Awaiting Formal Approval
MINUTES

UTAH PHYSICIANS LICENSING BOARD MEETING

July 10, 2013

Room 210 – 2nd Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:09 A.M.

ADJOURNED: 5:44 P.M.

Bureau Manager: Noël Taxin
Board Secretary: Karen McCall
Compliance Assistant: Debbie Harry

Board Members Present:
Elizabeth F. Howell, MD, Chairperson
John W. Bennion, Ph.D.
Paul J. Affleck, MD
Richard W. Chapa, MD
Kenneth L. Schaecher, MD
Gary A. Hale, R.Ph.
David D. Byrd, MD
David A. Cook, MD
John S. Montgomery, MD

Board Members Absent and Excused:
Kristen Ries, MD
Daniel J. Parker, MD

DOPL Staff Present:
Mark B. Steinagel, Division Director
Karl Perry, Assistant Attorney General
Jennie Jonsson, Administrative Law Judge
Brittany Butsch, Division Investigator

TOPICS FOR DISCUSSION	DECISIONS AND RECOMMENDATIONS
ADMINISTRATIVE BUSINESS:	
BOARD CHAIRPERSON:	Dr. Schaecher made a motion for Dr. Howell to continue as Board Chairperson. Mr. Hale seconded the motion. **The Board vote was unanimous.**
MINUTES:	The minutes from the May 1, 2013 Board meeting were read. Dr. Bennion made a motion to approve the

minutes with minor revisions. Dr. Affleck seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:15 am – 11:00 am
Dr. Nicola Riley and Erik Strindberg, Legal Counsel, Informal Hearing

Karl Perry, Assistant Attorney General, and Ms. Taxin explained the informal hearing process and stated it is a limited type of hearing based on a formal fact finding hearing having been conducted in another State.

Ms. Taxin reminded the Board that they may ask Dr. Riley questions regarding the action in the other State.

Judge Jonsson explained Dr. Riley falsified an application in another State and in Utah which is also unprofessional conduct in Utah.

Dr. Riley and her legal counsel, Erik Strindberg, arrived.

Board members and Division staff were introduced.

Dr. Howell explained Dr. Riley's March 8, 2011, Order in Utah had mentioned further action may be taken in Utah based on pending action in Maryland. She stated the Maryland Board completed their action on May 6, 2013, by permanently revoking Dr. Riley's license.

Mr. Strindberg mentioned the Maryland Order is being appealed.

Ms. Taxin explained the facts have already been heard by the Maryland Board and this hearing will be a public informal hearing but the Board may ask questions for clarification. She stated the Board is being requested to hear the information and determine if the information provided in the Conclusions of Law section in the Maryland Order violates Utah statutes and rules and requires action. She stated if the Board determines action should be taken then they also must make a recommendation regarding the action. She requested the Board to remember this is a limited

fact finding hearing and there will be no testimony taken but the Board must make their decision based on the facts provided during the Maryland formal hearing.

Ms. Taxin read the allegations supporting the informal hearing.

The Board reviewed all information presented and deliberated.

Judge Jonsson explained the Board is charged with determining if Dr. Riley engaged in unprofessional conduct based on the following conclusions of the Maryland Board:

1. **Dr. Riley treated a patient without ensuring that an "appropriate" contingency plan was in place in a case of emergency;**
2. **Dr. Riley chose to use a private vehicle to transport to the hospital a patient who had suffered a complication during an abortion; and**
3. **Dr. Riley delayed too long before transporting the patient to the hospital.**

Following discussion, Dr. Bennion made the following motion: Based on the discussion no action should be taken at this time but the Board reserves the option of taking action when the Maryland appeals court is completed.

Dr. Chapa seconded the motion.

Dr. Chapa, Dr. Montgomery and Dr. Bennion voted in favor of the motion. Dr. Affleck, Dr. Cook, Mr. Hale, Dr. Schaecher and Dr. Byrd vote against the motion. The motion died for failure to have a majority vote.

Dr. Schaecher then made a motion to accept the findings of fact from the Maryland Board as factual and he stated these facts breach the Utah code of ethics. Therefore, the Board should move forward for revocation.

The motion died for lack of a second.

Dr. Schaecher withdrew his motion.

Dr. Chapa had to leave the meeting and appointed Ms. Taxin to vote in proxy for him with the understanding he is not in favor of revocation and disciplinary action.

