

MINUTES

**UTAH
PODIATRIC PHYSICIANS
LICENSING
BOARD MEETING**

July 17, 2013

**Room 474– 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:30 A.M.

ADJOURNED: 11:30 A.M.

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

Noël Taxin
Karen McCall
Debbie Harry

Board Members Present:

Francis J. Clark, DPM
Bryan Jackman
Gary R. Ridge, DPM
Thomas G. Rogers, DPM

Board Members Absent and Excused:

Douglas C. Flegal, DPM

Guests:

Amber Mitchell
Dr. Michael Nelson

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Dr. Rogers made a motion for Dr. Clark to continue as the Board Chairperson. Mr. Jackman seconded the motion. **The Board vote was unanimous.**

MINUTES:

The minutes from the April 10, 2013 Board meeting were read.

Dr. Rogers made a motion to approve the minutes as read. Dr. Clark seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

8:45 am

Ms. Harry and Ms. Taxin Report

Ms. Harry and Ms. Taxin updated the Board on compliance or non-compliance on the following probationers:

- Dr. Gregory J. Gulso

Ms. Harry reported Dr. Gulso is in compliance with his Stipulation and Order. She asked the Board to request Dr. Green to be more detailed on his reports.

- Dr. Kelly Gomez

Ms. Harry reported Dr. Gomez is out of compliance with his Stipulation and Order. The Board will need to review the polygraph test and the evaluation from Dr. Roby. Dr. McBride's therapy report has not been received and it is unclear if Dr. Gomez is still in therapy with Dr. McBride. There is no current record review by Dr. Nelson. The Board was requested to be clear with Dr. Gomez and re-establish expectations and that he has a responsibility to be sure the reports are submitted.

8:50 am

Dr. Gregory J. Gulso, Probationary Interview

Dr. Gulso met for his probationary interview.

Dr. Ridge conducted the interview.

Dr. Gulso reported he meets weekly with Dr. Green for a half hour or up to an hour. He stated they review and talk about the charts. He stated he takes the charts to Dr. Green or Dr. Green comes to his office and he reviews the charts randomly. He voiced being more comfortable now to call Dr. Green during the week and it has been a good peer review experience for him.

Ms. Taxin informed Dr. Gulso that he is fully in compliance with his Stipulation and Order. She voiced appreciation for Dr. Gulso taking his probation seriously. She requested Dr. Gulso to ask Dr. Green to be more detailed in the report so the Board is aware of the topics discussed, etc., and

stated he may type a short paragraph to attach to the report if necessary.

Dr. Gulso agreed to ask Dr. Green. He stated in his practice he now has patients acknowledge they are responsible for their narcotics and has informed them that he will not replace medications that are lost. He stated he now has some patients who refer to him as the drug Nazi.

Dr. Clark commented Dr. Gulso's pro-active style will assist to help his practice grow.

Dr. Ridge asked if it felt good to Dr. Gulso to be in compliance.

Dr. Gulso responded yes. He stated he now logs all controlled and non-controlled substances. He asked if the Board would consider excluding Lidocaine from being logged in.

Following discussion, Dr. Rogers made a motion for Gulso to maintain a log of only the controlled substances and submit the log to the Division monthly.

Dr. Ridge seconded the motion.

The Board vote was unanimous.

An appointment was made for Dr. Gulso to meet about 9:00 am on October 2, 2013.

Dr. Kelly Gomez Update

Ms. Taxin informed the Board that Dr. Gomez has submitted his chaperone logs for three months. She stated he is required to not treat or prescribe to any family members, himself or staff. She stated Dr. Gomez has signed a new Stipulation and Order based on his non-compliance with the original Stipulation and Order. She requested the Board to review both Orders and stated she does not believe Dr. Gomez has taken responsibility or is taking his probation seriously.

9:06 am, Closure of Meeting

Dr. Rogers made a motion to close the meeting to discuss the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a)).

Mr. Jackman seconded the motion.

The Board vote was unanimous.

9:30 am, Reopen Meeting

Dr. Rogers made a motion to reopen the meeting.

Mr. Jackman seconded the motion.

The Board vote was unanimous.

