

**MINUTES**

**UTAH  
PHYSICIANS  
LICENSING BOARD MEETING**

**September 16, 2015**

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

**CONVENED: 9:17 AM**

**ADJOURNED: 3:43 PM**

**Bureau Manager:  
Board Secretary:  
Compliance Assistant:**

April Ellis  
Lisa Martin  
Debbie Harry

**Board Members Present:**

David A. Cook, MD  
Elizabeth F. Howell, MD  
Gary A. Hale, R.Ph.  
Kenneth L. Schaecher, MD Chairperson  
John S. Montgomery, MD  
Georgia Katshohirakis  
David D. Byrd, MD

**Board Members Absent and Excused:**

Richard W. Chapa, MD  
Daniel J. Parker, MD  
Lindsay Klimes, MD  
Mark Bair, MD

**DOPL Staff:**

Carolyn Dennis

**Guests:**

John Mahoy  
Richard King, University of Utah

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

**The minutes from the July 15, 2015 Board meeting were read. Dr. Montgomery made a motion to approve the minutes as read. Mr. Katsohirakis 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. Weitzel is in compliance with his Stipulation and Order.
- Dr. Andersen is in compliance with his Stipulation and Order.
- Dr. Hillam is in compliance with his Stipulation and Order.
- Dr. Adamson is in compliance with his Stipulation and Order.
- Dr. Roy Blackburn is in compliance with his Stipulation and Order.
- Dr. Hansen is not in compliance with his Stipulation and Order.
- Dr. Keep is in compliance with his Stipulation and Order.
- Dr. Hutsinpiller is in compliance with her Stipulation and Order.
- Dr. Long is not in compliance with her Stipulation and Order.
- Dr. Martinez-Ferrate is not in compliance with his Stipulation and Order.
- Dr. Molly Mears is in compliance with her Stipulation and Order.
- Dr. Chad Kimball this is his initial probationary meeting.
- Dr. Randal Lewis is in compliance with his Stipulation and Order.

**9:35 A.M.**

Dr. Robert Weitzel, Probationary Interview

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

Dr. Weitzel states he has been busy seeing patients and has decided not to pursue the suboxone option.

**Dr. Byrd asks how many patients Dr. Weitzel sees per week.**

Dr. Weitzel states he sees 30-35 patients each week.

**Dr. Byrd asks if Dr. Weitzel has any concerns.**

Dr. Weitzel states he received another offer from Salt Lake Behavioral Health, however he would need to be off of probation in order to accept the position.

**Dr. Schaecher asks why he would have to be off of probation prior to starting with Salt Lake Behavioral Health.**

Dr. Weitzel states the corporation has a policy that does not allow for their physicians to be on probation.

**Dr. Byrd asks about the statement in the supervisor report indicating more detail needs to be included in Dr. Weitzel's charting.**

Dr. Weitzel states there was a concern of the lack of detail in his charts. Dr. Weitzel states his supervisor is comfortable with his practice style. Dr. Weitzel states he has collaborated with the supervisor to compose a uniformed form for all charts.

**Dr. Byrd states the board appreciates the detailed report that was received from Dr. Weitzel's supervisor.**

Dr. Weitzel asks if there could be a discussion about not having a supervisor.

**Dr. Schaecher states a supervisor is part of the process of probation and the board has found value in maintaining a supervisor.**

Dr. Weitzel states the probation process has allowed him to review how he practices. Dr. Weitzel requests the consideration of early release from probation.

**Ms. Ellis states Dr. Weitzel's would be complete in October of 2018.**

**Dr. Schaecher states due to the amount of time Dr. Weitzel has completed on probation the board would require another year prior to discussing early termination.**

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

**9:55 A.M.**

Dr. Matthew Andersen, Probationary Interview

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

Dr. Andersen states he is currently working at Recovery Ways, Sherwood Hills, Phoenix Recovery, Project Recovery and the Steinman clinic.

