MINUTES

UTAH PHYSICIAN LICENSING BOARD MEETING

March 18, 2015

Room 401 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENCED: 9:06 AM

Bureau Manager: April Ellis
Board Secretary: Lisa Martin
Compliance Assistant: Debbie Harry

Board Members Present: Kenneth L. Schaecher, MD Chairperson
Elizabeth F. Howell, MD
Gary A. Hale, R.Ph.
David D. Byrd, MD
John S. Montgomery, MD
Lindsay Klimes, MD
Paul J. Affleck, MD
David A. Cook, MD
Richard W. Chapa, MD
Georgia Katshohirakis

Board Members Absent and Excused: Daniel J. Parker, MD

DOPL Staff:

Guests:

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES: The minutes from the January 18, 2015 board meeting were read. Dr. Montgomery made a motion to approve the minutes as read. Dr. Howell seconded the motion. The Board vote was unanimous.

ADJOURNED: 3:13 PM
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. Weitzel is in compliance with his Stipulation and Order.
- Dr. Martinez-Ferrate is in compliance with his Stipulation and Order.
- Dr. Hutsinpiller is in compliance with her Stipulation and Order.
- Dr. Hillam is in compliance with his Stipulation and Order.
- Dr. Hansen is not in compliance with his Stipulation and Order.
- Dr. Andersen is in compliance with his Stipulation and Order.
- Dr. Blackburn is in compliance with his Stipulation and Order.
- Dr. Brooks is not in compliance with his Stipulation and Order.
- Dr. Nolan Money is in compliance with his Stipulation and Order.
- Dr. Hartman is in compliance with his Stipulation and Order.
- Dr. Keep is in compliance with his Stipulation and Order.
- Dr. Long is scheduled for her initial probationary interview.
Dr. Schaecher conducted the interview asking how Dr. Simpson is doing.

Dr. Simpson states he is working about 40 hours a week at the same clinic. The clinic is supportive of Dr. Simpson’s recovery.

Dr. Schaecher asks Dr. Simpson about a request received by the board for early termination of probation.

Dr. Simpson states he had asked at a previous meeting and it did not seem like a possibility.

Dr. Schaecher states Dr. Simpson began working at his current clinic 6 months ago. The board would like to see Dr. Simpson in the same job for a full year.

An appointment was made for Dr. Simpson to meet with the Board on July 15, 2015.

Dr. Byrd conducted the interview stating Dr. Weitzel’s supervisor report mentions some concerns.

Dr. Weitzel states in the fall there was some flirtation with a staff member while he was separated from his wife.

Dr. Howell states Dr. Weitzel’s wife has been a strong support and it is surprising the board was not aware they had been separated.

Dr. Weitzel states his marriage is private business and he does not contact this staff member any longer.

Dr. Byrd asks if there was an event that made Dr. Weitzel’s supervisor feel like the concern needed to be mentioned.

Dr. Weitzel states he is unaware of any particular event.

Dr. Howell states it is poor judgment to be flirtatious in the work environment, especially
given Dr. Weitzel’s history.

Dr. Weitzel states he is not a supervisor of the individual involved.

Dr. Klimes states specific behaviors may not be a direct violation of the law but with Dr. Weitzel’s history, there needs to be no question of appropriateness.

Dr. Weitzel states he does not feel he did anything wrong.

Dr. Schaecher states he is concerned this type of behavior may lead to returning to past behaviors.

Dr. Weitzel states he understands the board's concerns.

Ms. Ellis states the concerns listed in the supervisor report can be considered an aggravated circumstance and the board can extend Dr. Weitzel’s probation. Actions that cause this level of concern can have additional penalty to current probationary terms especially when the board is not informed.

Dr. Weitzel states these events happened in the fall and the events did not seem relevant to present to the board.

Dr. Schaecher states even though the events are personal, the board needs to be aware of stressors in his life.

Dr. Weitzel states by the time he had met with the board, he had put the entire event behind him.

Dr. Chapa asks if the board is telling Dr. Weitzel not to have an invited relationship with co-workers.

