

**Awaiting Formal Approval  
MINUTES**

**UTAH  
PHYSICIANS  
LICENSING BOARD MEETING**

**October 23, 2013**

**Room 474 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:06 A.M.**

**ADJOURNED: 3:43 P.M.**

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

Noël Taxin  
Tammy Baker  
Debbie Harry

**Board Members Present:**

Elizabeth F. Howell, MD, Chairperson  
Richard W. Chapa, MD  
Kenneth L. Schaecher, MD  
Gary A. Hale, R.Ph.  
David A. Cook, MD  
John S. Montgomery, MD  
Georgia Katshohirakis  
Lindsay Malechek, MD

**Board Members Absent and Excused:**

David D. Byrd, MD  
Daniel J. Parker, MD  
Paul J. Affleck, MD

**Guests:**

Michelle McOmber  
Dr. Gale Skousen  
Robin Money

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

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

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

**APPOINTMENTS:**

**9:15 am – 9:45 am**

Debbie Harry, Compliance Update  
Noël Taxin, Compliance Update

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

- Dr. Schneider is non-compliant due to not updating the Board of his employment status. The Board should ask about his Wyoming disciplinary status.
- Dr. Sazani is in compliance.
- Dr. Chein is in compliance.
- Dr. Greenhouse is in compliance and the Board should ask whether NV will be terminating her probation.

Dr. Cook asked whether the Board could terminate Dr. Greenhouse's probation early.

Ms. Taxin stated that Dr. Greenhouse is working in Nevada. Ms. Taxin explained the actions of Dr. Greenhouse to the new Board members. Ms. Taxin stated the Board has the discretion to make that recommendation.

Dr. Chapa questioned the Board regarding the patient that is mentioned on the Stipulation and Order that overdosed.

Ms. Taxin stated that the Board can ask Dr. Greenhouse regarding this particular patient.

Dr. Chapa stated that Dr. Greenhouse has been on probation for a sufficient amount of time.

- Dr. Yakel is non-compliant. There have been no toxicology reports submitted and he is not labeling his reports properly to coincide Exhibit A with the DOPL stipulation.

Ms. Howell suggested that the Board not allow Dr.

Yakel to renew in January.

Ms. Taxin stated that Dr. Yakel needs to surrender his Utah license, be fined by the Board, or start complying because he cannot allow his license to expire while under an Order.

Dr. Malechek wanted to know how many opportunities a probationer gets before the Board takes serious action.

Ms. Howell stated that the Board needs to reiterate the importance that Dr. Yakel is out of compliance or the Board will take more serious action.

- Ms. Harry stated Dr. Anderson is in compliance.
- Dr. Simpson is in compliance.
- Dr. Albertson is in compliance and wants to discuss termination. Nebraska terminated his probation and the University of Utah was 100% complimentary of his work.
- Dr. Corkery is in compliance and has attended the IMQ Course.
- Dr. Harline is in compliance.

Dr. Schaecher reviewed Dr. Harline's CSD and voiced concerns regarding his prescribing habits and will not support early termination.

- Dr. Hartman is in compliance and though this is only his second interview, he is asking for early termination so the insurance provider's do not drop him from their plan.
- Dr. Money's initial interview will be today and Dr. Skousen his Supervising Physician will be accompanying him.
- Dr. Weitzel is non-compliant. Dr. Weitzel has been in compliance until the day before the meeting in which the toxicology reports came

back positive for alcohol.

**9:45 am**

Dr. John Schneider, Telephonic Probationary Interview

**Dr. Hale conducted the interview, starting out by asking Dr. Schneider what his current status is.**

Dr. Schneider stated that he is living in Billings, MT and is starting a new practice. Dr. Schneider confirmed that he is not practicing in Wyoming or Utah.

**Dr. Hale stated that Dr. Schneider needs to submit a detailed practice plan to the Board stating what he is currently doing in Montana and report to the Board letting them know how he is in compliance with his Order. The practice plan and reports need to be submitted by the 28<sup>th</sup> of November.**

**Dr. Hale asked Dr. Schneider what his status is, in Wyoming.**

Dr. Schneider stated that he has not heard anything for a couple weeks but his attorney will be appealing to the Wyoming Supreme Court.

**Dr. Schneider's next meeting with the Board is scheduled for December 11, 2013.**

**9:55 am**

Dr. Thomas A. Sazani, Telephonic Probationary Interview

**Dr. Schaecher conducted the interview. Dr. Schaecher asked whether Dr. Sazani will be terminated from his probationary status in California.**

Dr. Sazani stated he is still on probation in California but he is currently working on being terminated. Dr. Sazani let the Board know that he is still running the medical marijuana clinic and is in compliance with his orders.

