

MINUTES
UTAH
PHYSICIANS
LICENSING BOARD MEETING

May 20, 2015

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

CONVENED: 9:06 AM

ADJOURNED: 2:25 PM

Bureau Manager:
Board Secretary:
Compliance Assistant:

April Ellis
Lisa Martin
Debbie Harry

Board Members Present:

David A. Cook, MD
David D. Byrd, MD
Lindsay Klimes, MD
Richard W. Chapa, MD
Georgia Katshohirakis
Daniel J. Parker, MD
Elizabeth F. Howell, MD
Gary A. Hale, R.Ph.

Board Members Absent and Excused:

Kenneth L. Schaecher, MD Chairperson
John S. Montgomery, MD
Paul J. Affleck, MD

DOPL Staff:

Guests:

David Williams, IHC

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 18, 2015 Board meeting were read. Dr. Chapa made a motion to approve the minutes as read. Dr. Parker 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. Hutsinpiller is in compliance with her Stipulation and Order.
- Dr. Andersen is in compliance with his Stipulation and Order.
- Dr. Blackburn is in compliance with his Stipulation and Order.
- Dr. Hansen is in compliance with his Stipulation and Order.
- Dr. Chein is in compliance with his Stipulation and Order.
- Dr. Brooks is not in compliance with his Stipulation and Order.
- Dr. Hillam is in compliance with his Stipulation and Order.
- Dr. Keep is in compliance with his Stipulation and Order.
- Dr. Long is in compliance with her Stipulation and Order.
- Dr. Martinez-Ferrate is not in compliance with his Stipulation and Order.
- Dr. Weitzel is in compliance with his Stipulation and Order.

9:35 A.M.

Dr. Molly Hutsinpiller, Probationary Interview

Dr. Howell conducted the interview asking how Dr. Hutsinpiller is doing.

Dr. Hutsinpiller states she has started work at an InstaCare primarily in Tooele.

Dr. Howell states the board has received the practice plan and proposed Dr. Wallin as the supervising physician.

Dr. Hutsinpiller states Dr. Wallin is the medical director of employee health at Intermountain Health.

Dr. Howell asks how many hours Dr. Hutsinpiller is working.

Dr. Hutsinpiller states she is working 3 or 4 twelve hour shifts a week.

Dr. Howell asks how Dr. Hutsinpiller's recovery is going.

Dr. Hutsinpiller states AA has been helpful and she is attending four meetings a month.

Dr. Howell asks Dr. Hutsinpiller to update the board with her license status in Washington.

Dr. Hutsinpiller states being on probation makes her ineligible for certification with the American Board of Emergency Medicine; they are revoking her certification.

Dr. Howell states most boards do revoke certification for a license being on suspension.

Dr. Hutsinpiller states IHC requires their physicians to be board certified; she is appealing the revocation. If the certification is revoked there is a strong possibility Dr. Hutsinpiller will loose the InstaCare job.

Mr. Hale asks if during the appeal process includes the American Board of Emergency contacting the Utah Medical Board.

Dr. Hutsinpiller states she will suggest it to the certifying board.

Ms. Ellis states she is willing write a letter to the Board of Emergency Medicine before the appeal.

Dr. Howell calls Dr. Wallin asking if he has any questions about his role as Dr. Hutsinpiller's supervisor.

Dr. Wallin states the chart reviews may be difficult in an InstaCare setting and asks if a physician that will be working with Dr. Hutsinpillar more often is allowed to give feedback for the reports.

Dr. Howell informs Dr. Wallin that it is appropriate to gain information from individuals that are working in the same location.

Dr. Wallin asks what his role is if an immediate concern presents its self.

Dr. Howell states Dr. Wallin would want to contact DOPL and speak with Ms. Ellis or Ms. Harry to explain the concerns.

Ms. Harry informs Dr. Hutsinpillar that the board needs to receive a copy of all controlled substance prescriptions.