Dr. Schaecher states how one type of relationships can lead to a relationship that is a violation of the probation.

Dr. Weitzel states at the boundary course the topic of appropriate relationships was discussed and he can see this as a mistake and potentially problematic. Dr. Weitzel states he has been very careful with regards to
Dr. Weitzel asks the board to consider his privacy.

Dr. Schaecher states Dr. Weitzel has been doing very well and the board is being cautious based on the supervisor report.

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

10:15 A.M.
Dr. Randolfo Martinez-Ferrate, Probationary Interview

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

Dr. Martinez-Ferrate states life is hard right now, telling people about probation is awkward; however he feels like he is making progress.

Mr. Hale states the board has received notice that Dr. Martinez-Ferrate has started with Affiliated Monitors. Mr. Hale asks if a physician has been assigned.

Dr. Martinez-Ferrate states he has started with Affiliated and he has not been given the name of the assigned physician.

Mr. Hale asks what Affiliated’s expectations are in regards to the charts.

Dr. Martinez-Ferrate states Affiliated did not state the parameters of the charts, but have requested a random selection by the end of March.

Mr. Hale asks how Dr. Martinez-Ferrate’s job search is progressing.

Dr. Ferrate states he has spoken with recruiters and nothing has resulted in an interview.

Dr. Cook asks if Dr. Martinez-Ferrate has changed his views of alternative medicine.

Dr. Martinez-Ferrate states he is more hesitant and has implemented a simple consent form.

An appointment was made for Dr. Martinez-Ferrate to meet with the Board on May 20, 2015.
Dr. Howell conducted the interview asking how Dr. Hutsinpiller is doing.

Dr. Hutsinpiller states her application process with IHC has been approved and is waiting for Medicare approval.

Dr. Howell asks about Dr. Hutsinpiller’s recovery.

Dr. Hutsinpiller states it is going well. Dr. Hutsinpiller is trying to get her Washington suspension lifted; the Washington board will meet in June.

Dr. Howell clarifies that Dr. Hutsinpiller is being monitored in Colorado and Utah and is trying to lift the Washington suspension.

Dr. Hutsinpiller states she may not renew her Colorado license.

Dr. Howell recommends renewing the Colorado license as not renewing it may have a negative effect while being monitored. Dr. Howell asks about Dr. Hutsinpiller’s recovery activities.

Dr. Hutsinpiller states she attends therapy meetings once a quarter, AA meetings, and has no issues with cravings.

Dr. Howell asks how long Dr. Hutsinpiller has been sober.

Dr. Hutsinpiller states she hasn’t had a drink in over a year.

Dr. Howell asks where Dr. Hutsinpiller’s therapist is located.

Dr. Hutsinpiller states her current therapist is in Washington and she is willing to find a therapist in Utah when she moves.

Mr. Hale asks about an opportunity in Nepal.
Dr. Hutsinpiller states she would be the physician on a trek during the month of May.

Dr. Howell instructs Dr. Hutsinpiller to inform the board if she will be leaving for the month of May.

Dr. Hutsinpiller states hesitation of the Nepal trek if the IHC position is approved.

Dr. Schaecher recommends that Dr. Hutsinpiller inform IHC of the Nepal trek.

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

11:00 A.M.
Dr. David Hillam, Telephonic Probationary Interview

Dr. Klimes conducted the interview asking how Dr. Hillam is doing.

Dr. Hillam states he is waiting for his Georgia license to be approved. He met with the Georgia board and they will draw up a stipulation.

Ms. Ellis states the Georgia board can contact the Utah board if needed.

Dr. Klimes states the board has received Dr. Hillam's Prim-e course completion.

Dr. Hillam states he is meeting with his therapist over the phone, and would like to continue working with him if Georgia will allow it. Dr. Hillam states he is attending weekly therapy, attending 12 step meetings, and continuing random drug screens.

Dr. Howell asks about Dr. Hillam's appointment with the Georgia board.

Dr. Hillam states he is unsure what the Georgia Stipulation will be, the board did indicate it will be similar to the Utah agreement.