Ms. Taxin summarized for following based on the discussion :

- Dr. Gomez needs to be in therapy;
- Dr. Gomez needs to read Dr. Roby's evaluation and follow the recommendations;
- The Board is comfortable holding for now on drug testing unless the Pine Grove evaluations identify a substance use issue;
- Dr. Gomez may need to go to Pine Grove to be fully evaluated and receive a letter of fitness to practice.

Ms. Taxin stated Atlanta, Georgia, has a specific sexual and boundaries program if the Board wants to recommend Dr. Gomez go there.

She recommended Dr. Gomez be given a deadline to get into the Pine Grove program if they determine he requires a comprehensive evaluation.

9:15 am

Dr. Kelly Gomez, Probationary Interview

Dr. Gomez, his supervisor, Dr. Nelson, and Ms. Mitchell, the receptionist/manager met for Dr. Gomez probationary Interview.

Dr. Clark asked Dr. Nelson if he evaluates the charts thoroughly.

Dr. Clark responded yes. He stated he goes to Dr. Gomez's office at least weekly if not more and review the charts for chronic pain, neuropathic and prescriptions written. He stated he reviews the charts

not related to pain management, talks with Dr. Gomez about the patients, what he should do, who he should refer to other practitioners and offers other options for those patients. He stated he also talks with the office staff. Dr. Nelson stated he knew Dr. Gomez attended a meeting on prescription drugs and wrote a report for the Board that Dr. Nelson reviewed.

Ms. Taxin stated the weekly report was received but not the chart review. She stated the reports are to be submitted monthly. Ms. Taxin asked if Dr. Nelson discusses interoffice relations when he speaks with the staff.

Dr. Nelson responded he reviews the charts, any patient complaints, anything out of the ordinary and the environment of the office.

Ms. Taxin asked if Dr. Gomez has disclosed his new Order to Dr. Nelson and if Dr. Gomez has shared what has been going on in his office while Dr. Nelson has been supervising. She explained relations with office staff and treating them are outside the scope of practice for Dr. Gomez.

Dr. Nelson responded Dr. Gomez disclosed the information after he had spoken with Ms. Taxin in March.

Ms. Taxin stated the new Order was signed July 2, 2013. She asked Dr. Gomez if he shared that with Dr. Nelson and if he has disclosed the incidents that occurred for him to be put on another Order.

Dr. Gomez responded he was accused and the case was thrown out of court.

Ms. Taxin then read part of the new Order regarding being involved socially and sexually with office staff. She reminded Dr. Gomez of his presenting to the Board that his previous office manager was an office manager only but that was not the truth.

Dr. Gomez stated part of the problem with his office

manager was that he ended the relationship.

Ms. Taxin asked about disclosing doing injections in the neck and shoulder area of another staff member.

Dr. Gomez responded he disclosed that information to Dr. Nelson.

Dr. Clark commented Dr. Gomez's problem appears to be ongoing sexual problems with staff and patients and it is Dr. Gomez's responsibility to know that type of relationship is inappropriate.

Dr. Nelson responded he has discussed the issue of injections and recommended Dr. Gomez refer the patient out. He stated Dr. Gomez has followed through with referring patients when he makes the recommendation.

Dr. Clark asked if Dr. Nelson has reviewed the contract Dr. Gomez is to have each patient sign.

Dr. Gomez submitted a copy of the letter and contract he sent out to each patient.

Ms. Taxin asked Dr. Nelson and Dr. Gomez if he has any opinion regarding why these poor choices continue to occur.

Dr. Nelson responded he believes sometimes knowing a patient for a long time makes it easy to cross the boundary line. He stated he gets requests for Viagra or antibiotics and has to say a firm no. He stated it is difficult to say no when it is family, friends, patients or staff. He stated Dr. Gomez has been very receptive to his suggestions.

Dr. Clark comments the patient contract is a good plan. He stated the Board had requested the contract be given to each patient and asked if Dr. Gomez has done that.

Dr. Gomez responded yes.

Dr. Clark asked if Dr. Gomez has checked on the prescriptions for testosterone.

Dr. Gomez responded he contacted Debbie several times and did not receive a response so when the testosterone showed up again he called the Pharmacy and was informed someone named Elaine was calling in the prescription. He stated he informed the Pharmacy to stop filling the prescription as he did not write it.

