

MINUTES

**UTAH
PHYSICIANS
LICENSING BOARD MEETING**

March 16, 2016

**North Conference Room– 1st Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:13 AM

ADJOURNED: 3:50 PM

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

Larry Marx
Lisa Martin
Debbie Harry

Board Members Present:

David A. Cook, MD
Kenneth L. Schaecher, MD Chairperson
John S. Montgomery, MD
Richard W. Chapa, MD
Lindsay Klimes, MD
David Moulton, MD
Gary A. Hale, R.Ph.
David D. Byrd, MD

Board Members Absent and Excused:

Mark Bair, MD
Daniel J. Parker, MD
Georgia Katshohirakis

DOPL Staff:

John Mahan, University of Utah

Guests:

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 20, 2016 Board meeting were read. Dr. Cook made a motion to approve the minutes as read. Dr. Montgomery seconded the motion. The Board vote was unanimous.

APPOINTMENTS:

9:15 A.M.

Debbie Harry, Compliance Update

- Ms. Harry states Dr. Blackburn requested the board approve a possible avenue of employment.
- Ms. Harry states Dr. Hansen has submitted all required documents.
- Ms. Harry states Dr. Simpson is requesting early release from probation.
- Ms. Harry states Dr. Hartman has submitted all required reports.
- Ms. Harry states Dr. Hutsinpillar has submitted all required reports and continues to attend required meetings.
- Ms. Harry states Dr. Keep is requesting quarterly reports, all required documents have been submitted.
- Ms. Harry states Dr. Kimball submitted all required reports. Dr. Kimball's supervisor will be attending the meeting.
- Ms. Harry states Dr. Lewis has submitted all required reports; however they were submitted late.
- Ms. Harry states Dr. Long has submitted all reports and is attending all required meetings.
- Ms. Harry states Dr. Mears has submitted all required reports.
- Ms. Harry states Dr. Roberts has not contacted the division to meet with a compliance officer.
- Ms. Harry states Dr. Walsh has signed a stipulation however the signature process has not been completed.

9:30 A.M.

Dr. Roy Blackburn, Telephonic Probationary
Interview

Dr. Schaecher conducted the interview asking about the employment request Dr. Blackburn has submitted.

Dr. Blackburn states the job would be evaluation of applicants wanting to be CDL drivers; there would be no treatment involved with the evaluations. Dr. Blackburn continues the work would qualify as an applicant employer relationship and not a doctor patient relationship.

Dr. Montgomery asks if Dr. Blackburn would see the applicant.

Dr. Blackburn states he would see and evaluate the applicant.

Dr. Moulton asks if Dr. Blackburn would follow up on medical problems or positive drug screens.

Dr. Schaecher states a CDL exam includes a physical with a urine analysis, eye exam, and completing a form.

Mr. Hale asks where the exams would take place.

Dr. Blackburn states he would be working in Utah and there is not an established location.

Dr. Schaecher clarifies that this request is to ensure this type of employment would be approved.

Dr. Blackburn confirms that he doesn't want to pursue this type of employment if the board wouldn't approve this type of work.

Dr. Schaecher states the board is comfortable with the concept; however without a practice plan the board will not give a guarantee.

The board determined Dr. Blackburn is in compliance with his stipulation and order.

An appointment was made for Dr. Blackburn to meet with the Board on July 20, 2016.

Dr. Chapa made a motion to terminate Dr. Hartman's probation. Dr. Cook seconded the motion. The board vote was unanimous.

11:05 A.M.

Dr. Molly Hutsinpillar, Telephonic
Probationary Interview

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

Dr. Hutsinpillar states she was contacted by her employer about a billing issues and she is not eligible for Medicare privileges until 2018. Dr. Hutsinpillar states she is concerned that these event will derail her progress.

Dr. Schaecher asks what Dr. Hutsinpillar means by "derail".

Dr. Hutsinpillar states she is concerned for her ability to continue working.

Dr. Montgomery states the board understands Dr. Hutsinpillar was asking about the possibility of working in Alaska.

Dr. Hutsinpillar states she is seeking employment in Alaska. Dr. Hutsinpillar states she isn't sure if there would be any issues if she obtained a position in emergency care.

Dr. Schaecher states the board would be willing to consider any change of employment as far as the change continues to support the stipulation.

Dr. Moulton states it seems Dr. Hutsinpillar may be getting busy and distracted. Dr. Moulton states the concern is that there may be a lack of maintaining focus on recovery as shown by the missed check-ins.

Dr. Hutsinpillar states she disagrees with that opinion.

Dr. Moulton asks what Dr. Hutsinpillar is doing to maintain sobriety.