**Dr. Schaecher states the issues that brought Dr. Andersen to the board are being recreated by diversity of employment.**

Dr. Andersen states Dr. Gibbs is assisting him in narrowing down options and Dr. Andersen has declined other opportunities.

**Dr. Howell states the board is concerned that with this level of locations it would be difficult for those around Dr. Andersen to recognize any problems that may be reintroduced.**

Dr. Andersen states he has a strong support system set into place and they are aware of his history.

**Ms. Harry states Dr. Andersen has requested reports be submitted quarterly.**

Dr. Andersen states the request is for the supervisor, employer report and therapist reports to be submitted quarterly.

**Dr. Howell made a motion to allow supervisor reports be submitted quarterly. Ms. Katsohirakis seconded the motion. The board vote was unanimous.**

Dr. Andersen states he has an employment opportunity that could be a full time position and asks what the best way to present the opportunity to the board.

**Dr. Schaecher states when a practice plan is submitted to the board Dr. Andersen should include which of his current jobs he will drop.**

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

**10:15 A.M.**

Dr. David Hillam, Probationary Interview

**Dr. Byrd conducted the interview asking how Dr. Hillam is doing.**

Dr. Hillam states he is working at both Descending Wellness and Salson Clinics.

**Dr. Byrd asks how the relationship with Dr. Hillam's supervisor is going.**

Dr. Hillam states things are going well. Dr. Hillam asks about his ability to supervise mid-level providers in the clinic.

**Dr. Schaecher states when individuals are on probation the board is not comfortable allowing supervision.**

Dr. Hillam states his ability to practice medicine has not been questioned and it would not be an additional burden to supervise a mid-level provider.

**Dr. Byrd states supervising a mid-level could provide an additional awareness to details.**

**Dr. Schaecher states this would be a good discussion for the board to review.**

**Dr. Byrd states Dr. Hillam's supervisor report was**

**not detailed.**

Dr. Hillam states he works with the employer more than the supervisor.

**Dr. Byrd states the board would like to see more detail in the supervisor reports.**

**An Appointment was made for Dr. Hillam to meet with the Board on November 18, 2015.**

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

**10:50 A.M.**

Dr. Theran Adamson, Probationary Interview

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

Dr. Adamson states he will take the addictive medicine boards in October. Dr. Adamson states he has submitted all the requested reports and attends meetings every week. Dr. Adamson states his therapist had indicated she would send a letter stating he does not require continued sessions.

**Ms. Harry states a report was received August 21.**

**Dr. Schaecher reviews the received letter stating the letter while positive does not directly indicate that treatment is no longer required.**

Dr. Adamson states he will follow up with his therapist.

**Dr. Schaecher states the practice plan has not been approved by the board.**

Dr. Adamson states the practice plan and supervisor information has been sent.

**Dr. Schaecher states there are three listed physicians for supervisor, Dr. Schaecher asks for clarification of who the requested supervisor is.**

Dr. Anderson states he is requesting Dr. Baker serve as his supervisor.

**Dr. Schaecher asks the board if there are any**

**concerns with the practice plan.**

**Ms. Katsohirakis notes the practice plan includes Dr. Anderson act as a supervisor a LPN and two physician assistances.**

**Dr. Howell asks if Idaho has approved Dr. Anderson to supervision.**

Dr. Anderson states he has an unrestricted license in Idaho.

**Dr. Schaecher states the Utah board has the ability to follow what Idaho allows.**

**Mr. Hale made a motion to approve the submitted practice plan. Dr. Howell seconded the motion. The board vote was unanimous**

**Dr. Howell made a motion to approve Dr. Baker, the proposed supervisor. Mr. Hale Seconded the motion. The board vote was unanimous.**

**Dr. Schaecher states the supervisor will need to meet with the board either by phone or in person at the next board meeting.**

**An appointment was made for Dr. Adamson to meet with the Board telephonically on November 16, 2015.**

**11:10 A.M.**

Dr. Roy Blackburn, Telephonic Probationary Interview

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

Dr. Blackburn states he is volunteering at Occupy Medical. Dr. Blackburn states he has spoken with a company in Roosevelt with an internal medicine position however he is not optimistic.