Ms. Ellis suggest Dr. Hutsinpillar check her controlled substance database report monthly.

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

9:55 A.M.

Dr. Matthew Andersen, Probationary Interview

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

Dr. Andersen states as far as recovery he has received his 9 month chip. Dr. Andersen attends meetings most days, meets with his sponsor once a week and has started Sherwood working two and a half days a week.

Dr. Howell asks if anything is happening with the Steinman clinic.

Dr. Andersen states he works at the Steinman clinic on Thursday afternoons.

Dr. Andersen states it is his understanding that the board had approved Dr. Gibbs as the supervisor and will need the supervisor report and employee report and chart review from each job.

Dr. Howell asks how many hours Dr. Andersen works in total each week.

Dr. Andersen states he is working 30-34 hours a week.

Dr. Howell asks how many detox patients Dr. Andersen treats.

Dr. Andersen states 1/3 of the Sherwood clinic go through a short term detox. Dr. Andersen has arranged that incoming patients receive the same treatment and if they need more they are referred a detox center.

Dr. Howell asks about Dr. Andersen's patients at the Steinman clinic.

Dr. Andersen states he treats 26 patients.

Ms. Harry reminds Dr. Andersen to check-in daily, as there were missed check-ins.

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

10:15 A.M.

Dr. Roy Blackburn, Telephonic Probationary Interview

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

Dr. Blackburn states he is unemployed and that he has completed the PACE course.

Dr. Byrd asks what Dr. Blackburn had learned at the course.

Dr. Blackburn states most of the presented information he knew. Dr. Blackburn states he did not find the course helpful or worth the time or price.

Dr. Byrd asks what Dr. Blackburn's employment plans are.

Dr. Blackburn states he can not find employment due to having a restricted license and it is discouraging.

Dr. Byrd asks if there is anything the board can do to help.

Dr. Blackburn states that being on probation as opposed to having a restricted license would improve his chances of finding a job.

Dr. Howell asks for clarification of what he meant when he requested probation and not restriction.

Dr. Blackburn states it is his understanding that the VA will hire someone with a license on probation but not if they have a restricted license.

Dr. Howell asks if Dr. Blackburn is referring to not having a controlled substance license.

Dr. Blackburn states that he has a controlled substance license and chooses not to use it.

Ms. Ellis states all Utah probation license are considered restricted, and states that Dr. Blackburn does not have a controlled substance license in Utah.

Dr. Blackburn states federal employers consider a license on probation different then businesses within the state.

Ms. Ellis states the Stipulation and Order is full of restrictions, even though there are different terms it is considered the same status.

Dr. Blackburn thanks the board for the clarification.

Dr. Byrd states moving forward the board would need Dr. Blackburn to find a job and submit a practice plan.

Ms. Ellis asks if Dr. Blackburn has his Oregon license.

Dr. Blackburn states he does have his Oregon license and has been looking for a job but no one will hire a physician with a restricted license.

Dr. Cook states a lot of probationers struggle to find employment, but are able to find work.

An appointment was made for Dr. Blackburn to meet with the Board on September 16, 2015.

Break 10:35-10:50 A.M.

10:50 A.M.

Dr. Thomas Hansen, Telephonic Probationary Interview

Dr. Chapa conducted the interview asking about Dr. Hansen supervising a physician assistant.

Dr. Hansen states he is Arizona and the physician assistant is in Utah and they are not in contact.

Dr. Chapa states the original issue was prescribing for family and no clinical documentation of them being patients.

Dr. Hansen states that is not happening anymore.

Dr. Chapa asks if Dr. Hansen is in private practice.

Dr. Hansen states he is employed by the hospital and has a supervisor that he meets with once a month.

Dr. Chapa asks if the supervisor is still reviewing 20% of the charts.

Dr. Hansen confirms that is correct and all prescriptions are written on the computer.

Dr. Cook asks about the request in November that the Arizona controlled substance database report be submitted to Utah.