**Dr. Sazani is in compliance.**

**Dr. Sazani's next meeting with the Board is scheduled for January 15, 2014.**

**10:05 am**

Dr. Edmund Chein, Telephonic Probationary

**Dr. Hale conducted the interview. Dr. Hale asked**

Interview

**whether there is any new information.**

Dr. Chein stated that there is nothing new. His probation with California is being appealed.

**Dr. Hale asked how Dr. Chein's practice is doing and whether he is still spending time practicing in China.**

Dr. Chein stated his practice is doing well and he is still spending time in China treating patients.

**Ms. Taxin stated the Board and Division appreciates that Dr. Chein is always in compliance and submits his paperwork on time.**

**Dr. Chein's next meeting with the Board is scheduled for January 15, 2014.**

**10:15 am**

Dr. Lynn Greenhouse, Telephonic  
Probationary Interview

**Dr. Montgomery conducted the interview asking Dr. Greenhouse if Nevada terminated her probation.**

Dr. Greenhouse stated that she is looking into it but at this time Nevada had not terminated her probationary status.

**Dr. Montgomery asked about the patient that passed away from an overdose.**

Dr. Greenhouse answered by stating that the patient was a 43 year old nurse that suffered from migraines. The nurse was an employee of hers. Dr. Greenhouse stated she tapered her off of Percocet to Fentanyl patches. Dr. Greenhouse saw her one week before the overdose and she appeared to be doing very well. Dr. Greenhouse stated that there was a current pending case into the Fentanyl Patch the patient used, questioning if the patch was distributing high (possibly lethal) doses and defective.

**Ms. Taxin stated that she appreciates Dr. Greenhouse being in compliance.  
Dr. Howell stated Dr. Greenhouse can request early termination.**

**Ms. Taxin stated that it can be done in writing and submitted to Ms. Harry.**

**Dr. Hale asked Ms. Taxin to confirm that Dr. Greenhouse was able to get her DEA license back.**

**Ms. Taxin stated that yes; Dr Greenhouse has a current DEA license.**

**Dr. Greenhouse's next meeting with the Board is scheduled for January 15, 2014.**

**10:25 am**

Dr. Donald L. Yakel, Telephonic Probationary Interview

**Dr. Cook conducted the interview. Dr. Cook asked Dr. Yakel to update the Board regarding any changes that have occurred and how he is doing.**

Dr. Yakel stated that on April 11, 2013 he went to Lake Tahoe. Dr. Yakel stated that he went to a casino and drank alcohol. Dr. Yakel stated his violation is currently being reviewed by the Illinois State Board and he may be suspended.

**Dr. Cook asked when Dr. Yakel will know what disciplinary action will be taken by the state of Illinois.**

Dr. Yakel does not know.

**Ms. Taxin stated that it is Dr. Yakel's responsibility to label his paperwork appropriately, and to get it in on time, making sure to notify the Board regarding any status changes.**

**Dr. Howell stated that if Illinois suspends Dr. Yakel's license, Utah will also be suspending his license. Dr. Howell said she would like to either fine Dr. Yakel or take other action. Dr. Howell stated that Dr. Yakel needs to take responsibility for his actions and quit making it feel to the Board as though he is being passive aggressive.**

Dr. Yakel stated that he does not intend to be passive aggressive.

**Dr. Cook reminded Dr. Yakel that during the July**

**Board meeting he stated that he had been sober since November 9, 2012, even though he knew he had been caught drinking alcohol in April of 2013.**

Dr. Yakel stated that he was dishonest with the Board.

**Ms. Taxin asked Dr. Yakel if he is working at all in the State of Utah and if he has been drug testing as the Division had not received his reports.**

Dr. Yakel said not at this time and the toxicology reports will be faxed.

**Ms. Taxin stated she wants to meet with Dr. Yakel at the December Board meeting and at that time the Utah Board will decide if they will take further action.**

**Ms. Taxin stated that if Dr. Yakel intends to work in the State of Utah he needs to notify the Board immediately. Utah would take immediate action if his working status was here in Utah.**

**Dr. Yakel's next meeting with the Board is scheduled for December 11, 2013.**

**10:35 am**

Dr. David M. Anderson, Probationary  
Interview

Dr. Montgomery conducted the interview. Dr. Anderson stated overall things are going well and he is maintaining sobriety. Dr. Anderson stated that he is exercising on a regular basis and going to meetings.