**Dr. Byrd asks why Dr. Blackburn is moving to Utah rather than staying in Oregon.**

Dr. Blackburn state he is unhappy with Oregon and the way it is politically ran.

**Dr. Byrd asks how Dr. Blackburn is finding the**

**jobs he is applying for.**

Dr. Blackburn states he refers to job boards and contacts recruiters.

**Dr. Byrd states when Dr. Blackburn finds employment he will need to inform the board.**

Dr. Blackburn states he is staying compliant with Oregon and Utah for where ever he finds employment.

**An appointment was made for Dr. Blackburn to meet with the board telephonically in January 2016.**

**11:30 A.M.**

Dr. Thomas Hansen, Telephonic Probationary Interview

**Dr. Cook conducted the interview stating the controlled substance database report was received as requested.**

Dr. Hansen states he states any patients that require more medication than he is comfortable prescribing are referred to the pain center.

**Dr. Cook states that the division has not received supervisor reports.**

Dr. Hansen states he has discussed the reports with his supervisor and will follow up with his supervisor.

**Dr. Cook states the missing reports were discussed at the last board meeting. Dr. Cook informs Dr. Hansen that if reports are not received the board has the ability to impose a fine of \$250.**

**Dr. Schaecher states Dr. Hansen is the one responsible to complete the stipulation requirements.**

Dr. Hansen states he will discuss the issue with his supervisor and have his employer speak with him as well.

**Mr. Hale asks if Dr. Hansen is submitting copies of all controlled substance prescriptions.**

Dr. Hansen states he the controlled substance database report was sent.

**Mr. Hale states the board would like a copy of all controlled substance prescriptions as well as the controlled substance database report.**

Dr. Hansen asks if he would be allowed to accept a position to supervise a physician assistant.

**Dr. Schaecher states at this time the board is not allowing probationers to work as supervisors however this discussion will be reviewed by the board.**

**An appointment was made for Dr. Hansen to meet with the board on November 18, 2015.**

**11:50 A.M.**

Dr. Mark Keep, Probationary Interview

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

Dr. Keep states he has some employment possibilities within cardiology, the fellowship with Betty Ford is still an option as well.

**Dr. Schaecher what type of employment Dr. Keep would like find.**

Dr. Keep states he enjoys cardiology and would accept a position, however he is more interested in practicing within recovery.

**Mr. Hale asks how many hours Dr. Keep is working.**

Dr. Keep states he works about 30 hours a week.

**An appointment was made for Dr. Keep to meet with the board on November 18, 2015.**

**12:10 P.M. – 1:00 P.M.**

Working Lunch

**1:00 P.M.**

Dr. Molly Hutsinpillar, Probationary Interview

**Dr. Howell conducted the interview asking how Dr.**

**Hutsinpillar is doing.**

Dr. Hutsinpillar states she is working full time at the Intermountain Insta-care.

**Dr. Howell states the board has received all the reports that are required. Dr. Howell asks about a letter from ABAM.**

Dr. Hutsinpillar states she is attempting to maintain her status with ABAM, they have delayed their decision until the license status for Washington and New Mexico have been concluded.

**Dr. Schaecher asks if Dr. Hutsinpillar's employment will be impacted if she loses board certification.**

Dr. Hutsinpillar states she thinks she would lose her job however she has not had a conversation with her employer.

**Dr. Howell asks about Dr. Hutsinpillar's recovery.**

Dr. Hutsinpillar states she has a good support system, attends Monday a professional in recovery meeting when she is not working, and ensures attendance at the required number of meetings.

**Dr. Howell suggest Dr. Hutsinpillar become familiar with other days Professionals In Recovery meetings are offered to coordinate with her work schedule.**

**An appointment was made for Dr. Hutsinpillar to meet with the board on November 18, 2015.**

**1:20 P.M.**

Dr. Deanne Long, Probationary Interview

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

Dr. Long states she began teaching two classes in the community public health department.