Ms. Ellis states the board will need a copy of the Georgia stipulation when it is available.

An appointment was made for Dr. Hillam to meet telephonically with the Board on May 20, 2015.
11:20 A.M.
Dr. Thomas Hansen, Telephonic Probationary Interview

Dr. Montgomery conducted the interview asking how Dr. Hansen is doing.

Dr. Hansen states he has attended the PACE course and it benefited him greatly.

Dr. Montgomery states the board has not received the supervisor report.

Dr. Hansen states he will get the report to the board.

Dr. Montgomery reminds Dr. Hansen the reports are due the 28th of each month.

Mr. Hale asks about Dr. Hansen's work load.

Dr. Hansen states he is seeing a variety of patients with a large spectrum of cases.

Dr. Montgomery asks if Dr. Hansen has any questions for the board.

Dr. Hansen thanks the board for the support given.

An appointment was made for Dr. Hansen to meet telephonically with the board on May 20, 2015.

11:40 A.M.
Dr. Matthew Andersen, Probationary Interview

Dr. Howell conducted the interview asking Dr. Andersen how he is doing.

Dr. Andersen states he is eight months sober, working on the board's recommendations, and working through the 12 step program.

Dr. Howell asks about the submitted practice plan.

Dr. Andersen states the clinic has a men's and women's sober house. Most are non-insured patients. The clinical staff has weekly meetings that last about an hour. Intensive out-patient treatment includes several workshops that focus on all areas of life improvement. There is an opportunity at a treatment center north of Ogden at Sherwood Hills.

Dr. Andersen states that he might lose his board
Dr. Howell states if Dr. Andersen is in good standing while being monitored, he shouldn’t lose the addiction medicine certification.

Dr. Andersen states it’s been difficult to find a family practice job with the pending loss of board certification.

**Dr. Howell asks about the Sherwood Hills clinic.**

Dr. Andersen states they have 60-70 beds and see mostly insurance cases. The clinic opened two years ago. The clinic is looking for someone to provide medical clearance, perform once a week visits, and to provide the initial intake evaluation. The clinic does not currently have a Vivitrol program but are looking to start one. The clinic does not allow in house stimulants or benzo treatment.

**Dr. Howell asks about the hours Dr. Andersen would work.**

Dr. Andersen states the Sherwood clinic would like him to work 18 hours a week. The combination of Sherwood Hills clinic, Project Recovery, and Steinman clinic would give Dr. Andersen a total of 32 hours of patient care a week.

**Dr. Howell asks about Dr. Gibbs as the proposed supervisor.**

Dr. Andersen states he has only spoken with Dr. Gibbs over the phone. Dr. Gibbs is willing to supervise Dr. Andersen.

**Dr. Howell states the board prefers to speak with supervisors prior to approval.**

Dr. Andersen states that Dr. Gibbs would like to have direction from the board prior to becoming the supervisor.

**Dr. Howell states there are three things for the board to consider: Dr. Gibbs as a supervisor, the Sherwood Hills Clinic practice plan, and the**
project recovery practice plan.

Dr. Howell refers to the stipulation stating that Dr. Andersen is not permitted to use benzos or other controlled drugs.

Dr. Anderson states the way the stipulation is written, he is allowed to use controlled medication as needed within an in-patient detox environment.

Dr. Howell asks who at Sherwood Hills would review charts.

Dr. Anderson states there are two clinical reviews a week and charts may be reviewed at that time. Dr. Anderson states he established there would be a back up physician to ensure a balance of time off.

Dr. Howell made a motion to approve Dr. Gibbs as an umbrella supervisor, the Sherwood Hills practice plan and the Project Recovery practice plan. Dr. Affleck seconded the motion. Dr. Klimes recused herself from voting. The board vote is unanimous.

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

12:00 P.M. - 1:00 P.M. Working Lunch

1:00 P.M.
Roy Blackburn, Telephonic Probationary Interview

Dr. Schaecher conducted the interview asking how Dr. Blackburn is doing.

Dr. Blackburn states he is signed up to attend the PACE course in April.