Dr. Nelson commented Dr. Gomez has called the Pharmacy several times in regard to the testosterone prescription and the Pharmacist finally agreed not to fill the prescription at that Pharmacy.

Ms. Taxin reminded Dr. Gomez of his responsibility to check the controlled substance database frequently to be sure the medications listed have been prescribed by him.

Dr. Gomez requested a copy of the polygraph report.

Ms. Taxin referred him to the polygraph agency for a copy.

Dr. Clark asked Ms. Mitchell to explain her role.

Ms. Mitchell responded she runs the front desk by checking patients in, makes sure there the medical assistant (MA) is in the room with Dr. Gomez at all times and will go in if the MA needs to leave the room. She stated she has been with Dr. Gomez since January 2013. Ms. Mitchell stated she did half a MA internship with Dr. Gomez and completed the internship with a dermatology office. She stated she received Ms. Taxin's card her first day on the job and was informed she should contact Ms. Taxin if she saw or heard anything out of the ordinary.

Dr. Clark explained the charge for the Board is to protect the public and they are trying to assist Dr. Gomez to be successful in his practice as well as his probation. He stated Ms. Mitchell will be responsible to answer to Dr. Gomez but also to the Board and if she is every uncomfortable with

anything she should contact the Division. He explained the practice of Podiatry is the ankle down the foot although there are some gray areas and caveats. He stated ulcers and dermatology care should be referred to another practitioner. He explained trigger point injections, chronic pain medications and large quantities of medications are out of the scope of practice for a Podiatrist.

Dr. Ridge recommended Ms. Mitchell pull the full CSD report for Dr. Gomez on each patient to be sure what is being prescribed by all Physicians. He stated Dr. Gomez should also be coordinating his care with all primary care practitioners. Dr. Ridge cautioned Dr. Gomez to write appropriate prescriptions and to practice appropriately.

Ms. Taxin stated the prescription quantity numbers appear to be high for Dr. Gomez's patients.

Dr. Nelson responded he pulls each chart and reviews the medications. He stated if the numbers are high he then pulls the CSD and compares the report with what has been noted in the charts.

Dr. Gomez explained the five patients with high numbers suffer from old ankle problems and need surgery.

Ms. Taxin stated the biggest issue is the lack of boundaries but the Board/Division need to review the CSD list. She asked if Dr. Gomez has been meeting with Dr. McBride as a report has not been received since January 2013 and that was not on form provided by the Division.

Dr. Gomez responded he meets regularly with Dr. McBride. He stated he has given Dr. McBride the paperwork and he said he would send the reports regularly. He stated he meets again on Friday and will ask Dr. McBride about submitting the reports.

Ms. Taxin asked if Dr. Gomez has discussed the boundary violation with Dr. McBride.

Dr. Gomez responded yes.

Ms. Harry again provided therapist forms for Dr. Gomez.

Dr. Clark asked if Dr. Gomez is receiving many telephone calls harassing him to refill or write prescriptions in larger amounts.

Ms. Mitchell responded their telephones are busy but she has found she is able to answer many questions and if patients call who have not been seen for awhile she will bring it to Dr. Gomez's attention but will also tell those calling for refills prior to their 90 days not to call back until the expiration date.

Dr. Clark stated he believes Dr. Gomez's practice would be better if several patients were transferred to chronic pain clinics.

Dr. Nelson stated he has discussed with Dr. Gomez attending therapy and the 12 step program. He stated last fall Dr. Gomez minimized his conduct but he has seen a change in the last two or three months. He stated now Dr. Gomez appears to be taking the situation more seriously and has remorse for his actions and is taking steps to correct his life.

Dr. Gomez stated the San Diego course gave him good information. He stated his father was also a Podiatrist but treated everything from foot problems to head injuries and he did not understand the importance of the scope of practice until he met in January.

Ms. Taxin stated Dr. Roby's report recommends outpatient treatment and drug testing. She stated the Division/Board have no concerns about Dr. Gomez having drug addiction issues at the time but do have concerns about him attending therapy. She stated the continued boundary violations, not taking responsibility, not being honest with the Board regarding his relationship are concerns. She stated the Board/Division could recommend outpatient treatment and sexual addiction

treatment as there are conditions in the Order. Ms. Taxin recommended Dr. Gomez talk with Dr. McBride and have him address in his report the sexual addiction issues, that he has been regularly attending therapy, that they have been working on addressing the evaluation goals. She suggested the meeting be closed to review and discuss the polygraph report.