Following additional discussion, the Board determined that according to Utah law, Dr. Riley engaged in unprofessional conduct as follows:

1. **Dr. Riley treated a patient without ensuring that an "appropriate" contingency plan was in place in a case of emergency;**
2. **Dr. Riley chose to use a private vehicle to transport a patient to the hospital who had suffered a complication during an abortion; and**
3. **Dr. Riley delayed too long before transporting the patient to the hospital.**

Dr. Bennion made a motion for a public reprimand to be issued based on the findings and conclusions of the Maryland Board. He recommended that Dr. Riles be required to write an essay to be submitted at the next scheduled Board meeting, addressing the following:

1. **What she has learned from the action taken against her in Maryland;**
2. **How she will modify her practice so as to ensure she has a contingency plan;and**
3. **How she will deal with emergency issues in the future and remain current on clinical emergency protocols.**

Dr. Byrd seconded the motion.

Dr. Affleck, Dr. Schaecher, Dr. Bennion, Dr. Byrd, Dr. Montgomery, Mr. Hale and Ms. Taxin, voting for Dr. Chapa, voted in favor of the motion.

Dr. Cook abstained from voting. He stated if the proposal was for probation he would have voted in favor.

The motion passed with a majority vote.

10:30 am to 11:55 am
Compliance Update

Ms. Harry reported the following physicians are in compliance or out of compliance with their Stipulations and Orders:

- Dr. Mark Keep

Dr. Keep is not currently licensed. He met with the Board to discuss licensing requirements and the possibility of again obtaining a Utah license.

Ms. Taxin stated Dr. Keep called to inquire if he would be meeting in July as per the Board's recommendation at the May 1, 2013, Board meeting. She stated she informed Dr. Keep that the requested paperwork had not been received and will need to be submitted. She asked the Board to review any information he submits to determine if a probationary license would be appropriate.

- Dr. Edmund Chein

Dr. Chein is in compliance with his Stipulation and Order.

- Dr. Thomas A. Sazani

Dr. Sazani is in compliance with his Stipulation and Order.

- Dr. John A. Corkery

Dr. Corkery is in compliance with his Stipulation and Order.

- Dr. Donald L. Yakel

Dr. Yakel is out of compliance with his Stipulation and Order due to reports not being received as required.

Ms. Taxin requested the Board to reiterate with Dr. Yakel that his reports need to identify/coordinate which Illinois conditions match the Utah conditions.

- Dr. Michael S. Roundy

Dr. Roundy is in compliance with his Stipulation and Order.

- Dr. Daniel J. Albertson

Dr. Albertson is in compliance with his Stipulation and Order. Dr. Albertson requested he be excused today as they are expecting a new baby today. He also requested early termination of his probation and the Board will consider the request at Dr. Albertson's next appointment.

- Dr. Robert I. Simpson

Dr. Simpson is in compliance with his Stipulation and Order.

- Dr. Donald N. Harline

Dr. Harline is in compliance with his Stipulation and Order.

- Dr. Mark Huff, Initial Probationary Interview

Dr. Huff is in compliance as much as possible for his first interview. Dr. Huff is required to obtain evaluations from Pine Grove stating he is safe to practice.

- Dr. Albert R. Hartman, Initial Probationary Interview

Dr. Hartman is in compliance as much as possible for his first interview. Dr. Hartman is required to complete the PACE and PRIME courses.

11:55 am
Dr. Mark Keep, Licensure Interview

Dr. Schaecher conducted the interview.

Dr. Schaecher reminded Dr. Keep and the Board of Dr. Keep's last appointment and the following six recommendations the Board gave Dr. Keep:

1. **Start working on the recommendations from Pine Grove;**
2. **Be in intensive therapy where Dr. Keep meets at least weekly with a therapist with reports being submitted monthly which include recommendations;**
3. **Continue consistent 12 step meetings each week;**
4. **Be on consistent drug testing;**
5. **Contact Ms. Troxel regarding where he is residing; and**

6. **Meet again July 10, 2013, for further discussion regarding the possibility of licensure.**

Dr. Schaecher asked if Dr. Keep has been doing all or any of the above recommendations.

Ms. Taxin commented the monthly reports have not been received.

Dr. Keep responded he was instructed to obtain a letter and he did. He submitted the letter.

Dr. Schaecher stated the letter was not dated. He then read the letter from Richard Rupp which documented he has been seeing Dr. Keep weekly since April.