**Dr. Montgomery stated that all tests have been clean.**

Dr. Anderson states his practice is declining since being put on probation.

**Ms. Taxin stated Dr. Anderson seems to be nervous and questioned him about how he is feeling.**

Dr. Anderson stated that he is feeling well and he is always nervous going in front of the Board. He notified the Board that he applied for his DEA license and is awaiting that.

**Dr. Howell asked what could be different in order to aid Dr. Anderson in his recovery.**

Dr. Anderson stated that the shame of what happened is his biggest hindrance and his colleagues distancing themselves from him.

**Dr. Howell asked whether Dr. Anderson is still in treatment.**

Dr. Anderson stated that he is going to aftercare at A&D.

**Dr. Anderson is in compliance.**

**Dr. Anderson's next meeting with the Board is scheduled for January 15, 2014.**

**10:50 am**

Dr. Robert I. Simpson, Probationary Interview

**Dr. Howell conducted the interview, starting out by asking Dr. Simpson what he is doing at the 4<sup>th</sup> Street Clinic.**

Dr. Simpson stated that he is providing drug treatment and has started a new smoking cessation program.

**Dr. Howell asked about whether he is becoming ABAM certified.**

Dr. Simpson stated yes.

He then stated he goes to support groups 4-6 times a week and personal therapy one time a month. He stated that his entire social network now consists of people in recovery.

**Dr. Howell asked who was going to be prescribing the Suboxone at the 4<sup>th</sup> Street Clinic.**

Dr. Simpson stated that Christina will be administering the Suboxone and maybe him in the future.

**Dr. Howell encouraged Dr. Simpson to obtain the DEA Suboxone certification.**

**Dr. Montgomery stated that the paperwork needs to be meticulous if you are a Subonone prescriber.**

**Dr. Howell stated that the Board received the IDA flyer.**

Dr. Simpson stated that he will be attending their meeting.

**Ms. Taxin reminded Dr. Simpson that if he obtains his DEA license, Ms. Harry needs to receive a copy.**

**Dr. Simpson is in compliance.**

**Dr. Simpson's next meeting with the Board is scheduled for January 15, 2014.**

**11:05 am**

Dr. Daniel J. Albertson, Probationary  
Interview

**Dr. Howell conducted the interview, starting by asking for an update.**

Dr. Albertson stated his personal life is good and that the transition between fellowship to faculty is going good. He stated that he is going to meetings 2-3 times weekly and calls his sponsor weekly.

**Ms. Taxin asked whether there were any issues.**

Dr. Albertson told a story about a friend from work passing away and how difficult that was, though it made him thankful that he is in a productive sobriety path today. Dr. Albertson advised the Board that Nebraska terminated his probation.

The Board stated that termination in Nebraska is a direct factor for Utah terminating Dr. Albertson's probation. Dr. Albertson requested the Board terminate his Utah probationary status, stating he would still maintain sobriety and go to meetings regularly.

**Dr. Schaecher made a motion to terminate Dr. Albertson from probation. The motion was seconded by Dr. Malechek. The board vote was unanimous.**

**Ms. Taxin stated that the final approval must be signed by Mr. Steinagel, Division Director.**

Ms. Taxin explained the termination process and then Dr. Albertson voiced his appreciation to the Board.

**11:20 am**

Dr. John R. Corkery, Probationary Interview

Dr. Cook conducted the interview.

Dr. Corkery stated that there have been no changes since the last Board Meeting. Dr. Corkery stated that his DEA license will be monitored more closely.

Dr. Corkery submitted physical copies of all prescriptions written and asked how much longer he has to be on probation.

**Dr. Howell stated that if Dr. Corkery would like early termination, he would have to write a letter to the Board and the letter would need to include what he has learned. She stated that the Board usually does not allow termination before two years.**

**Ms. Taxin reminded Dr. Corkery that he needs to renew his license in January.**

**Dr. Cook asked why the prescriptions submitted by Dr. Corkery outnumber the number of controlled substance prescriptions shown on the CSD. The Board had a discussion regarding the inaccuracy of the Database.**

**Dr. Montgomery asked why Dr. Corkery had a prescription written to him for Oxycodone.**

Dr. Corkery stated that he had dental work done and that he did not take any of the prescription. Dr. Corkery stated that he will have to have two more dental procedures done and that he is keeping the medication in case it is needed in the future for those procedures.

