

# **MINUTES UTAH PHYSICIANS LICENSING BOARD MEETING**

**JULY 15, 2021  
SALT LAKE CITY, UT 84114**

**CONVENED: 9:02 A.M.**

**ADJOURNED: 11:40 A.M.**

## **DOPL STAFF PRESENT:**

Bureau Manager: Larry Marx  
Board Secretary: Lisa Martin  
Compliance Officer: Neena Bowen

UPHP: Kelli Jacobsen  
UPHP: Dr. Robert Simpson  
Bureau Manager: Jennifer Falkenrath

## **BOARD MEMBERS ELECTRONICALLY PRESENT:**

Lindsay Klimes, MD	Rebecca Moore, MD	Kumar Shah
Alan Smith, MD	Brian Zehnder, MD	Susan Weit, MD
Mark Bair, MD	David Moulton, MD Chairman	
Michael Behrens, MD	Craig Davis, MD Vice-Chair	

## **BOARD MEMBERS NOT PRESENT:**

Georgia Katshohirakis

## **GUESTS:**

Michelle McOmber, UMA

**Note:** Other guests may have been in attendance electronically but were not identified.

## **ADMINISTRATIVE BUSINESS:**

### **Call Meeting to Order**

**Dr. Moulton called the meeting to order at 9:02 am.**

### **Read and Approve May 20, 2021 Minutes (0:04)**

**Dr. Zehnder made a motion to approve the minutes as written.**

**Dr. Klimes seconded the motion.**

**The Board motion passed unanimously.**

## **APPOINTMENTS:**

### **INVESTIGATION UPDATE (0:05)**

**Mr. Marx reviewed the investigation report stating the Division has filed 1 letters of concern, 33 cases have been received, 42 cases have been closed cases and 1 citation was issued.**

### **KELLI JACOBSEN, UPHP UPDATE (0:07)**

**Ms. Jacobsen stated the UPHP program doesn't have any cases to discuss with the Board at this time. Ms. Jacobsen stated there are approximately 14 physician participants. Ms. Jacobsen asked if the Board has any follow-up questions about the program.**

**Dr. Simpson asked if the Board has any suggestions for reaching out to the profession in order to make the community aware of the program. Dr. Simpson stated it is the intent of the program to compose an article for the Utah Medical Association newsletter.**

**ASHLEY BEYER, OUTREACH PROGRAM**

This appointment was tabled until the September meeting.

**NEENA BOWEN, COMPLIANCE REPORT (0:57)**

**Dr. Chenoweth has submitted required reports and a medical evaluation. Dr. Chenoweth has no missed check-ins, one positive test and two negative tests.**

**Dr. Kimball is missing the supervisor report and has submitted other reports and a request for early termination from probation. Dr. Kimball has not missed check-ins and has two prescription positive tests.**

**Dr. Church has submitted required continuing education hours and evaluation for the Board to review.**

**Dr. Phillips has submitted required reports, has no missed check-ins, and has one prescription positive test.**

**Dr. Fedoravicius is missing the supervisor report, has submitted the therapy report, and has requested supervisor reports be changed to quarterly submissions.**

**DR. CHAD CHENOWETH, PROBATIONARY INTERVIEW (1:27)**

**Dr. Moulton conducted the interview asking how Dr. Chenoweth is doing.**

Dr. Chenoweth stated he electronically completed the health evaluation. Dr. Chenoweth stated he has not seen the results of the evaluation.

**Ms. Bowen stated she is unaware of any reason the evaluation wasn't sent to Dr. Chenoweth directly.**

**Dr. Moulton reviewed the recommendations from the evaluation, including a partial hospitalization program (PHP).**

Dr. Chenoweth stated he continues to work part time at Recovery Ways. Dr. Chenoweth stated the recommendation for a partial hospitalization program comes as a bit of a surprise and he has some concern about being about to participate and maintain his current employment.