Dr. Schaecher stated Dr. Keep needs to be working on the Pine Grove recommendations and submit monthly reports. He stated it appears Dr. Keep is making a good effort to meet the Board's requests which will impact his ability to obtain his license again.

Mr. Hale asked if Dr. Keep has looked for employment and if he has had any offers.

Dr. Keep responded North Carolina has made an offer for a position but not a formal offer as they wanted him to meet with the Utah Board first. He stated he will probably not work in Utah.

Following additional discussion with Dr. Keep, Dr. Schaecher made a motion to approve for Dr. Keep to apply for licensure.

Mr. Hale seconded the motion.

The Board vote was unanimous.

An appointment will be made for Dr. Keep to meet again with the Board after his application has been received.

12:00 pm

Dr. Edmund Chein, Telephonic Probationary Interview	Dr. Chein's appointment was deferred to a later date due to the extended time of the hearing.
12:10 pm Dr. Thomas A. Sazani, Telephonic Probationary Interview	Dr. Sazani's appointment was deferred to a later date due to the extended time of the hearing.
12:20 pm Dr. John A. Corkery, Probationary Interview	Dr. Corkery's appointment was deferred to a later date due to the extended time of the hearing.
12:30 pm to 1:00 pm	**WORKING LUNCH**
1:00 pm Dr. Donald L. Yakel, Telephonic Probationary Interview	Dr. Yakel met telephonically for his probationary interview. Dr. Cook conducted interview. **Dr. Cook informed Dr. Yakel that some of his paperwork was received but there was no toxicology report as required. He stated the reports need to identify/coordinate which Illinois conditions match the Utah conditions.** Dr. Yakel responded his paperwork was transferred to other counselors and they are now behind. He stated he will contact them to be sure they understand. **Ms. Taxin recommended Dr. Yakel review the Illinois Order and put the number of the condition on the document in order for Utah to cross reference as it is his responsibility to be sure all information is submitted.** Dr. Yakel thanked Ms. Taxin for the recommendation. He then stated he has cut back on his practice but is doing well with his sobriety and has been sober since November 9, 2012. **Ms. Harry reminded Dr. Yakel that he will need to complete the paperwork for copies of his drug and alcohol screens to be available to her since he started his probation with Utah. She reminded him to be sure his paperwork is received by the 28th of each month.**

The Board determined Dr. Yakel is out of compliance with his Stipulation and Order due to paperwork not being received.

Dr. Yakel will be notified regarding when his next appointment will be.

1:20 pm
Dr. Michael S. Roundy, Probationary Interview

Dr. Roundy met for his probationary interview.

Dr. Schaecher conducted interview.

Dr. Schaecher stated Dr. Roundy is in compliance with his Stipulation and Order. He stated Dr. Roundy's essay was received.

Dr. Roundy thanked Dr. Schaecher for the update. He stated he is still with McKay Dee and still doing mental health hearings in Davis County.

Ms. Taxin stated the Board/Division received Dr. Roundy's letter requesting early termination. She asked if Dr. Roundy had any concerns about no longer meeting with the Board and if he has a plan to touch base with his supervisor for peer review.

Dr. Roundy responded he does not have any concerns and he is currently doing peer review once a month with his supervisor. He stated he plans to continue the peer review.

Dr. Schaecher made a motion to terminate probation early based on Dr. Roundy having completed all the conditions of his probation and consistently being in compliance with his Stipulation and Order except for the timeframe.

Dr. Montgomery seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the termination process for Dr. Roundy.

1:40 pm

Dr. Daniel J. Albertson, Probationary Interview	Ms. Harry reminded the Board of Dr. Albertson requesting to be excused as the Albertson's are expecting their baby today. She also reminded them of his request for early termination of probation. **The Board determined they will discuss early termination at Dr. Albertson's next appointment.**
1:50 pm	**BREAK**
2:00 pm Dr. Robert I. Simpson, Probationary Interview	Dr. Simpson met for his probationary interview. Dr. Howell conducted the interview. Dr. Simpson reported he celebrated two years of sobriety in June this year. He stated he found the University of Utah Drug and Alcohol Conference he attended very informative. **Dr. Howell stated the Board reviewed his request to lift the suspension on his controlled substance (CS) license.** Dr. Simpson responded he has not heard anything yet from the DEA. He stated his practice is getting busy again and it is easy to loose track when he is busy. He stated he understands he needs to maintain the balance of work and personal time and do the things that brought him before the Board. He stated he received documentation of his charges being expunged and he requested the Division update the NPDB/HIPDB and the database. **Ms. Taxin stated she would check into what the Division needs to do to reflect the expungment in the database.** **The Board determined Dr. Simpson is in compliance with his Stipulation and Order.** **Dr. Simpson will be notified regarding when his next appointment will be.**
2:20 pm Dr. Donald N. Harline, Probationary Interview	Dr. Harline met for his probationary interview.