**Ms. Taxin thanked him for being in compliance and stated that he can submit his paperwork to Ms. Harry.**

**Dr. Corkery is in compliance.**

**Dr. Corkery's next meeting with the Board is scheduled for January 15, 2014.**

**11:45 am**

Dr. Donald N. Harline, Probationary Interview

Dr. Schaecher conducted the interview noting that this will be the last time that Dr. Harline meets with the Board.

**Dr. Schaecher addressed the initial charges of boundary issues and asked Dr. Harline how he is handling those issues.**

Dr. Harline stated he is continually chaperoned.

**Dr. Schaecher asked about the pain management practice.**

Dr. Harline stated that he does not write Soma to new patients.

**Dr. Schaecher asked why the CSD report shows new prescriptions for Soma, stating that the CSD report is not supporting the statements made by Dr. Harline.**

**Dr. Schaecher questioned Dr. Harline about patients on the CSD report that he prescribed to in the same household during the month of July.**

Dr. Harline stated he monitors his pain patients on an individual basis. Dr. Harline reviewed the CSD report not commenting on any particular patient.

**Dr. Schaecher stated that he has concerns with Dr. Oakey's report that Dr. Harline's opioid prescriptions are higher than he would recommend but in the upper limit of what some would prescribe.**

**Dr. Malechek asked whether Dr. Harline has pain contracts.**

Dr. Harline stated that yes he does and that he will

terminate a patient if they test positive for THC or a drug not prescribed or disclosed to him.

**Dr. Howell advised Dr. Harline to be very careful with prescribing boundaries.**

**Ms. Taxin stated that this is not the first time that the Board has discussed prescribing habits and asked Dr. Harline whether he agrees with what the Board is saying.**

Dr. Harline stated that he monitors his patients and is trying to taper the doses and that maybe the CSD report is not reflecting his decrease in prescribing.

**Dr. Schaecher did compliment Dr. Harline regarding his documentation and testing of patients and highlighted the Boards concern with his prescribing practices and cautioned him.**

Ms. Taxin gave a copy of the *2013 FSMB Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain* to Dr. Harline.

The Board discussed that Dr. Harline's termination date is December 8, 2013 and they do not favor bringing Dr. Harline in for the December 11, 2013 Board meeting.

**Ms. Taxin explained the process of termination to Dr. Harline and agreed that because termination is so close to renewal Dr. Harline will have to get his renewal in and the Division will issue his new license active vs. on probation.**

**12:00 pm**  
Dr. Albert Hartman, Probationary Interview

Dr. Hale conducted the interview.

Dr. Hartman immediately asked whether the Board read his letter asking for early termination of his probationary period.

The Board stated that they had read the letter.

Dr. Hartman stated that his office staff and he had never intended on doing anything wrong and that he

has put procedures into place to help avoid this from ever happening again. Dr. Hartman stated that this was never about patient care and that he has decreased the amount of narcotics that he prescribes to patients just so the Board will not question his prescribing habits. Dr. Hartman stated that it is an injustice to patients to continue to prescribe such low doses to them after a Cesarean Section.

**Dr. Chapa stated that he preformed multiple C-sections and never felt it necessary to prescribe 50 quantity Percocet to a patient.**

**Ms. Katshohirakis stated that she has had multiple C-sections and the need for pain pills was only necessary for the first few days and after that she only took Tylenol, noting that she realizes people have different levels of pain tolerance.**

**Dr. Howell stated that Dr. Hartman has only met with the Board twice and he should not anticipate the Board terminating him from probationary status for at least two years.**

**Dr. Howell stated that the letter Dr. Hartman submitted stating that he has to pay \$10,000.00 to attend the PACE course is exaggerated.**

Dr. Hartman stated that the price was not exaggerated. That if you added up the time taken off work, the cost of the course, and the travel costs, they do equate to about \$10,000.00.

**Ms. Taxin stated that the two courses cost approximately \$3,000.00; therefore Dr. Hartman is saying it costs \$7,000.00 for travel, accommodations, and time off.**

Dr. Hartman stated that he signed up for the January 6, 2013 PACE course.

**Dr. Howell stated that his request for early termination is too early and it will not happen today.**

Dr. Hartman adamantly disagreed with the Board for

not terminating him because multiple insurance companies are dropping him from their plans and he stated it will adversely affect his patients and his practice. He stated if he is dropped he will continue to see his patients for free.