**Dr. Cook asks if Dr. Long continues to work with**

**the wound care clinic.**

Dr. Long states she works in the wound clinic when needed and is averaging four days a month.

**Dr. Cook asks if Dr. Long has any other prospective employment opportunities.**

Dr. Long states it would be easier to obtain employment if her controlled substance license was to be reinstated. Dr. Long states she attended the PACE course.

**Dr. Cook states generally the board requires the probationer to submit a review of the PACE course.**

Dr. Long states she was unaware of the requirement, and would be happy to compose one.

**Dr. Cook states the board has not received a therapist report or a supervisor report.**

**Ms. Harry states the supervisor submitted an employer report.**

Dr. Long states she will have supervisor fill out the report.

**Dr. Cook states the board wanted to meet with the supervising physician.**

Dr. Long states she was not clear that was a requirement.

**Dr. Schaecher states the supervisor will need to attend the meeting in November.**

Dr. Long asks if would be possible to obtain her controlled substance license.

**Dr. Schaecher states the board would like the PACE review to consider the controlled substance license.**

**Dr. Howell states the board is concerned with**

**granting a controlled substance license because the initial issue was addiction to controlled substances.**

Dr. Long states she has obtained better education through rehab, she has learned coping methods, and she is in a better place

**Dr. Schaecher states Dr. Long needs to submit the essay on the PACE course and the board will review it.**

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

**1:40 P.M.**

Dr. Randolph Martinez-Ferrate, Probationary  
Interview

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

Dr. Martinez-Ferrate states after the evaluation his chart review showed he has included more detail.

**Dr. Schaecher asks if Dr. Martinez-Ferrate had received the full evaluation report.**

Dr. Martinez-Ferrate confirms he did receive the evaluation.

**Mr. Hale asks if Dr. Martinez-Ferrate has made changes based on the report.**

Dr. Martinez-Ferrate states he will limit his office to one location and will continue to work on record keeping skills.

**Mr. Hale asks how Dr. Martinez-Ferrate is doing with his continuing education.**

Dr. Martinez-Ferrate states he has been attending free continuing education courses.

**Dr. Howell states the evaluation contained a lot of comments that will be helpful as Dr. Martinez-Ferrate continues his practice.**

**An appointment was made for Dr. Martine-Ferrate to meet with the board on November 18, 2015.**

**2:00 P.M.**

**Dr. Molly Mears, Probationary Interview**

**Dr. Howell conducted the interview asking how Dr. Mears is doing.**

Dr. Mears states the requested forms have been submitted.

**Dr. Howell states if the supervisor is approved he will have to meet with the board.**

**Dr. Schaecher states the standard for the board to meet with supervising physician.**

Dr. Mears stated she was uncertain if the supervisor would need to meet with the board.

Mr. Lewis states Dr. Mears was cited for not having a supervisor which has caused some confusion.

**Ms. Ellis states the division has allowed Dr. Mears to work prior to board approval of a practice plan and supervisor, most probationers are not given that option.**

Dr. Mears states she was given time to obtain a new supervisor and some of the required items were submitted.

**Ms. Ellis states the division was informed that a supervisor had not been obtained.**

**Ms. Harry states on July 29<sup>th</sup> she contacted Dr. Mears stating the division has not received documents concerning a supervisor.**

**Dr. Howell states Dr. Mears has been allowed to work without an approved supervisor, most providers stop working until the board approves a supervisor and practice plan.**

Dr. Mears states it is not stated in her stipulation that she cannot work without an approved supervisor.

**Ms. Ellis reads from the stipulation, 'the respondent shall practice only under the supervision of a Division and Board approved**

supervisor'.