Dr. Hutsinpillar states she continues to check-in, attended 2 AA meetings, and a professionals in recovery meeting.

The board determined Dr. Hutsinpillar is in compliance with his stipulation and order.

An appointment was made for Dr. Hutsinpillar to meet with the board telephonically in May 18 2016.

11:25 A.M.

Dr. Mark Keep, Probationary Interview

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

Dr. Keep states he has been traveling often and asks about monitoring interruptions. Dr. Keep states he continues to work at the rehab facility.

Ms. Harry states if Dr. Keep can find location where he is traveling it is best not to make frequent interruption requests.

Dr. Schaecher states Dr. Keep has submitted all the required reports and appears to be in compliance.

Mr. Hale asks about Dr. Keep's employment and work hours.

Dr. Keep states his hours change dependent upon the need of each location, on average he sees twenty patients a week.

Dr. Keep asks if he will be permitted to meet on a quarterly basis and submit reports quarterly

Dr. Schaecher states the board is agreeable to the change.

The board determined Dr. Keep is in compliance with his stipulation and order.

An appointment was made for Dr. Keep to meet with the board on July 20, 2016.

11:45 A.M.

Dr. Chad Kimball, Probationary Interview

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

Dr. Kimball introduced his supervisor Dr. Goble and his business partner Bryce Wilson. Dr. Kimball states he has continued with the hospice clinic as well as the family business.

Dr. Schaecher states the approval of the practice plan requested modification; however the board has not received an updated plan.

Dr. Kimball states he was a bit confused as there was approval for a chaperone and it seemed a bit contradictory.

Dr. Cook states the hospice plan was approved and requested a revision to include a chaperone. Dr. Cook continues stating the Dignity Doctors at Home practice plan needed an update that no private residency would be permitted.

Dr. Kimball requests further clarification. Dr. Kimball confirms he always has a chaperone with the hospice practice.

Ms. Harry provided a chaperone log that will need to be completed and submitted to the division once a month.

Mr. Wilson states he owns both the clinics; the medications provided are reviewed by the same method at both clinics. Mr. Wilson continued stated they have discussed hiring an individual to act solely as Dr. Kimball's chaperone.

Dr. Kimball states he is under the impression that the board does not have a clear understanding of the practice.

Dr. Schaecher states the concern is more control and access to medications that Dr. Kimball would have at a private residence. Dr. Schaecher asks what safeguards are in place to ensure medication control.

Mr. Wilson states the environment is similar to a hospice care clinic; all visits are scheduled through and administrative group, Dr. Kimball will have a chaperone, Dr. Kimball will have a supervisor and records maintained in clinical setting. Mr. Wilson states it is a requirement to keep a medication sheet on each patient. Mr. Wilson states if a patient fills a prescription through the practice structure, if the refill needs to be done early the organization would know.

Dr. Schaecher clarifies that Dr. Kimball cannot write controlled substances at this time and Dr. Goble will write any prescriptions that are required.

Dr. Goble confirms that she would write all controlled substance prescriptions.

Dr. Kimball states his understanding was that home visits were approved with a chaperone.

Dr. Cook states the board would like to have the Dignity Doctors at Home practice plan to be resubmitted with the revision that visits will not occur at a private residents.

Dr. Schaecher states the wording 'house call practice' should be removed.

Dr. Kimball states he is concerned he will lose the ability see more patients.

Dr. Schaecher states the board's concern remains the same and the board requires a revision of the practice plan.

Dr. Schaecher asks Dr. Goble if she understands the role of supervisor.

Dr. Goble states she has an understanding and being at the meeting has helped with more understanding of the role.

Dr. Schaecher states there are report requirements that can have an effect on Dr. Kimball.

Dr. Klimes states the supervisor is the most knowledgeable person of how Dr. Kimball is practicing and the board relies on the supervisor reports.

Dr. Goble asks if there are specific forms that she will need to complete.

Ms. Harry states there are certain forms to submit and Dr. Kimball has access to those forms.

The board determined Dr. Kimball is in compliance with his stipulation and order.

An appointment was made for Dr. Kimball to meet with the board on May 18, 2016.

12:10 P.M. – 1:00 P.M.

Working Lunch/Board Training

This item was table until the May meeting.

1:00 P.M.

Dr. Greg Skipper, Promises Professionals Program

Dr. Schaecher welcomes Dr. Skipper from the Promises Professionals Program.

Dr. Skipper introduces the Promises Professionals Program located in California stating the program has been established for 20 years.

Dr. Schaecher clarifies the program conducts evaluation similar to Pinegrove.