Dr. Schaecher asks if Dr. Blackburn has any job opportunities.

Dr. Blackburn states he volunteers at the Occupy Medical Clinic on Sunday afternoons. Dr. Blackburn states he attempted to sit for the pharmacy exam however the probation of his license prohibit him from taking the exam.

Dr. Schaecher states with not much activity or changes there is not much to discuss at this time.
After the PACE course there will be more to discuss.

Dr. Blackburn asks if he can be notified of the next meeting via email.

Dr. Schaecher confirms the board will send the next appointment letter via email.

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

1:20 P.M.
Dr. Shawn Brooks, Probationary Interview

Dr. Affleck conducted the interview asking how Dr. Brooks is doing.

Dr. Brooks states he is not currently working. The Arkansas clinic was looking for a supervisor and hired on a physician in place of Dr. Brooks.

Dr. Howell asks if Dr. Brooks worked in Arkansas at any time.

Dr. Brooks states he worked in Arkansas in December.

Dr. Howell states the board did not receive a practice plan for the time worked.

Dr. Brooks states a practice plan was not submitted because he did not have a supervisor at the time.

Dr. Schaecher states the board spoke with the Arkansas licensing board and they did not know Dr. Brooks was not working. The stipulation requires a timely notification of any employment change.

Dr. Brooks asks if the notice needs to be in writing.

Dr. Schaecher states the expectation is notification will be given when the change occurs, it is suggested that Dr. Brooks call Ms. Harry with any change.

Ms. Ellis states both Arkansas and Utah need to be notified of any employment changes. Ms. Ellis suggests Dr. Brooks read his stipulation again to be
clear of all the requirements.

Dr. Howell states Dr. Brooks is accountable for all areas of his Stipulation.

Ms. Ellis reads from Dr. Brooks' stipulation “respondent will notify the division and board in writing within one week of any change of employer, employment, and practice status” it also states to notify the division when out of the state for longer than 30 days which was not done when Dr. Brooks went to Arkansas.

Dr. Schaecher states if any further violations occur a fine or further action will be taken.

Dr. Affleck asks if Dr. Brooks is living in Utah.

Dr. Brooks confirms he is living in Utah.

Dr. Affleck asks if Dr. Brooks is attending AA meetings.

Dr. Brooks confirms he is attending AA meetings in Utah and is searching for employment.

Dr. Howell states many probationers run into an issue of finding employment.

Dr. Brooks asks if there are any organizations that assist physicians on probation to find employment.

Dr. Schaecher states the board is unaware of any existing programs.

Ms. Harry suggests Dr. Brooks attend Professionals in Recovery to make connections. Ms. Harry asks about a report sent by Dr. Brooks's therapist.

Dr. Brooks states he is unfamiliar with the information sent.

Ms. Harry suggests Dr. Brooks submit all documents every month by the 28th even when he is not working to maintain a routine.

Dr. Howell asks why Dr. Brooks is struggling to get
all the documents submitted.

Dr. Brooks states he gets overwhelmed.

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

1:40 P.M.
Dr. Nolan Money, Telephonic Probationary Interview

Dr. Byrd conducted the interview asking how Dr. Money is doing.

Dr. Money states he is practicing full time and working to comply with his probation. Dr. Money states he has been tracking and comparing the number of his pain management patients he was seeing last year compared to this year.

Dr. Byrd states the board would like to hear about the comparison.

Dr. Money states last year 29% of his practice was chronic pain patients and this year it is 18% of chronic pain patients. Dr. Money states the opioid dose levels are lower than a year ago. Dr. Money states he would like to submit his comparisons to the board.

Dr. Byrd states the supervisor report indicates things are going well and the controlled substance database reports look good as well.

Dr. Money states the process has been a positive experience

Dr. Chapa states he is impressed with the efforts Dr. Money has made.

Dr. Chapa made a motion to terminate Dr. Money’s probation early. Dr. Klimes seconded the motion. The board vote is unanimous.

2:00 P.M.
Dr. Albert Hartman, Probationary Interview

Dr. Cook conducted the interview reviewing Dr. Hartman’s Controlled Substance Database report.