**Dr. Davis asked if the previous program that Dr. Chenoweth participated in was useful.**

Dr. Chenoweth stated it was important at the time of his participation due to that stage of recovery he was in. Dr. Chenoweth stated he is at a different point of his recovery at this time which

**Dr. Wiet asked if there is an approved provider list for this level of care that the Board could provide.**

**Dr. Smith stated it is his opinion that the recommendations are overboard for Dr. Chenoweth's situation.**

**Dr. Wiet suggested an intensive outpatient program (IOP) level of care may be a better place to start and if there are issues with compliance when participating in an IOP moving to a partial hospitalization program.**

**Dr. Smith recommended allowing Dr. Chenoweth the opportunity to review the report and be prepared to revisit the discussion at the next meeting.**

**An appointment was made for Dr. Chenoweth to meet with the Board on September 16, 2021.**

**DR. CHAD KIMBALL, PROBATIONARY INTERVIEW (1:33)**

**Dr. Smith conducted the interview asking how Dr. Kimball is doing.**

Dr. Kimball stated he continues with the Provo clinic as well as his consulting company. Dr. Kimball stated he feels very strong in his recovery and has two sponsors at this time. Dr. Kimball stated he has a strong support network and attends meetings regularly.

**Dr. Smith asked about the request for early termination of probation. Dr. Smith stated 10-2022 is the original completion date.**

Dr. Kimball stated he has 4 years of sobriety and he is not involved in prescribing at this time. Dr. Kimball stated he enjoys his work and he feels that he has gotten a lot from the recovery program. Dr. Kimball stated he feels like termination of probation is the next step in his recovery process. Dr. Kimball stated he is grateful for the support the Board has provided while he has been on probation.

**Dr. Moulton asked when Dr. Kimball's last relapse was.**

Dr. Kimball stated he has a relapse in 2017 with about a month of use. Dr. Kimball stated he now better understands his behaviors and why he experienced relapses in the past. Dr. Kimball stated he understands that recovery habits will always be a part of his life.

**Dr. Behrens made a motion recommending early termination of probation.**

**Dr. Wiet seconded the motion.**

**The Board motion passed unanimously.**

**DR. CHRISTOPHER CHURCH, PROBATIONARY INTERVIEW (1:46)**

**Dr. Bair conducted the interview asking how Dr. Church is doing.**

Dr. Church stated he has completed the retraining and re-entry course as well as the required evaluation. Dr. Church stated he continues his search for employment. Dr. Church stated he recently interviewed at a family practice clinic.

**Dr. Bair asked what Dr. Church's intent is when returning to practice.**

Dr. Church stated his efforts to return to the practice of anesthesia has been discouraging. Dr. Church stated he has looked into a programs to brush up on his anesthesia skills; however, there are not many programs available as several have been shut down due to covid and others do not allow providers that have licensure issues.

**Dr. Bair stated the recommendations from the evaluation are positive. Dr. Bair stated the next step for Dr. Church would be to obtain employment.**

**Dr. Moulton asked about Dr. Church's license status in any other states.**

Dr. Church stated he applied for a MO license however he has been informed that he would not be selected for the position in MO and will be withdrawing the application for a license. Dr. Church stated Utah is the only state in which he holds a license.

Dr. Church asked how the process works once a supervisor and employment is obtained.

**Dr. Bair made a motion accepting the submitted continuing education course.**

**Dr. Smith seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Smith made a motion accepting the submitted evaluation.**

**Dr. Bair seconded the motion.**

**The Board motion passed unanimously.**

**An appointment was made for Dr. Allen to meet with the Board on September 16, 2021.**

**DR. ANDREW FEDORAVICIUS, PROBATIONARY INTERVIEW (2:02)**

**Dr. Davis conducted the interview asking how Dr. Fedoravicius is doing.**

Dr. Fedoravicius stated he is continuing with his employment and has submitted the required reports as required. Dr. Fedoravicius stated there is nothing new at this time.

**Dr. Moulton asked about the timeline of the stipulation.**

**Ms. Bowen stated the stipulation was signed in 2018 and employment started in July 2020.**

Dr. Fedoravicius stated he was unaware of the tolling while he was not employed in the profession. Dr. Fedoravicius stated his employment, supervisor and therapy are all going well.

**Dr. Davis stated the Board would like more information on the submitted supervisor reports.**

Dr. Fedoravicius stated he is in the process of obtaining a different job.

**Dr. Davis asked if the supervisor is able to review the patient files as he is employed with a different facility.**

Dr. Fedoravicius stated the supervisor has no access to the files

**Dr. Davis recommended obtaining a supervisor that has access to complete file reviews.**

**Ms. Bowen clarified that direct supervision and chart reviews are not a requirement in Dr. Fedoravicius' stipulation.**

**An appointment was made for Dr. Allen to meet with the Board on November 18, 2021.**

**DR. KAREN PHILLIPS, PROBATIONARY INTERVIEW (2:12)**

**Dr. Behrens conducted the interview asking how Dr. Phillips is doing.**

Dr. Phillips stated there are no changes in her practice, supervisor and therapy.