Ms. Harry states the board has not seen the report; she will request the reports from November to present and have it available for the next meeting.

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

11:10 A.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 and there have

been no changes.

Mr. Hale asks if there are any expected changes in California.

Dr. Chein states everything will remain the same until the California probation ends in a year.

Mr. Hale states the division has received all required documents and asks how Dr. Chein's business is going.

Dr. Chein states business has been slow he sees about four patients a month.

Mr. Hale asks if Dr. Chein is seeing any patients in Utah.

Dr. Chein states he is not seeing any patients in Utah.

An appointment was made for Dr. Chein to meet with the Board in November 18, 2015.

11:30 A.M.

Dr. Shawn Brooks, Probationary Interview

Dr. Parker conducted the interview informing Dr. Brooks that he is not compliant.

Ms. Harry states that the supervisor report and the employer report were received but the meeting attendance report and the therapist report were not received.

Dr. Brooks clarifies that the board did not receive the therapist report from Dr. Crookston.

Ms. Ellis states a report was received however it was not accurate. Ms. Ellis asks if Dr. Brooks has seen the therapist.

Dr. Brooks states the last appointment with Dr. Crookston was in February.

Ms. Harry asks how often Dr. Brooks is seeing his therapist.

Dr. Brooks states his next appointment with Dr.

Crookston is scheduled for June.

Ms. Harry states the therapist needs to submit the report and should include how often it is recommended for Dr. Brooks to have appointments.

Ms. Ellis states there is progress of the required documents being submitted and the board recognizes Dr. Brooks's efforts.

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

11:50 A.M.

Dr. David Hillam, Probationary Interview

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

Dr. Hillam states he has found two part time jobs and has submitted practice plans for both.

Dr. Klimes asks Dr. Hillam about the two jobs.

Dr. Hillam states one is with Discovery House and he will work four hours a week. The second is with Ascending Wellness clinic, a new Suboxone clinic, and he will work 12 hours a week.

Dr. Cook notes the practice plan indicates both supervisors are also the program directors and will be completing the employer report and the supervisor reports.

Dr. Hillam confirms that Dr. Titus will supervise at Ascending, Ms. Willobee will supervise at Discovery, and there is an outside supervising physician, Dr. Valentine will review the charts.

Dr. Howell states the employer report would be completed by the program directors however the supervisor report should be completed by Dr. Valentine, the supervising physician.

Dr. Hillam states he can make those changes on the practice plans and resubmit both.

Dr. Howell made a motion to approve the submitted practice plans for Discovery House and Ascending Wellness with the supervisor revisions. Mr. Hale seconded the motion. The Board vote is unanimous.

Dr. Hillam requests a letter from the division that states he can have a supervisor that is not at the clinic.

Ms. Ellis suggests an amendment to the stipulation recommending the wording: respondent shall not work in independent solo practice; respondent shall work only in a structured setting in a clinic, hospital or group setting with other physicians and/or healthcare professionals.

Dr. Howell made a motion to create an amendment with the wording proposed by Ms. Ellis. Dr. Klimes seconded the motion. The Board vote is unanimous.

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

12:10 P.M. – 1:00 P.M.

Working Lunch

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

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

Meeting was closed at 12:08 P.M.

Dr. Parker made a motion to open the meeting. Mr. Hale seconded the motion. The Board vote was unanimous. The meeting was opened at 12:37 P.M.

Dr. Howell states that when the board requires a comprehensive evaluations it needs to include a 3-5 day, structured setting, with a multi-disciplinary treatment team. The evaluation should include psychiatric, addiction, physiological, and medical. Currently there are no programs/facilities in Utah that meet the comprehensive evaluation

requirement.

Dr. Howell made a motion that when an individual requires a comprehensive evaluation they must attend an out of state evaluation facility, in order to meet the board's evaluation requirements. Mr. Hale seconded the motion. The board vote is unanimous.

Dr. Parker made a motion that Dr. Steven Gange is required to complete a comprehensive evaluation. Mr. Hale seconded the motion. The Board vote was unanimous.