**Dr. Howell stated that the Board is sympathetic to Dr. Hartman's situation and the Board will attempt to help him in any way that they can.**

**Dr. Hartman is in compliance.**

**Dr. Hartman's next meeting with the Board is scheduled for January 15, 2014.**

**12:30 pm to 1:00 pm**

**WORKING LUNCH  
12:30 Off Record**

**12:40 Back on Record**

Medical Assistant Rule

Ms. Taxin stated with the law change last legislative year it requires a rule update. Ms Taxin read 58-67-306 to the Board. "In accordance with 58-67-305, a medical assistant while working under the indirect supervision of a licensed physician and surgeon may not additionally engage in: (1)diagnosing; or (2) establishing a treatment plan".

Ms. McOmber suggested putting in the rule the definition of diagnosis, reading to the Board how the definition should read.

Dr. Schaecher asked how you distinguish between diagnostic skills and diagnosing. When do you trust the Physician and when do you put in a definition in the rules for diagnosing.

Ms. Taxin stated that the definition for "Diagnose" is already written in the Medical Practice Act 58-67-102(7). Ms. Taxin read the rule to the Board.

Dr. Cook questioned if certain things would be precluded from the rule to ensure patient's needs are continuing to be addressed by MA's.

**Dr. Montgomery made a motion to approve the**

**1:00 pm**

Dr. Nolan Money, Initial Probationary  
Interview with Dr. Skousen

**rule change. Dr. Malechek seconded the motion.  
The Board vote was unanimous.**

The Board stated in the future they will review the rule and possibly expand and more clearly define the MA's scope.

Dr. Montgomery began the interview by asking Dr. Money why he is in front of the Board.

Dr. Money stated that he prescribed outside of his scope of practice and over-prescribed to a patient.

Dr. Money stated he now has a Supervising Physician. He spoke to the hospital staff and he is working in conjunction with the hospital to develop a practice plan.

**Dr. Montgomery asked Dr. Money if he understands his Stipulation and Order.**

**Dr. Cook asked about the case referred to on the Stipulation and Order and questioned whether there was only one case or multiple cases of over prescribing.**

Dr. Money answered that the patient referred to in the Stipulation and Order was prescribed higher doses and that is why that particular patient is referred to.

**Dr. Cook stated that the amounts prescribed were too high and asked Dr. Money to explain why he was prescribing such high doses.**

Dr. Money stated that this particular patient had every indication of having throat cancer including a diagnosis of throat cancer out of Arizona. Dr. Money stated that he was following the recommended doses according to the Center Treatment Center of America and this is the amount that he based his prescribing on.

Dr. Money stated that in the Stipulation and Order it stated that he refilled a prescription before the date that he was supposed to and this was just an honest mistake.

Dr. Money never questioned whether the patient had cancer until the investigator asked him whether she really does have cancer. Dr. Money then asked the patient to submit records from Arizona showing that she really did have cancer. By the end of the prescribing cycle, Dr. Money told the patient that he would no longer prescribe narcotics until he received her records from Arizona. Dr. Money stated he never heard from her again.

Dr. Money stated that he notified the patient letting her know that if he did not receive medical records he would contact the police department for fraudulently obtaining prescriptions. The police were contacted but did not follow through with an investigation.

**Dr. Howell confirmed that Dr. Money is aware that he needs to attend the PACE course and PRIME course within one year of the effective date of his Stipulation and Order. The Board sympathized with Dr. Money but felt that the courses will be beneficial to help Dr. Money's practice.**

Dr. Money stated that over the last year he has quit accepting new pain patients and that his staff is trained to tell all new patients seeking treatment for pain, that Dr. Money is not accepting new patients.

**Ms. Taxin addressed Dr. Money's Supervising Physician, Dr. Skousen asking him if he has an understanding as to what is expected of him as a Supervising Physician.**

Dr. Skousen said that he and Dr. Archer will meet weekly with Dr. Money and both are reviewing the charts. All pain patients will have a CSD report pulled and a pain contract will be implemented along with drug testing.

**Ms. Taxin stated that monthly reports will need to be submitted by the Supervising Physician and requested these reports be detailed as to Dr. Money's performance.**

**Dr. Howell stated that the Practice Plan submitted by Dr. Skousen and Dr. Money was one of the best**

**she has ever seen submitted to the Board.**

**Dr. Money is in compliance.**

**Dr. Money's next meeting with the Board is scheduled for December 11, 2013.**

**1:30 pm**

Dr. Robert Weitzel, Initial Probationary Interview and Dr. Carmela Javellana, Proposed Supervisor, Meet Telephonically

Dr. Howell conducted the interview.