**Dr. Schaecher states often with a new probationer there are issues with clarity. The board would like to clarify that the binding information is what is included in the signed Stipulation. Dr. Schaecher states until this point the board has allowed Dr. Mears to continue working without an approved supervisor. Dr. Schaecher states the first item to address is if the board will approve Dr. Bryner as a supervising physician.**

**Ms. Katsohirakis states the board will require Dr. Bryner to attend the next board meeting.**

**Mr. Hale made a motion that Dr. Bryner be tentatively approved as supervising physician with the condition that Dr. Bryner attend the November board meeting. Final approval will be discussed at the November meeting. Ms. Katsohirakis seconds the amended order. The board vote is unanimous.**

**Dr. Schaecher states the board needs to vote on the submitted practice plan.**

Mr. Lewis states the practice plan submitted in August is the most recent.

**Mr. Hale asks if the authorization for non-licensed individual to be present included in the practice plan will eliminate the issue that brought her before the board.**

Dr. Mears states the unlicensed individual is working on obtaining a master esthetician to allow him to perform the treatments.

**Dr. Howell made a motion to approve the submitted practice plan with the revision of the supervisor. Mr. Hale seconded the motion. The board vote was unanimous.**

**An appointment was made for Dr. Mears to meet with the board on November 18, 2015.**

**2:20 P.M.**

**Dr. Chad Kimball, Initial Probationary  
Interview**

**Dr. Schaecher conducted the interview asking Dr. Kimball to inform the board what brought him before the board.**

Dr. Kimball states he has been involved in the diversion program, worked with two intensive outpatient programs, and then began asking other providers to write prescriptions for family member that he would then use. Dr. Kimball states he then started to use another provider's DEA number to write prescriptions for himself.

**Dr. Schaecher asks if Dr. Kimball is working.**

Dr. Kimball states he is not working.

**Dr. Schaecher asks about Dr. Kimball's sobriety.**

Dr. Kimball states he attends a twelve step meeting, attends a professionals in recovery meeting, participates in an aftercare program, attends AA meetings, he is working with a sponsor, and is involved with a spiritual program.

**Dr. Schaecher asks if Dr. Kimball is aware that he will need an approved practice plan and supervisor prior to beginning work.**

Dr. Kimball states he has a practice plan for the board to review. Dr. Kimball states Dignity Hospice is a position that offers limited hours and Dignity Doctors at Home is a practice that is being developed.

**Dr. Schaecher clarifies that Dignity Hospice is hospice care and Dignity Doctors is connected with an assisted living facility.**

**Dr. Howell states the visits will be performed in the patients' place of residence and medications are delivered to the patient's place of residence; raising the concern of controlled substances access.**

Dr. Kimball states at the assisted living facilities medications are secure with the staff of the facilities.

**Dr. Schaecher states the practice plan indicates Dr. Kimball would practice alone. The initial impression is that Dr. Kimball would do better in a more conformed location.**

Dr. Kimball states he has no desire to practice in a group, indicating the environment is counterproductive to him.

**Dr. Howell states from an addiction stand point the board's view is that it would be unsafe for Dr. Kimball to practice in the proposed environment.**

**Dr. Montgomery states there are problems with the absence of another person eliminating accountability from Dr. Kimball.**

**Dr. Cook asks about including a chaperone or two providers required at all times.**

**Dr. Schaecher states there is a challenge with a chaperone creating a conflict of interest with hiring that individual.**

Dr. Kimball asks if the stipulation require him to practice medicine to complete his probation time.

**Dr. Bair states the Dignity Hospice practice plan displays a better environment to support sobriety.**

**Dr. Schaecher states each practice plan includes different supervising physician.**

**Mr. Hale asks about Dr. Kimball's legal status.**

Dr. Kimball states his controlled substance license is suspended, he has no DEA license, and he is not board certified.