Dr. Skipper confirms that is the type of evaluation they conduct.

Dr. Byrd asks the board how the established recommended programs have been approved by the board.

Dr. Schaecher states physicians on the board are aware of programs and the board has a discussion on whether to approve a newly introduced program.

Dr. Byrd states often a concern is the price of the programs.

Dr. Skipper states Promises accepts insurance the cost is broken down per month as well as the monthly cost reduces with each continued month attended.

Mr. Hale asks about Promises offering fitness for duty letters.

Dr. Skipper states they do provide fitness for duty letters, the letter is composed by a variety of people depending upon the specialty of the individual.

Dr. Schaecher thanks Dr. Skipper for his time.

1:15 P.M.

Dr. Randal Lewis, Probationary Interview

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

Dr. Lewis states he is waiting to hear if he will be granted an Arizona license.

Dr. Cook asks about the proposed supervisor Dr. Bot being board certified.

Dr. Lewis states the submitted CV is two years old and out of date, Dr. Bot is board certified.

Dr. Lewis states he applied for the Arizona license while the Utah investigation was ongoing and did not inform the Arizona board until later. Dr. Lewis states he met with the Arizona board and they are completing a similar investigation.

Dr. Cook states if Dr. Lewis moves to Arizona the Utah board would continue to require supervisor reports and controlled substance database report.

Dr. Lewis states he is aware that all the requirements would need to continue to be submitted.

Mr. Hale asks how quickly Dr. Lewis would move once approved in Arizona.

Dr. Lewis states he would need to give notice to the current employer; Dr. Lewis predicts it would be at least two months.

Mr. Hale made a motion to approve the submitted practice plan pending approval of the Arizona license. Dr. Cook seconded the motion.

Dr. Moulton asks about revising the chart review amount to a total of 20% of charts including a required amount of controlled substances.

Dr. Klimes made a motion to amend the stated motion to approve the submitted practice plan with the revision of 20% to be reviewed and of those charts half will include controlled substances prescriptions if available. Dr. Montgomery seconded the motion. Mr. Hale accepted the amendment. The board vote is unanimous.

Dr. Lewis states he did return to the professional renewal center as required by his evaluation. Dr. Lewis was requested to return a third time in three months. Dr. Lewis asks if that will continue to be required.

Ms. Harry request Dr. Lewis to submit the return request to the division.

The board determined Dr. Lewis is in compliance with his stipulation and order.

An appointment was made for Dr. Lewis to meet with the Board on May 18, 2016.

1:35 P.M.

Dr. Deanne Long, Probationary Interview

Mr. Hale conducted the interview asking how Dr. Long is doing.

Dr. Long states she has been working with Nevada to obtain a license. Dr. Long states the proposed Nevada stipulation is similar to the Utah Stipulation; however it has not been approved by the board at this time.

Mr. Hale asks about Dr. Long's recovery.

Dr. Long states she continues to attend professionals in recovery and has created an online chat room to meet with others she has met in recovery.

Mr. Hale asks about Dr. Longs stress levels.

Dr. Long states life stress has reduced over the past few months.

Dr. Klimes notes the progress that Dr. Long has made in the year she has been meeting with the board.

Mr. Hale states the board would allow Dr. Long to meet with the board quarterly; as well as allowing Dr. Long to submit therapy reports quarterly.

The board determined Dr. Long is in compliance with her stipulation and order.

An appointment was made for Dr. Long to meet with the board on July 20, 2016.

1:55 P.M.

Dr. Molly Mears, Probationary Interview

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

Dr. Mears states she is doing well and will attend the PACE course in April.

Dr. Klimes states the supervisor reports are positive. Dr. Klimes states there was a question of changing supervisor reports to quarterly.

Ms. Harry states the reports have been consistent for over six months.

The board agrees to allow supervisor reports to be submitted quarterly.

The board determined Dr. Mears is in compliance with her stipulation and order.

An appointment was made for Dr. Mears to meet with the board on May 18, 2016.

2:15 P.M.

Dr. Stanley Roberts, Initial Probationary Interview

Dr. Chapa conducted the interview asking Dr. Roberts to inform the board what brought him

before the board.

Dr. Roberts states he had been treating and prescribing medications to a family member. Dr. Roberts continues stating this family member then went on to write their own prescriptions with Dr. Roberts DEA. Dr. Roberts states that he also self-prescribed.

Dr. Chapa asks about Dr. Roberts' lack of communication with the division stating.

Dr. Roberts states he had been wondering why he had not heard from the division.

Ms. Harry states she had left multiple phone messages on multiple numbers as well as sending a letter to the address on file that was returned to the division.