Dr. Weitzel stated that he has been looking at getting back into medicine and work in a practice for quite a while and he finally found an opportunity with Dr. Javellana. Dr. Weitzel stated that Dr. Javellana agreed to be his Supervising Physician and to help structure a re-education program.

Dr. Javellana was contacted via telephone.

**Dr. Howell asked for a summary of the practice plan.**

Dr. Javellana stated that she is planning on training and observing Dr. Weitzel in order for him to get back into practice. She stated he will serve a needed population within her practice for free.

**Ms. Taxin asked what services Dr. Weitzel would be providing and what the supervising structure will involve.**

Dr. Javellana stated that clinical supervision will be done through charts and that she will be emphasizing that patients are ultimately responsible for their own care. Dr. Javellana stated that she would be watching Dr. Weitzel's boundary issues and discussing how these issues will be addressed if they arise.

**Ms. Taxin asked if all sessions will be recorded through a webcam.**

Dr. Javellana stated that yes, all appointments will be recorded through a webcam and that Dr. Javellana will be prescribing all CS II & III drugs.

**Dr. Howell asked whether the webcam sessions will**

**be a part of the medical records.**

Dr. Javellana answered, yes.

**Ms. Taxin clarified with Dr. Javellana that she is not obligated for the entire five years, but explained that the Board would like reports submitted by the 28<sup>th</sup> of each month for the first 6 months, then quarterly reports per request.**

**Ms. Taxin stated that Dr. Weitzel needs to have a re-education plan to be in compliance with his Stipulation and Order. Ms. Taxin stated that the Board would need a written rough draft of the re-education plan submitted by the December 11, 2013 Board Meeting.**

Dr. Javellana asked for clarification whether Dr. Weitzel's re-education program needed to be structured like a residency program.

**Dr. Howell stated that a residency program is not necessary but a structured program is required and that referring to the ACGME progressive education plan may be helpful.**

**Ms. Taxin stated that Dr. Javellana does not need to develop the work for the re-education plan, Dr. Weitzel can come up with the plan based on ACCME programs he has already researched and have it approved by her and the Board.**

**Dr. Howell clarified for Dr. Javellana that according to the Stipulation and Order, pharmacology is ok but high level psychotherapy should not be practiced by Dr. Weitzel.**

Dr. Javellana asked whether Dr. Weitzel can perform CBT or RBT.

**Dr. Howell stated no, not according to the Stipulation and Order.**

The telephone meeting with Dr. Javellana ended.

**Ms. Howell asked Dr. Weitzel about his positive**

**toxicology screen on October 15, 2013.**

**Dr. Howell asked Dr. Weitzel if he was drinking alcohol.**

Dr. Weitzel stated that no he had not been drinking that he was treating a sore throat with Listerine.

**Ms. Taxin stated that the Board can test on a more frequent basis or do a hair test or blood test.**

Dr. Weitzel was warned by the Board that he needs to be in compliance more now than ever because he is going to work in medicine.

**Ms. Harry told Dr. Weitzel that he will be hair tested in the future.**

**Dr. Chapa made a motion that the Board accepts Dr. Javellana as Supervising Physician for Dr. Weitzel. Dr. Malechek seconded the motion. The Board vote was unanimous.**

**Dr. Howell asked how long Dr. Weitzel has been out of practice.**

Dr. Weitzel stated he has been out of practice for twelve years.

**Dr. Howell reminded Dr. Weitzel to be careful to make sure that his employer does not push him beyond what his Stipulation and Order allows.**

Dr. Weitzel stated that he looks forward to being a long term practicing Psychiatrist.

Dr. Weitzel's alcohol level was discussed by the Board. It was stated by the Board that the alcohol levels were not consistent with Listerine.

**Dr. Weitzel's next meeting with the Board is scheduled for December 11, 2013.**

**APPLICATION REVIEW:**

Dr. Peter Steele

Ms. Taxin presented Dr. Steele's application to the Board stating that Dr. Steele earned his Medical

Degree in 1964 and took the Colorado Science Examination. Ms. Taxin informed the Board that Dr. Steele did not pass or complete a national exam. Dr. Steele took part 2 of the NBME but did not submit a score.

The Board asked whether Dr. Steele was Board Certified in which Ms. Taxin answered that the documentation submitted did not have anything showing Board Certification.

Ms. Taxin stated that Dr. Steele currently holds an active license in Arizona and Colorado.

Ms. Taxin read Dr. Steele's narrative of where he has been practicing.

Dr. Cook stated that according to the Laws and Rules, the applicant does not meet requirements in the State of Utah for licensure.