Dr. Hartman states he does not know the patient on the report.

Ms. Ellis suggests Dr. Hartman contact the
Pharmacy to get the issue resolved.

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

Dr. Cook conducted the interview asking how Dr. Keep is doing.

Dr. Keep states the North Carolina licensing board asked Dr. Keep to withdraw his application, and he now has an opportunity to work with Pathways in Tooele.

Ms. Ellis asks if the submitted practice plan is for the Pathways clinic.

Dr. Keep states there is a practice plan for the Pathways clinic and one for a wellness motivation clinic that does not have a name at this time.

Ms. Ellis asks what Dr. Gange’s connection is to the Pathways clinic.

Dr. Keep states Dr. Gange is an urologist.

Dr. Schaecher asks how an urologist is connected to motivational medicine.

Dr. Keep states the urologist will assist with men’s health.

Dr. Schaecher states concern of the urologist being a supervisor for a cardiologist.

Ms. Ellis states Dr. Gange would not be approved as a supervisor.

Dr. Keep asks if the supervisor has to be a physician or if a nurse practitioner can be a supervisor.

Dr. Schaecher states a nurse practitioner cannot supervise a physician.

Dr. Cook asks if Dr. Keep received his non-compliance fine issued from the last meeting.

Dr. Keep states he has not received the fine.
Ms. Harry states she will follow up with the investigation team concerning the fine.

Dr. Howell states if Dr. Keep starts working at the pathway clinic, the board would recommend a change to the practice plan to include require continuing medical education specific to addiction medicine.

Dr. Keep states he has signed up for continuing education courses for addiction medicine.

Dr. Howell states there are some free continuing education and to be aware that the courses signed up for qualify as continuing medical education.

Dr. Affleck asks what happened to the Navy opportunity that brought Dr. Keep back to Utah.

Dr. Keep states the Navy approached him with the opportunity to be the physician on a tour; they later recognized that a restricted license made him ineligible.

Ms. Ellis states Dr. Keep should continue to look for a supervisor for board approval.

Dr. Howell suggests Dr. Keep add addiction and wellness continuing medical education courses.

Dr. Howell states a revised practice plan can be submitted and approved prior to the next meeting.

An appointment was made for Dr. Keep to meet telephonically with the board on May 20, 2015.

2:49 P.M.
Dr. Deanne Long, Initial Probationary Interview.

Dr. Cook conducted the interview asking Dr. Long to inform the board of the event that brought her before the board.

Dr. Long states she began to experience severe back pain. Dr. Long began taking opioids and quickly increased the dose. Dr. Long states she began forging prescriptions to obtain more opioids. Dr. Long states she has just finished a rehab program located in Florida.
Dr. Cook asks if a report is available from the Florida rehab program.

Dr. Long states the report should have been sent to the board already.

Dr. Howell asks if the rehab center gave Dr. Long any recommended.

Dr. Long states they are recommending reentering the workforce.

Dr. Cook asks about Dr. Long's employment at the University of Utah.

Dr. Long states University did not renew her contract and did not give her the opportunity to defend herself.

Dr. Cook asks if there were any criminal charges included with the investigation.

Dr. Long states the investigator did not file any charges.

Dr. Cook asks if Dr. Long is attending any recovery programs in Utah.

Dr. Long states she is attending Professionals in Recovery and a 12 step program.

Dr. Howell asks when Dr. Long's privileges were revoked.

Dr. Long states she resigned two weeks ago rather than have her privileges revoked.

Mr. Hale asks why Dr. Long is not in diversion.

Ms. Ellis states the length of time and the nature of the charges prevented her from being eligible for diversion.

Dr. Schaecher refers to the stipulation which states Dr. Long will complete recommendations listed in the fitness for duty letter. The board has not received the Florida evaluation which limits the board's ability to proceed.
Dr. Affleck asks about the DEA not being on the stipulation.

Dr. Long states in order to have a DEA license the licensee must have a controlled substance license. Dr. Long states she voluntarily surrender her DEA license as she currently does not have a controlled substance license.