Dr. Byrd conducted the interview.

Dr. Byrd informed Dr. Harline that the letter regarding his probationary experience was received. He asked Dr. Harline to explain his chaperone experience.

Dr. Harline responded he has a chaperone for females ages 16 through 64 and it has worked out well. He stated he will probably continue using the chaperone after probation. He stated he has been working on his personal family relationships and his wife no longer works in the office but his daughter is now helping out. Dr. Harline commented he has other stresses now to deal with. He stated he now does scouting, attends his meetings and exercises a lot.

Dr. Byrd asked what training Dr. Harline has in pain management as he is still seeing a lot of high volume, short acting narcotics on the CSD list.

Dr. Harline responded he worked part time from 2006 to 2008 at the Balance Health Care clinic with a pain management practitioner and learned a lot at that time.

Dr. Schaecher asked if Dr. Harline has continued to attend ongoing programs, read information or had any formal training in Opioid prescribing.

Dr. Harline responded he has read information but no formal training or ongoing programs.

Dr. Howell advised Dr. Harline to conduct drug screens on patients to be sure the drugs he prescribes are in their bodies and to try to attend the addiction medicine conferences each year. She stated Dr. Harline talked with the Board in May regarding early termination of his probation.

Dr. Schaecher recommended Dr. Harline meet once more before the Board considers his request.

Dr. Howell, Dr. Bennion and Dr. Byrd recommended he meet once more and that the Board again review the Controlled Substance

Database (CSD) again.

Ms. Taxin suggested Dr. Harline focus on his methods of pain treatment and speak to the Board regarding his review of the CSD and the charts and how he has addressed the quantities.

The Board determined Dr. Harline is in compliance with his Stipulation and Order.

Dr. Harline will be notified regarding when his next appointment will be.

2:40 pm
Dr. M. Scott Huff, Initial Probationary Interview

Dr. Huff met for his initial probationary appointment.

Board members and Division staff were introduced.

Dr. Montgomery conducted the interview.

Dr. Huff briefly explained what brought him before the Board. He stated it was a lack of properly taking care of himself. He stated he went to Alpine but did not learn a lot, then went to a center in Layton where he did learn a lot and attending meetings three nights a week. He stated he then started the 12 step program but did not believe it was beneficial for him as he did not see the spirituality of the program and thought he could do it on his own. He stated this time his ego is not in the way and he did not have the funds to help himself so he put his faith in the program and has done well for the last three months. He stated he was in recovery for about five weeks in November 2010 and then has now been in recovery for about two years. Dr. Huff stated he has been treated for kidney stones and works part time as a bar tender. He stated he has to humble himself and ask for help as he knows he cannot recover on his own. He shared that there are issues with his family right now but his previous partner is his biggest supporter.

Dr. Byrd asked where Dr. Huff got the medications.

Dr. Huff responded when he gave medications to patients he would hold some out for his own use and

inject himself.

Dr. Montgomery asked what Dr. Blocker's view has been and if Dr. Huff has thought of going to therapy.

Dr. Huff responded Dr. Blocker has changed his opinion and now believes there is an underlying problem. He stated he did go to therapy for about 5 weeks and then stopped as it did not seem to help him. He stated he went to Hazelden in Oregon, which was very expensive, and he was terminated from his employment while he was away so he called the Division about the diversion program. He stated he started using Prophenol in March 2013, for anxiety and stress as he did not want to use narcotics. Dr. Huff stated he took the drugs intravenously at night. He stated his recovery program was doing well until February 2013, when his anxiety got worse due to financial issues.

Dr. Schaecher stated stress will continue to happen and Dr. Huff will need to demonstrate to the Board that he is capable of making appropriate choices.

Dr. Montgomery asked Dr. Huff what his goal is to resolve his issues.

Dr. Huff responded he is now in therapy with George Dunagan where he meets every other week.