**Dr. Cook made a motion to deny Dr. Steele's application. Dr. Malechek seconded the motion. The Board vote was unanimous.**

**DISCUSSION ITEMS:**

Dr. Nicola Riley Essay

Ms. Taxin asked whether the Board had any questions or felt her essay met the requirements of the Order.

The Board briefly discussed the essay.

**Dr. Malechek made a motion that the Board approves Dr. Riley's essay. Ms. Katshohirakis seconded the motion. Dr. Cook abstains from the vote. The majority of the Board accepted the essay.**

FYI

Dr. James Pickens Suspension Order

Ms. Taxin read the facts of the Federal Case against Dr. Pickens and let the Board know that his license was suspended until all aspects of his criminal case are fulfilled, including his probationary period. She stated the SPEX exam must be taken and passed before re-entry. Ms. Taxin read Dr. Pickens Stipulation requirements before he can reinstate his license.

### Telemedicine Research Project

Ms. Taxin stated that Utah's Laws and Rules do not specifically address telemedicine but it has been accepted that it falls within 58-67-102(12)...by any means or instrumentally as long as the physician is licensed in Utah.

Ms. Taxin asked the Board if they want to do a Telemedicine Research Project to better understand the facts, current practices, and laws nationally in telemedicine.

Ms. Taxin let the Board know that there is a Physician's Education Fund and that the fund can be used for the research project. Ms. Taxin stated that the Nursing and Pharmacy Boards would like to be included in the research project. Ms. Taxin asked the Board if they would support taking \$10,000.00 out of the Physician's Education Fund for the Telemedicine Research Project.

**Dr. Schaecher made a motion that the Board would support a Telemedicine Research Project. Dr. Montgomery seconded the motion. After discussion, the Board vote was unanimous.**

**November 13, 2013** Board meeting, 9:15 am – 9:45 am -Dr. Jones Citation Hearing and Dr. Kris Hayes continued hearing from 10:00 am – 6:00 pm

Ms. Taxin stated that the Board should thoroughly review the binders provided on the Dr. Jones Citation Hearing.

The Board discussed the 2014 Board Meeting schedule.

**December 11, 2013** Board Meeting scheduled 9:00 am – 1:00 pm and Dr. Rodolfo Martinez-Ferrate Hearing from 1:00 pm – 7:00 pm (with deliberation)

The Board was reminded that December 11, 2013 will be a Board Meeting and a scheduled hearing.

### **CORRESPONDENCE:**

FSMB Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain and Model Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office

Ms. Taxin reviewed with the Board the FSMB 2013 prescribing guidelines. She stated that with the new recommendations she would like to update R156-1-501(6) to include both the 2004 & 2013 policies.

**Dr. Schaecher made a motion to update the rule to include the 2013 policy. Dr. Chapa seconded the motion. The Board vote was unanimous.**

FSMB Report of the Special Committee on Reentry to Practice

Ms. Taxin stated that the guidelines for re-entry are being accepted.

2013 FSMB Annual Report

The 2013 FSMB Annual Report was passed around for the Board to review.

FSMB Member Board Visit Information

Ms. Taxin asked the Board if they would favor a visit from an FSMB Member Board during a 2014 Board meeting.

Ms. Howell stated the Board should allow them to speak for at least an hour.

The Board approved having the FSMB visit in 2014.

Dr. Howell's Inquiry Regarding Requiring Prescribers to Check the CSD as Tennessee Now Does

Dr. Howell inquired whether Utah should model a Rule similar to Tennessee, requiring all Physician's prescribing an opioid or benzodiazepine to check the CSD before prescribing.

Dr. Hale stated that the CSD is not perfect but it is better than nothing.

Dr. Howell stated that there have been multiple times that she has prescribed narcotics that never showed up on the CSD and that it should be reliable before a rule is proposed.

Dr. Howell stated maybe "triggers" can be put into place reminding Physician's that are prescribing CS II and III drugs, to check the database before proceeding in prescribing opioids.

Information Regarding Time Limit for Taking USMLE Examinations

Ms. Chris Springman with the U of U sent an email to Ms. Taxin referring to rule R156-67-102(e). Ms. Springman stated that the time is clear in the Utah rules and she believes that USMLE misquoted the Rule under their "Utah Time Limit" section. The Board stated that USMLE misquoted the law and requested the Division update USMLE of the Utah Time Limit reference.

USMLE discussion ensued and what the U of U will accept.

Carol Clothier Letter Regarding ABMS 2012-2013 Member Board Community is Building for the Future

Ms. Taxin passed around the Maintenance of Certification pamphlet.