**An appointment was made for Dr. Allen to meet with the Board on November 18, 2021.**

**DISCUSSION ITEMS:**

**HB 178 (0:20)**

**Dr. Moulton welcomed Ms. McOmber from the Utah Medical Association for this discussion.**

Ms. McOmber stated a committee of specialists have met concerning the bill. Ms. McOmber stated the Pharmacy Board has discussed the bill and composed a rule draft.

**Dr. Moulton referred to the provided rule asking if the rule is approved.**

**Ms. Falkenrath stated the draft has not been approved at this time.**

**Dr. Moulton stated concerns in the smoking cessation section as it includes terminology of history of mental illness and is not stable; Dr. Moulton**

**questioned if it is in the purview of a pharmacist to assess the mental stability of patients.**

**Ms. Falkenrath stated the Pharmacy Board has similar concerns as stated by Dr. Moulton.**

**Dr. Moulton stated currently is nothing about counseling about risks, side effects, and benefits and alternatives. Dr. Moulton stated discussion about success rates of the treatments including counseling alone, and counseling with medication and medication alone.**

**Ms. Falkenrath asked if it would be appropriate to mention the resources at the bottom of the document which would also be available Division's website.**

**Dr. Moulton stated listing resources is not the same as informed consent; informed consent includes discussion the issues with the patient.**

**Dr. Klimes asked about medications specified referred to.**

**Dr. Moulton stated concerns of listing specific medications.**

**Dr. Wiet agreed with the concerns stated. Dr. Wiet stated similar reservations about oral contraceptives and what the follow-up requirements are as there are several possible side effects.**

**Dr. Smith stated his concern about follow-up with each of these components. Dr. Smith stated the recommendation to the Pharmacy Board should include follow-up requirements.**

**Dr. Wiet stated there have been recent changes in expectations for mandated therapy within a certain amount of time in conjunction with particular medications.**

**Ms. McOmber stated one concern of the committee is the medications that are being discussed. Ms. McOmber stated the HB 178 doesn't require every smoking cessation medication be included; which may be something to consider. Ms. McOmber stated a system pharmacist and a community pharmacist have different support networks.**

**Dr. Smith asked what the pharmacy Board has determined as recommendations.**

**Ms. Falkenrath stated the Pharmacy Board has discussed required education on the part of the pharmacist. Ms. Falkenrath reviewed the drafted rule for current recommendations from the Pharmacy Board.**

**Dr. Bair stated he has attended the Pharmacy Board meetings for their discussion Dr. Bair stated both Boards are concerned with best care for**

patients. Dr. Bair stated follow-up care is a topic included in the drafted rule; however, there is concern for patients that do not have a primary care provider.

Mr. Marx stated the statute requires certain items be included in the rule that is being created. Mr. Marx stated the challenge is to ensure the statute is followed while creating guardrails to ensuring patient safety.

Dr. Wiet stated part of the guardrails should show the responsibility when prescribing.

Dr. Smith stated passing the bill was based upon the lack of care and there should be a distinction between urgent intervention and long-term care.

58-1-302 (2:15)

Mr. Marx stated reviewed 58-1-302; however, the Utah Medical Practice act includes additional requirements for physician's applying by endorsement. Mr. Marx asked the Board if the requirements include any undue burden upon physicians entering Utah.

The board agreed the current requirement is not burdensome and doesn't require a change.

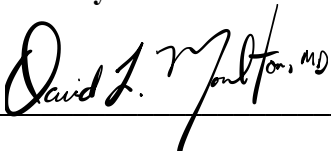

**CORRESPONDENCE:**

**NEXT SCHEDULED MEETING:            SEPTEMBER 16, 2021**

**ADJOURN:**

Meeting adjourned at 11:40 A.M.

**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.

<u>9/16/21</u>	(ss) <u></u>
Date Approved	Chairperson, Utah Board of Physician Licensing Board
<u>9/16/2021</u>	(ss) <u></u>
Date Approved	Bureau Manager, DOPL