**Ms. Harry states the Dignity Doctors at Home plan states 10% chart review, however the stipulation requires 20% chart review.**

**Mr. Hale made a motion to deny the Dignity Doctors at Home practice plan. Dr. Montgomery seconded the motion. The board vote passes with 6**

**in agreement and 1 abstained.**

**Dr. Byrd states the practice plan can be reevaluated once it has been modified.**

**Dr. Bair made a motion to approve the Dignity Hospice practice plan. Mr. Hale seconded the motion. The board vote passes with 6 in agreement and 1 abstained.**

**Dr. Schaecher states in order to approve the proposed supervisor a CV will need to be reviewed and the board will need to speak with the supervisor at the next meeting.**

Dr. Kimball asks if the supervisor can be approved prior to meeting with the supervisor.

**Dr. Schaecher states the resume will be reviewed once submitted and the board will determine if the supervisor can be approved before meeting with the board.**

Dr. Kimball informs the board that he currently works with a home health company performing reviews of protocols. Dr. Kimball states he is also involved with a nutritional supplement company.

**An appointment was made for Dr. Kimball to meet with the board on November 18, 2015.**

**Swear in Dr. Mark Bair**

**Ms. Ellis administered the Oath of Office to Dr. Bair MD.**

**2:50 P.M.**

Dr. Randal Lewis, Probationary Interview

**Dr. Montgomery conducted the interview asking how Dr. Lewis is doing.**

Dr. Lewis states he attended professional renewal center, a report should have been sent to the board. Dr. Lewis states he is struggling to find employment, however he has submitted a practice plan for Exodus Healthcare Network. Dr. Lewis states there has been a delay in issuing his New Mexico license. Dr. Lewis states he is scheduled to attend the PRIME course this week and the PACE course in October.

**Ms. Ellis asks about the New Mexico licenses status.**

Dr. Lewis states he will be attending their meeting in November. Dr. Lewis It would work better to work there for a couple of years and then return to Utah.

**Dr. Montgomery asks if finding a supervisor has been difficult.**

Dr. Lewis states he has a supervisor at Exodus Healthcare Network and there is a physician in New Mexico that is willing to serve as a supervisor.

**Mr. Hale made a motion to approve the submitted practice plan. Dr. Montgomery seconded the motion. The board vote was unanimous.**

**Dr. Schaecher states the board will need Dr. Lewis to submit a supervisor with a CV noting the board will want to speak with the supervisor at the next meeting.**

**An appointment was made for Dr. Lewis to meet with the board on November 18, 2015.**

**3:10 P.M.**

Dr. Samuel Johnson, File Review

Dr. Johnson was unable to attend the meeting and will be rescheduled for the November 18, 2015 meeting.

**DISCUSSION ITEMS:**

**Interstate Compact**

**Ms. Ellis states the compact commission met in September 1<sup>st</sup>. All eleven states had a representative. A formal compact meeting has been scheduled for October 27<sup>th</sup>-28<sup>th</sup>.**

**Ms. Ellis states an agenda and meeting invitation will be sent, Mr. Steinagel will attend the meeting along with Dr. Schaecher.**

**Telemedicine**

**Ms. Ellis states a list has been composed of individuals to invite to the task force.**

**Dr. Schaecher states the task force will meet and develop rules around defining telemedicine.**

**Probationer Status**

**Ms. Ellis states the division has had discussion about the status of probationers' licenses. Ms. Ellis states there is inconsistency in the status of the licenses. The decision of the division to remove the status of restricted and all probationers' license status now shows 'active on probation'.**

**Dr. Schaecher states for the record the time with Ms. Ellis the board has felt the approach has been collaborative and has acted as an advocate for the board.**

**The board thanks Ms. Ellis for her time as Bureau Manager.**

**CORRESPONDENCE:**

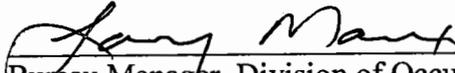
**NEXT MEETING SCHEDULED FOR:** November 18, 2015

*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.*

\_\_\_\_\_  
Date Approved

10/29/15  
Date Approved

  
\_\_\_\_\_  
Chairperson, Utah Physicians Licensing Board

  
\_\_\_\_\_  
Bureau Manager, Division of Occupational & Professional Licensing