Catherine Keate's email Regarding Medical Assistants Replacing Nurses

Postponed

Aaron Jones Citation Binder Information

Citation Binder provided to the Board for review.

**NEXT MEETING SCHEDULED FOR:**

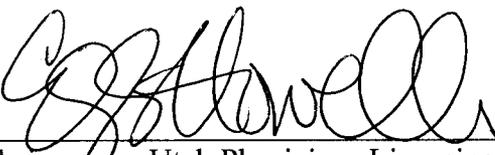
November 13, 2013 Board Meeting and Hearing  
December 11, 2013 Board Meeting and Hearing

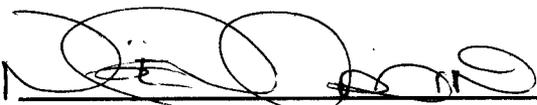
**ADJOURN:**

*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

11/5/13  
Date Approved

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

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

## **1st Agenda**

# **UTAH PHYSICIANS LICENSING BOARD MEETING**

**October 23, 2013**

**Room 475 – 4<sup>th</sup> Floor – 9:00 am**

Heber M. Wells Building

160 E. 300 S. Salt Lake City, Utah

*This agenda is subject to change up to 24 hours prior to the meeting.*

### **ADMINISTRATIVE BUSINESS:**

1. Call Meeting to Order
2. Sign Per Diem
3. Read and Approve the July 10, 2013 Minutes

### **APPOINTMENTS:**

**9:15 am** – Compliance Unit Update

**9:45 am** – Dr. John Schneider, Telephonic Probationary Interview

**9:55 am** – Dr. Thomas A. Sazani, Telephonic Probationary Interview

**10:05 am** – Dr. Edmund Chein, Telephonic Probationary Interview

**10:15 am** – Dr. Lynn Greenhouse, Telephonic Probationary Interview

**10:25 am** – Dr. Donald L. Yakel, Telephonic Probationary Interview

**10:35 am** – Dr. David M. Anderson, Probationary Interview

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**11:05 am** – Dr. Daniel J. Albertson, Probationary Interview

**11:20 am** – Dr. John R. Corkery, Probationary Interview

**11:35 am** – Dr. Donald N. Harline, Probationary Interview

**11:50 am** – Dr. Albert Hartman, Probationary Interview

**12:05 pm to 12:30 pm – WORKING LUNCH**

**12:30 pm to 1:15 pm** – Dr. Nolan B. Money, Initial Probationary Interview

**1:15 pm to 1:45 pm** – Dr. Robert Weitzel, Meet in Person for Probationary Interview and Dr. Carmela Javellana, Proposed Supervisor, Meet Telephonically

### **DISCUSSION ITEMS:**

- Application Review for Peter Steele

- Dr. Nicola Riley Essay
- FYI – Dr. James Pickens Suspension Order
- Telemedicine Research Project – RFP
- Medical Assistant Rule
- **November 13, 2013** - Board Meeting - Dr. Aaron Jones, Citation Hearing & Dr. Kris Hayes continued hearing from 10:00 AM – 6:00 PM
- **December 11, 2013** - Board Meeting scheduled half day & Dr. Rodolfo Martinez-Ferrate Hearing from 1:00 PM – 6:00 PM
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**CORRESPONDENCE:**

- FSMB Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain and Model Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office
- FSMB Report of the Special Committee on Reentry to Practice
- FSMB 2013 Annual Report
- FSMB Member Board Visit Information
- Dr. Howell’s Inquiry Regarding Requiring Prescribers to Check the CSD as Tennessee Now Does
- Information Regarding Time Limit for Taking USMLE Examinations
- Carol Clothier Letter Regarding ABMS 2012-2013 Member Board Community is Building for the Future
- Catherine Keate’s email Regarding Medical Assistants Replacing Nurses
- 

**NEXT SCHEDULED MEETING:**

November 13, 2013

December 11, 2013

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## **2<sup>nd</sup> Agenda**

### **UTAH PHYSICIANS LICENSING BOARD MEETING**

**October 23, 2013**

**Room 474 – 4<sup>th</sup> Floor – 9:00 am**

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160 E. 300 S. Salt Lake City, Utah

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December 11, 2013

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## **Final Agenda**

### **UTAH PHYSICIANS LICENSING BOARD MEETING**

**October 23, 2013**

**Room 474 – 4<sup>th</sup> Floor – 9:00 am**

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- FSMB Model Policy for Pain Rule – **Need Board Motion and Vote\***
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