Dr. Howell voiced concern regarding outpatient treatment and stated she does not believe it works very well, especially for those doing drugs intravenously. She stated she believes it will take some specialized treatment.

Dr. Huff stated the drugs at his office are in his safe and his partner, Dr. Blocker, and office manager have keys. He explained he has been starting the IV's for patients and administering the medication cocktails. Dr. Huff stated everything is now accounted for. Dr. Huff stated Dr. Blocker would be willing to supervise him.

Dr. Howell responded Dr. Huff is still exposed to

the drugs even though there are safe guards in place.

Ms. Taxin explained Dr. Huff has stated he could not afford to go for a complete assessment but he needs a letter that he is safe to practice and the assessment may say he needs inpatient treatment.

Dr. Huff stated he cannot afford the assessment or inpatient treatment. He stated he is doing everything he can right now financially and does take medications for mental health issues.

Dr. Howell responded she believes Dr. Huff should have an evaluation immediately. She stated any assessment would not preclude him from owning a business but he would not be able to do the actual anesthesia/clinical practice.

Ms. Taxin reminded Dr. Huff and the Board that Dr. Huff's Order requires him to go to Pine Grove within 90 days of the Order for a complete evaluation and to obtain a letter stating he is safe to practice.

Dr. Cook commented that Dr. Huff's Order says he will not have access to any controlled substances.

Dr. Howell stated Dr. Huff has access right now to drugs. She stated he missed a drug test and it appears he has not attended any support meetings. She stressed the need for Dr. Huff to follow the Order and do everything the way it is support to be done.

Ms. Harry explained Dr. Huff did miss a test and then had a hair test.

Ms. Taxin stated Dr. Huff must have a supervisor and had said Dr. Blocker would be available to supervise.

Following discussion, Dr. Schaecher recommended Dr. Blocker be accepted as the supervisor for now and have him meet with the Board for an interview to determine if he should continue to supervise.

Dr. Howell stressed the need for Dr. Huff to call in every day for his drug and alcohol testing and the importance of obtaining the complete evaluation in the near future. She also stated Dr. Huff should have stopped any access to drugs the day he agreed with the Order and signed it.

Dr. Schaecher made a motion to enforce the Stipulation and Order condition of no access to any controlled substances.

The motion died for lack of a second.

Dr. Huff commented that he and his attorney did not agree to that condition of the Stipulation and Order. He stated there were some changes made prior to his signing. He stated he did not meet today with the Board to go over what he has done wrong as he knows what he did.

Dr. Schaecher reminded Dr. Huff that he signed the Order and it is within the authority of the Board to hold him to the conditions of the Order.

Dr. Schaecher made his motion again stating until Dr. Huff attends Pine Grove and the report is received documenting Dr. Huff is safe to practice then Dr. Huff must not have access to or handle any controlled substances.

Dr. Cook seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated Dr. Huff will need to amend his practice plan and resubmit it. She stated the resume from Dr. Blocker was received and is in the file but Dr. Huff needs to request Dr. Blocker to contact her so she can explain the supervision expectations and what Dr. Huff is and is not allow to do until the evaluations from Pine Grove are received and documentation received that Dr. Huff is safe to practice. Ms. Taxin stated the Board could recommend Dr. Huff's license be suspended until he is capable and completes some of the

conditions in his Order and he could work as an owner only but not have any access to any drugs or clinical work. Ms. Taxin suggested Dr. Huff consider the suspension offer and get back to her by Monday, July 15, 2013.

Dr. Huff stated he is scheduled to be at Pine Grove July 29, 2013.

Dr. Howell clarified the practice plan submitted by Dr. Huff is unacceptable and he cannot administer or have access to any drugs.

The Board determined Dr. Huff is out of compliance as his practice plan is not in accordance with the conditions of his Stipulation and Order.

Dr. Huff will be notified regarding when his next appointment will be.

3:55 pm
Dr. Albert R. Hartman, Initial Probationary Interview

Dr. Hartman and Danielle, office manager, met for Dr. Harman's initial probationary interview.

Board members and Division staff were introduced.

Dr. Schaecher disclosed he may have a conflict as he is the medical director at Select Health and the chairperson of the committee at Select Health. Dr. Schaecher asked if Dr. Hartman would be comfortable if he stayed in the meeting and voted.

Dr. Hartman approved for Dr. Schaecher not to recuse himself.

Mr. Hale conducted the interview.