Dr. Howell made a motion that Dr. Gange's comprehensive evaluation be complete and submitted to the board by June 15, 2015. Dr. Chapa seconded the motion. The Board vote was unanimous.

1:00 P.M.

Dr. Robert Simpson, Probationary Interview

Dr. Simpson was unable to attend the board meeting.

1:20 P.M.

Dr. Mark Keep, Probationary Interview

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

Dr. Keep states he has a proposed supervising physician. He had a phone interview for a fellowship at the Betty Ford Clinic in California.

Mr. Hale asks about the work that Dr. Keep is doing right now.

Dr. Keep states he is working with Pathways; they investigate the underlying causes and effects of stressors.

Mr. Hale made a motion to approve the proposed supervisor. Dr. Klimes seconded the motion. The Board vote was unanimous.

Dr. Cook asks Dr. Keep about his license displayed in a cosmetologist's office.

Dr. Keep states when he had been approached to be a

physician supervisor however a written agreement was not developed. Dr. Keep states he never had a working agreement as a supervisor therefore he never began working as a supervisor.

Dr. Cook asks if Dr. Keep is aware the license is still displayed in the cosmetologist's office.

Dr. Keep states he was unaware that his license is currently posted at any office.

Ms. Ellis instructs Dr. Keep to contact the cosmetologist and make sure she is aware that he is not a supervisor for her.

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

1:40 P.M.

Dr. Deanne Long, Probationary Interview

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

Dr. Long states she has an offer to teach at Utah Valley University and asks if that would qualify for the requirements of employment.

Dr. Cook asks what Dr. Long would be teaching at the University.

Dr. Long states she would be teaching within the paramedic school, fire school and possibly physician assistant school.

Dr. Cook states a practice plan would need to be submitted prior to starting at any position.

Dr. Long states she will work on a practice plan.

Dr. Cook asks about the meetings Dr. Long is attending.

Dr. Long states she is attending one meeting a week.

Dr. Howell states Dr. Long should to be attending three meetings a week as recommended by the evaluation.

Dr. Cook asks about following up with an addictionologist qualified in pain management.

Dr. Long states she has been seeing her primary care physician, a neurologist, and has seen a counselor that is a pain management specialist.

Dr. Cook states Dr. Long has missed three check-ins.

Ms. Harry suggests Dr. Long set an alarm to remind her.

Dr. Klimes made a motion that employment in education of healthcare professions will qualify as time worked during probation. Dr. Chapa seconded the motion. The Board vote is unanimous.

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

2:00 P.M.

Dr. Rodolfo Martinez-Ferrate, Probationary Interview

Dr. Martinez-Ferrate was unable to attend the board meeting.

2:20 P.M.

Dr. Robert Weitzel, Probationary Interview

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

Dr. Weitzel state there was legal action taken with an individual in the office he was working at. Dr. Weitzel no longer works within the office. Dr. Weitzel had a patient that raised some questions and he contacted the DEA.

Dr. Byrd states Dr. Weitzel has put a lot of thought into the type of care he wants to provide. Dr. Byrd asks how many hours Dr. Weitzel is working each week and how many patients he sees.

Dr. Weitzel states he works 25-30 hours a week and takes about an hour with each patient.

Dr. Cook asks about two urine test that had a result of low keratin.

Dr. Weitzel states he is unaware of the abnormal results.

Ms. Harry suggests Dr. Weitzel test at a different time of day.

Dr. Weitzel asks if he would be approved to work in a suboxone clinic.

Ms. Ellis reads from the stipulation and informs the board they would need to approve and amend the order.

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

2:40 P.M.

Dr. Christiana Lietzke, Notice of Agency Action

Ms. Ellis states Dr. Lietzke was licensed in 2013, she had a Tennessee license, and is currently practicing in South Dakota. The division received information that action was taken against her license in another state; because action was taken in another state Utah filed an informal action. Dr. Lietzke informed the board that she would be surrendering her Utah license and did not follow through.

