule

**Mr. Oborn updated the board in relation to the physician dispensing rules. The Dispensing Medical Practitioner (DMP) ability to dispense is limited to cosmetic drugs, or approved for online dispensing, injectable weight loss drugs, cancer drug treatment regimens, and prepackaged drugs in an employee sponsored clinic. The only time a DMP can dispense a controlled substance is within a cancer drug treatment regimen. DMP designee is defined**

as an individual in a DMP clinic pharmacy that would be able to perform the activities of a DMP under the supervision of a DMP. All DMP designees must complete a dispensing training program outlined in section 622 of the rule.

Dr. Cook asks if a medical assistant can be a DMP designee's and they do not have established educational requirements what the standards are for the designee.

Mr. Oborn states the training program can be on the job training.

Dr. Schaecher states concern about the training program. The board does not have the authority to approve the individual training programs. There is no defined method to measure the training.

Dr. Schaecher asks if the medications are all prepackaged.

Mr. Oborn states it depends on the setting. There are some locations that will have simple compounding involved.

Ms. Katshohirakis asks if the DMP designee needs to have guidelines for training on compounding.

Mr. Oborn states if compounding is an aspect in the setting of the practice then the training would need to include compounding. The DMP can select anyone as their designee

Ms. Katshohirakis asks if there are regulations of the compound training in the office.

Mr. Oborn states the way the statute is written the division cannot regulate the training program.

Dr. Howell states this is where we have to balance the law that has been passed and developing rules in accordance with the law.

Dr. Schaecher states a desire to require a formal dispensing training program with measurable

competency.

**Mr. Oborn states the division has looked into the option of requiring a formal training program. The Division's decision was that requiring a formal training is beyond what the division is able to establish.**

**Dr. Schaecher asks what language in the law lead the division to the conclusion a formal training program is something that cannot be required.**

**Ms. Ellis states it is within the wording of the definition of a Medical Assistant within the Medical Practice Act.**

**Dr. Schaecher state a formal training program would not exclude all Medical Assistants just those that did not achieve formal training.**

**Mr. Oborn states our Regulatory and Compliance officer stated the division can not ask for more than what is presented at this point. Requiring a formal training program would need legislation.**

**Dr. Byrd asks if other states have similar laws and if there have been any issues.**

**Mr. Oborn states Idaho and Oregon have similar laws. The Utah Medical Association and Pharmacy Association are both interested in creating a formal training program.**

**Dr. Howell states as a physician she would want a DMP designee to have good training as it would be the physician's license at risk.**

**Mr. Oborn stated there are three clinics that the division is aware at this time. None of which do any compounding.**

**Ms. Ellis asks what the Pharmacy Board decided at their board meeting.**

**Mr. Oborn states the Pharmacy Board approved a motion to support.**

**Dr. Cook made a Motion to approve the rule with reservation about the law on which it is based. The Board would like to see the law amended to include a formal training program. Dr. Chapa seconded the motion. The Board vote is 3 in favor, 1 opposed, and 1 abstained.**

**DISCUSSION ITEMS:**

Interstate Physician Licensing Compact

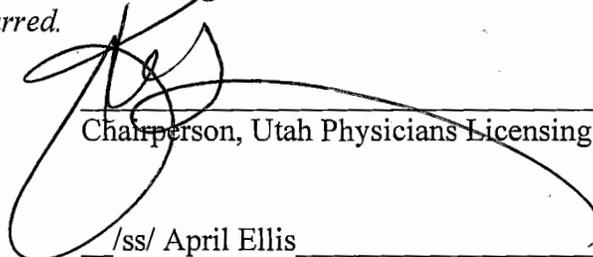
**Mr. Steinagel informed the Board that Representative Dr. Ray Ward has decided to sponsor the compact as a priority bill in the upcoming 2015 legislation.**

**CORRESPONDENCE:**

**NEXT MEETING SCHEDULED FOR:** January 21, 2015

*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.*

1/21/15  
Date Approved

  
\_\_\_\_\_  
Chairperson, Utah Physicians Licensing Board  
  
/ss/ April Ellis  
\_\_\_\_\_  
Bureau Manager, Division of Occupational &  
Professional Licensing

12/23/14  
Date Approved