Dr. Hartman explained what brought him before the Board. He stated he is a sole practitioner and did not review carefully what was being ordered as he trusted his staff. He stated he has not prescribed for quite some time but someone in the office had asked if they could order a specific drug and he gave his permission but had recommended the person follow their doctor's recommendations. He stated he did not sign any

orders, did not order anything and did not write the checks for orders. He stated he should have known the Law. Dr. Hartman stated he no longer orders anything from Henry Schein.

Dr. Byrd asked if staff was ordering the medications and using them.

Dr. Hartman responded yes for themselves and family. He explained the staff ordered and gave the medications to their family members. He stated the DEA came into his office, informed him of the Law and he has endured many legal fees, loss of privileges at IMC and the loss of patients.

Dr. Schaecher asked if Dr. Hartman had an idea of what the monthly amounts ordered were.

Dr. Hartman responded the DEA determined it was about 4 tablets per person per week of Ativan and the Phentermine amounts were according to the patient's doctor's orders. He stated the Valium and Zanex were smaller quantities.

Dr. Byrd and Dr. Schaecher stated Dr. Hartman's staff took advantage of him but he is still taking responsibility.

Dr. Schaecher asked if Dr. Hartman has registered for the PACE and PRIME courses.

Dr. Howell asked how many places Dr. Hartman works.

Dr. Hartman responded he is currently working at 5 different locations.

Ms. Taxin stated one supervisor will work but the employers at the different facilities will need to sign and submit a statement that they have read, understand and are willing to assist Dr. Hartman in being successful in his probation. She stated the supervisor will need to submit reports and document he has reviewed the prescriptions written. She stated the Order requires Dr. Hartman to meet weekly with his supervisor and

submit the log and reports weekly for now. She stated Dr. Hartman will also need to submit the triplicate copy of all controlled substance (CS) prescriptions he writes.

Dr. Hartman responded Dr. Swift has been meeting with him weekly and has assisted in setting up the logs and has co-signed the charts, etc.

Dr. Schaecher made a motion to approve Dr. Scott Swift as Dr. Hartman's supervisor.

Mr. Hale seconded the motion.

The Board vote was unanimous.

Dr. Howell read Dr. Hartman's practice plan to the Board and stated the practice plan will need to be revised.

Ms. Taxin read the information Dr. Hartman submitted earlier and noted his attorney confirmed there are safeguards in place. She asked what Dr. Hartman will do in the future. She suggested he have all employees sign a form after he has reviewed his practices, policies and procedures with them.

Dr. Hartman responded he will inform his office staff not to order.

Dr. Schaecher recommended all new employees be oriented that no one orders CS's.

Dr. Hartman requested a copy of the letter from his attorney discussing the list of safe guards in place.

Ms. Taxin recommended he ask his attorney for a copy.

The Board determined Dr. Hartman is in compliance as he submitted his practice plan.

Dr. Hartman will be notified regarding when his next appointment will be.

APPLICATION REVIEW:

Dr. Jared E. Rasmussen

Ms. Taxin explained Dr. Rasmussen applied for the Dentist-Class IV Anesthesia license and the Physicians license. She read the letter sent from Southwestern Medical Center at Dallas, Texas, regarding three years of medical school. Ms. Taxin reminded the Board that they had previously determined three years of a CODA education would be equivalent to 24 months of ACGME plus the 12 months of ACGME and Dr. Rasmussen only has two years of a CODA education.

Dr. Byrd commented the dental training is not equivalent to medical training and Dr. Rasmussen will be able to practice Dentistry as he has that license.

The Board recommended Ms. Taxin offer Dr. Rasmussen to withdraw his application and if he does not agree to deny the application so he will have the right to appeal the denial unless he can show he has three years CODA and 12 months ACGME.

Dr. Richard B. Karsh

Ms. Taxin explained Dr. Karsh completed the NBME Part 1 examination but not Parts 2 and 3, however, he did complete a North Carolina specific examination in 1969. She stated Dr. Karsh also completed the SPEX examination in 1998 and again in 2010.

Following discussion, the Board recommended licensure based on taking and passing the SPEX examination in 1998 and in 2010.

DISCUSSION ITEMS:

Discuss Frequency of Meetings and Upcoming Hearings

Ms. Taxin informed the Board of the August and September formal, all day hearings. She stated they may be postponed or cancelled but the Board should plan for them. Ms. Taxin stated with the large number of probationers she believes the Board should plan to meet monthly.