Ms. Ellis had informed Dr. Lietzke in order to keep her license she needed to respond to the notice of agency action.

Ms. Ellis states Dr. Lietzke called to inform the division she would be responding to the allegations however the division did not receive a response.

Dr. Klimes asks if the license will be revoked.

Ms. Ellis states the license can be revoked, suspended, or fined.

Dr. Howell asks what happened to Dr. Lietzke's Tennessee license.

Ms. Ellis states Dr. Lietzke surrendered her Tennessee license.

Dr. Klimes asks what the board needs to do.

Ms. Ellis state a motion needs to be made for the next step for Dr. Lietzke's license.

Dr. Chapa asks what the difference is between for a revoked license and a suspended license.

Ms. Ellis states a revocation is more final and Dr. Lietzke would need to reapply if she wanted to practice in Utah.

Dr. Klimes made a motion to revoke Dr. Lietzke's license. Dr. Howell seconded the motion. The board vote passes with five in agreement to revoke and 2 opposed.

2:55 P.M.

Dr. Sushil Vasanthkumar, Notice of Agency Action

Ms. Ellis states Dr. Vasanthkumar has not responded to his notice of agency action. Dr. Vasanthkumar may not have been qualified to be licensed. The application contained false information concerning his residency. Dr. Vasanthkumar was placed on probation during residency and did not receive credit for the academic year as he was not in good standing. Ms. Ellis states Dr. Vasanthkumar was licensed in Utah in 2010. Utah filed the notice of agency action based on disciplinary action in another state.

Dr. Klimes made a motion to revoke Dr. Vasanthkumar's license. Dr. Chapa seconded the motion. Dr. Howell abstained from the vote. The board vote was unanimous.

DISCUSSION ITEMS:

Interstate Compact

Ms. Ellis states that seven states have passed the compact and it can now go into effect. Each state will have two commissioners on the committee, Ms. Ellis and Dr. Schaecher will represent Utah.

Dr. Parker asks how easy it will be to get a license in the other compact states if a physician has a license in one of the compact states.

Ms. Ellis states that it is an expedited method to apply in the participating states.

Ms. Katshohirakis asks if a physician has a suspended license in one of the states how the other states proceed.

Ms. Ellis states if a physician is suspended in the designated home state, the licenses in the other states are suspended. If the physician is suspended in a state that is not the designated home state, the suspending state must notify the compact states and each state will decide the course of action for the physician's license.

Dr. Cook asks if there is a reduced fee for physicians that are already licensed.

Ms. Ellis states the fee in Utah for physicians that are already licensed and want to join the compact will be \$40 plus the cost of fingerprints. Each state will establish their fees.

FSMB Update

Ms. Ellis states there were four representatives from Utah at the Conference. A majority of the conference focused on the compact. Telemedicine was also focused on at the conference, the board will have a discussion about Telemedicine in July.

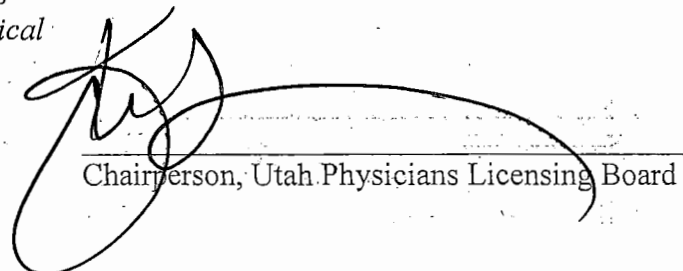
CORRESPONDENCE:

NEXT MEETING SCHEDULED FOR: July 15, 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.

7/15/15

Date Approved


Chairperson, Utah Physicians Licensing Board

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Minutes
Physicians Licensing Board
May 20, 2015

July 6, 2015
Date Approved

April Ellis
Bureau Manager, Division of Occupational &
Professional Licensing