Dr. Gomez responded he did not want to discuss the polygraph report without his attorney being present.

Ms. Taxin voiced concern that Dr. Gomez had an issue with Dr. Roby and appears to have issues with other providers and people he is in contact with.

Ms. Mitchell commented patients notice little things, such as Dr. Gomez wearing or not wearing his wedding band and they ask about the little things. She stated Dr. Gomez is careful about keeping personal items out of the office.

Dr. Gomez stated he brought up the conditions of the new Order with Dr. McBride and asked if someone else would be better to work with on the issues Dr. McBride does not deal with. He stated he is not comfortable going back to Dr. Roby and asked if the new Psychiatrist in Utah County would be an option.

Ms. Taxin responded she would need more information on the new Psychiatrist before she or the Board could recommend him. She stated the reports need to be submitted. She stated if Dr. McBride meets three times a month with Dr. Gomez then the monthly reports need to be much more detailed. She stated it appears Dr. Gomez is not getting what he needs as he keeps making the same poor choices. She stated the Board may recommend Dr. Gomez go to Pine Grove or to a program for sexual addiction down by St. George if the issues cannot be addressed by Dr. McBride. She stated she also mentioned Dr. Peter Burn, Ph.D., as a possibility for a therapist as he works with sexual addiction.

Dr. Ridge asked where Dr. Gomez is doing the 12 step program.

Dr. Gomez responded Pine Ridge.

Ms. Harry explained Pine Ridge is more for substance abuse as it is a support group only and not a treatment program.

Following additional discussion, Dr. Clark clarified Dr. Gomez will be taking the PRIME course in October and feedback from Dr. McBride needs to be received monthly when it is due or the Board will make a different recommendation for treatment and therapy.

Ms. Harry reminded Dr. Gomez that his reports are due by the 28th of each month.

The Board determined Dr. Gomez is out of compliance with his Stipulation and Order.

An appointment was made for Dr. Gomez to meet again October 2, 2013.

DISCUSSION ITEMS:

Tentative 2014 Board Meeting Dates

The Board noted the 2014 Board meeting schedule as follows:
Wednesdays, January 8, April 9, July 9 and October 8, 2014.

CORRESPONDENCE:

Continuing Education

Ms. Taxin read the CE information regarding up to 31 hours of CE and stated the program sponsors want pre-approved which the Division does not do.

Dr. Ridge commented the program meets the criteria for Podiatry.

Ms. Taxin stated the Board will need to discuss the CE for prescribing Opioids. She stated the UMA is developing online modules to complete but the Law

allows the Board to accept courses as meeting the CE criteria. She stated the Podiatrists will not be required to go through the UMA but maybe it is an option to meet the requirement.

Dr. Ridge informed the Board that the Utah Podiatry Association is planning a meeting in St. George in the Spring and these hours should be available at that time.

Dr. Rogers commented the Podiatrists should have the same standard as the Physicians and Osteopathic Physicians for this requirement.

Ms. Taxin responded the tutorial and examination were intended to be educational only. She stated this time practitioners will need to take and pass an examination at the end as required by the REMS program. She stated she is working with the UMA to make the program the same cost for members of the UMA as well as non-members. She stated the program has not yet been fully developed and will be available after the 2014 renewal.

The Board requested this item be on the October agenda for further discussion.

NBPME Reports

The Board reviewed the NBPME reports with no action taken.

NEXT MEETING SCHEDULED FOR:

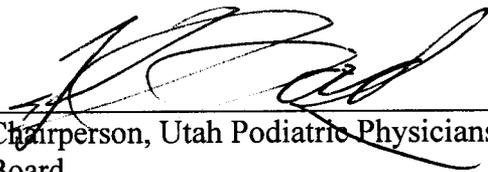
October 2, 2013

ADJOURN:

The time is 11:30 am and the Board meeting is adjourned.

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.

10/2/13
Date Approved


Chairperson, Utah Podiatric Physicians Licensing Board

8/12/13
Date Approved


Bureau Manager, Division of Occupational & Professional Licensing