Dr. Schaecher recommended conference call meetings to minimize travel time and distance for

Board members and probationers. He also recommended the probationary appointments be longer than the 10 minutes allotted. He stated a couple of hours monthly would be less painful than an all day meeting here at the Division.

Mr. Steinagel agreed to work with the Board in regard to setting up conference meetings. He stated the chairperson would still run the meeting as normal.

Mr. Perry commented any Board members could attend the meeting at the Division while others would meet by telephone and probationers could either meet in person or telephonically.

FYI

Ms. Taxin reminded the Board of the September 11, 2013 Hearing for Dr. Kris Hayes. She stated she will notify the Board if there is a change.

Mr. Perry requested the Board to be prepared for a two day hearing and stated there are a number of witnesses.

Dr. Cook requested advanced notice if the September hearing will be a two day hearing.

FYI

Dr. Shawn M. Brooks, Stipulation and Order

Ms. Taxin read the facts and stated the license is suspended until specific conditions have been met.

The Board thanked Ms. Taxin for the information.

FYI

Dr. John B. Wall, Stipulation and Order

Ms. Taxin read the facts and stated the license is suspended pending the criminal charges and until specific conditions have been met. She stated this is a non-disciplinary Order for now.

The Board thanked Ms. Taxin for the information.

FYI

Dr. Michael Lee Maynor, Stipulation and Order.

Ms. Taxin read the facts and stated Dr. Maynor

surrendered the Utah license.

The Board thanked Ms. Taxin for the information.

Update on Dr. Lynn Greenhouse

Ms. Taxin reported Dr. Greenhouse is in compliance with her Stipulation and Order and will meet with the Board at the next scheduled Board meeting.

The Board thanked Ms. Taxin for the information.

Update on Dr. John H. Schneider

Ms. Taxin reported Dr. Schneider is currently in Europe. She stated he requested a Suspension Order be sent for him to review as a suspension would give him time to work out the issues with the Wyoming Board. Ms. Taxin stated the Suspension Order was sent.

The Board thanked Ms. Taxin for the information.

Update on Dr. David M. Anderson

Ms. Taxin reported Dr. Anderson is in compliance with his Stipulation and Order and met with the Dental Board June 6, 2013.

The Board thanked Ms. Taxin for the information.

Update on Dr. James E. Pickens

Ms. Taxin informed the Board of the Federal Judge ordering Dr. Pickens to serve 24 months time in prison and would not grant him home confinement. She voiced concern regarding competency if he serves a two year term. Ms. Taxin recommended Dr. Pickens be offered a suspension Order until he is released and then require CME and taking and passing the SPEX examination before the suspension is lifted or Dr. Pickens could surrender his license.

The Board concurred.

Board Meeting Schedule for the Remainder of 2013 and for 2014

The Board noted the following dates for the Board meeting schedule for the remainder of 2013 and the dates for 2014:
August 14, possibly an all day hearing, September 11, possibly an all day hearing, October 9, **November 13,** and December 11, 2013. The 2014 planned dates are: **January 15,** February 19, **March 19,** April 16, **May 21,** June 18, **July 16,** August 6, **September 17,** October 15, **November 19,** and

December 17, 2014. The planned dates are in **BOLD**, the other dates are scheduled in case they are needed.

CORRESPONDENCE:

Notification of Michael Zanolli, MD, Being Elected to FSMB Board of Directors	The Board reviewed the notification of Michael Zanolli, MD, being elected to FSMB Board of Directors. **No Board action was taken.**
Jon V. Thomas, MD, MBA, Letter Regarding FSMB Board of Directors' Objective	The Board reviewed the letter. **No Board action was taken.**
2013 FSMB Annual Report	The Board reviewed the report. **No Board action was taken.**
Dr. Andrew Kolodny Fax Regarding Opioid Prescribing	The Board reviewed Dr. Kolodney's letter. **No Board action was taken.**
Medical Assistant Rule – Public Comment	Board members requested this item be deferred to the next scheduled Board meeting.
NEXT MEETING SCHEDULED FOR:	August 14, 2013, Board Hearing
ADJOURN:	The time is 5:44 pm 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.

10/23/13
Date Approved

Chairperson, Utah Physicians Licensing Board

8/8/13
Date Approved

Bureau Manager, Division of Occupational & Professional Licensing