Dr. Schaeffer asks if the board wants to require Dr. Long to attend a prescribing course.

Dr. Long states she would not object to attending if the board recommends it.

Dr. Affleck states he agrees the course would be beneficial.

Ms. Ellis states the board may want to consider requiring a prescribing course in order to return the controlled substance license.

Dr. Howell asks if a controlled substance license is required for the submitted practice plan.

Dr. Long states if the primary care provider would be doing all the pain management, which allows practice without the controlled substance license.

Dr. Howell asks when Dr. Long will have approval from Salt Lake Regional.

Dr. Long states the credentialing committee meets today and will contact her.

Dr. Klimes states if Dr. Long is approved by the credentials committee then there will be more steps of approval in different departments.

Dr. Howell asks if Salt Lake Regional is aware of Dr. Long's probation and stipulation.

Dr. Long states Salt Lake Regional is aware of the probation.

Dr. Schaeffer asks if Dr. Long has questions for the board.
Dr. Long asks about the Controlled Substance license timeline.

Dr. Schaecher states the board will require Dr. Long to complete a prescribing course before returning the controlled substance license.

Dr. Howell states after the state returns the controlled substance license then Dr. Long would need to apply with the DEA.

Dr. Howell made a motion the PAC prescribing course be completed prior to consideration of controlled substance licensure. Dr. Klimes second the motion. The board vote was unanimous, with two abstentions.

Dr. Schaecher states there is not an approved practice plan, however if one is submitted it can be reviewed and approved prior to the next meeting.

Dr. Howell asks if Dr. Long is still board certified for emergency medicine.

Dr. Long states she still meets the criteria for certification.

An appointment was made for Dr. Long to meet with the board on May 20, 2015.

DISCUSSION ITEMS:

Interstate Compact

Ms. Ellis states the Interstate Compact has passed and is waiting for the Governor's Signature. Seven states need to pass it in order to make the compact effective.

Dr. Affleck asks if the compact is a reciprocity license.

Ms. Ellis states it is another pathway for licensure. The applicant must be board certified, there will be a primary state and other member states. Fees will need to be paid for each state.

Dr. Schaecher states the compact is a streamline process for providers with no discipline. There are different conditions if action is later taken in the
primary or secondary states.

Ms. Ellis states a commission will be formed to write the administrative rules. The committee will include all active states; each state will have two members on the commission.

Dr. Cook asks how the two individuals for each state are selected for the committee.

Ms. Ellis states the Director, Mr. Steinagel is on the commission; the selection of committee members is not specified in the legislation.

Ms. Klimes states a compact will create a better awareness between states if any actions are taken.

Dr. Howell asks if a physician with a license in a state that is not in the compact could apply through the compact.

Ms. Ellis states if a physician can meet the requirements of selecting a primary state they can have a compact license.

Ms. Ellis states all controlled substance providers must complete 3.5 hours of continuing education before the next renewal cycle. UMA voiced concerns about the approved InforMed course. Ms. Ellis states the approval has been removed. The amount of time is not equivalent to the credit that is given.

Dr. Howell states it is common for an online course to not take as long as it states it will take.

Ms. Ellis states the board will need to conduct an audit of the course.

Dr. Schaecher states the course can be audited for the content.

Dr. Schaecher and Dr. Klimes state they are willing to take the course for review.

Dr. Howell asks how licenses find an approved
Legislative Items

CORRESPONDENCE:

NEXT MEETING SCHEDULED FOR: May 20, 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.

5/20/15
Date Approved

Chairperson, Utah Physicians Licensing Board

5/13/2015
Date Approved

/ss/ April Ellis
Bureau Manager, Division of Occupational & Professional Licensing

Ms. Ellis states there is a current list on the DOPL website.

Ms. Ellis states HB 94 addresses investigational drug or device for terminally ill patients. HB 94 changes the unlawful and unprofessional conduct standards. Page four of the bill, line 113 states the new standard.

Dr. Howell clarifies that prior to this bill it would have been unprofessional conduct to give an investigational drug or device even if it was FDA approved.