Dr. Roberts states he changed his address with the division when he completed his renewal and did not receive any phone messages.

Ms. Harry asks if Dr. Roberts has set an appointment for his substance abuse evaluation.

Dr. Roberts states he understood he had to receive a list of approved evaluators prior establishing any appointments.

Dr. Schaecher clarifies that Dr. Roberts cannot practice until the supervisor and practice plan are approved by the division. Dr. Schaecher asks if Dr. Roberts received a copy of the stipulation.

Dr. Roberts confirms he has the stipulation.

Dr. Schaecher states the stipulation clearly states Dr. Roberts is not to practice until approved by the board and division.

Dr. Chapa states the board's primary goal is to protect the public; however to board is also here to support physician that are on probation. Dr. Chapa states timely arrival and good communication are imperative to the probation

process.

Dr. Schaecher states it is clear when reviewing the stipulation that there are several violations already occurring.

Dr. Roberts states he reviewed the stipulation with his lawyers and was unclear as to the need to stop practicing until approval from the division.

Dr. Schaecher states the stipulation needs to be followed. Dr. Schaecher states at this time the board will consider the violations are due to Dr. Roberts being new to the process; however if the issues continue the board does have authority to pursue additional actions.

Ms. Harry asks if Dr. Roberts has received the non-compliance letter.

Dr. Roberts states he received a letter dated March 9th.

Mr. Marx confirms that the supervisor needs to be approved and meet with the board as well as an approved practice plan until both have been approved.

Dr. Schaecher states as a public body any decision or approval has to be conducted at an appropriate meeting.

An appointment was made for Dr. Roberts to meet with the board on May 18, 2016.

2:45 P.M.

Dr. Dr. William Walsh, Probationary Interview

Dr. conducted the interview asking Dr. Walsh to inform the board what brought him before the board.

Dr. Walsh states he had misconduct in 2010; Dr. Walsh states he has completed all of his legal requirements and is working on being able to practice again. Dr. Walsh states he attends several meetings each week and feels he understands the requirements set in the stipulation.

Mr. Hale asks if Dr. Walsh is back in practice.

Dr. Walsh states he has not practices for over three years. Dr. Walsh states he is currently working outside of the medical field.

Dr. Moulton asks if Dr. Walsh's intent is to return to the pulmonary critical care specialty.

Dr. Walsh states as he will not qualify for boards for some time he doesn't feel that will be possible to return to the specialty.

Dr. Byrd asks if Dr. Walsh has any pending legal issues.

Dr. Walsh states all legal issues have been resolved.

An appointment was made for Dr. Walsh to meet with the board on May 18, 2016.

3:15 P.M.

Rick Obray, Stem Cell Injection

Dr. Schaecher welcomes Dr. Obray and Richard Rosenthal.

Dr. Obray states they have seen a lot of interest in stem cell therapy and are currently involved in an FDA approved study using stem cell therapy. Dr. Obray continues stating there has been an increase of patients requesting participation in the study. Dr. Obray states they requested this meeting to get a guideline of how to respond to the community that do not qualify for the study but are interested in participating.

Dr. Rosenthal request input from the board of any concern or guidance from the board.

Dr. Schaecher states the Utah medical board is an advisory committee to the division. Dr. Schaecher states beyond ensuring the practice act is followed the board has no authority to allow new scopes of practice.

Dr. Obray states he has reviewed the practice act. Dr. Obray states his understanding is that this practice

would fall under alternative medicine and there are specific guidelines as to what a physician can and cannot do within alternative medicine.

Dr. Rosenthal states there has been question on what to do with emerging procedures and treatments. Dr. Rosenthal states the classification of these therapies are not clear.

Dr. Moulton states there should be a clear informed consent provided to ensure the patient has a full understanding of the procedure.

Dr. Obray states he has contacted other states that have shown concern and have issued disciplinary action for similar practices. Dr. Obray states he wanted to present to the board they are taking a reasonable and conservative approach.

DISCUSSION ITEMS:

TeleHealth

Mr. Marx states none of the legislative bills concerning telehealth were passed.

Dr. Schaecher states there was a bill that would have defined telehealth; changes in the bill wording caused the bill to fail.

HB 186

Mr. Marx states this bill allows 15% of continuing education may be completed by volunteer work. The established ration resulted in 4 hours of volunteer work would qualify as 1 hour of continuing education.

Mr. Marx states a rule will be created to support the change.

CORRESPONDENCE:

NEXT MEETING SCHEDULED FOR:

May 18, 2016

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

Chairperson, Utah Physicians Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing