

**Awaiting Formal Approval
MINUTES**

**UTAH
OSTEOPATHIC PHYSICIANS
LICENSING BOARD MEETING**

August 8, 2013

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 12:13 P.M.

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

Noël Taxin
Karen McCall
Debbie Harry

Board Members Present:

Layne A. Hermansen, DO, Chairperson
Keith P. Ramsey, DO
Lynsey J. Drew, DO

Board Members Absent and Excused:

Noel C. Nye, DO
Vacant Position

Guests:

Brian Rodgers, DO, Association President

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 7, 2013 Board meeting were read.

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

APPOINTMENTS:

9:15 am
Debbie Harry and Ms. Taxin, Compliance Update

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

- **Dr. Bruce Latham**

As per the New Hampshire Order, Dr. Latham will be taking the board examination again in 2014 with the results available in January 2015. Dr. Latham is in compliance.

- **Dr. Dennis Concoby**

Dr. Concoby's paperwork was received late and therefore he is out of compliance unless the Board determines differently. The Board needs to clarify how many chaperones Dr. Concoby has and who they are. He has reported he has been dropped from some insurance panels.

- **Dr. Ernest C. Severn**

Dr. Severn notified the Division that he was terminated from his position as the office downsized and that he is looking for new employment. He is in compliance with his Stipulation and order.

- **Dr. Kerry Blackham**

Dr. Blackham had the Pine Grove evaluations which determined he is not fit to practice right now. His license has been suspended until he completes a treatment center program. He completed the PACE program. He reported he stopped calling in for UA's and stopped attending the 12 step programs because of the suspension but now understands the conditions of his probation. Dr. Blackham is out of compliance with his Stipulation and Order.

Ms. Taxin stated she tried unsuccessfully to call Dr. Blackham three times to discuss the conclusion of the Pine Grove report. She stated she suspended his license after about three weeks and sent him a letter. She stated Dr. Blackham called her when he received the letter and was very upset as he thought action on his license would be determined today at the Board meeting so he will be meeting today. She stated normally when Pine Grove evaluations are required the practitioner is required to obtain a fitness for duty letter from Pine Grove. Ms. Taxin stated Dr. Blackham could choose a local program for treatment but there are no local comprehensive

professional treatment programs but if he does request a local program he will still need to return to Pine Grove for a re-evaluation and a fitness for duty letter. She recommended the Board review the evaluation.

Dr. Ramsey voiced concern for Dr. Blackham.

9:45 am

Dr. Bruce Latham, Telephonic Probationary Interview

Dr. Latham met for his telephonic probationary interview.

Dr. Drew conducted the interview.

Dr. Latham reported completing the CME requirement last year for New Hampshire and will take the Osteopathic examination boards in 2014 with the results being available in 2015. He stated this will be his third time renewing his boards.

Dr. Drew informed Dr. Latham that he is in compliance with the Utah Stipulation and Order.

Ms. Harry notified Dr. Latham that all paperwork is due by November 28, 2013.

An appointment was made for Dr. Latham to meet again December 19, 2013.

9:55 am

Dr. Dennis Concoby, Probationary Interview

Dr. Concoby met for his probationary interview.

Dr. Ramsey conducted the interview.

Dr. Concoby requested another copy of the therapist report form. He asked when the reports move from monthly to quarterly.

Ms. Harry stated she would provide another report form and gave Dr. Concoby the website to obtain additional forms if necessary. She then explained Dr. Concoby must be in compliance for six consecutive months from the date of his first Board appointment and then may request the Board to require the reports to be submitted quarterly.

Dr. Ramsey asked if the letter from Sierra Health Services is from an insurance company.

Dr. Concoby responded yes. He stated he has been dropped from insurance panels from Sierra Health Services and now from Signa, Blue Cross, United Health and Select Health. Dr. Concoby stated he appealed to Select Health and they have reversed the termination. He stated the impact for him has been stress and anxiety.

Ms. Harry reminded Dr. Concoby to submit his therapist reports monthly by the 28th of the month and the supervisor reports quarterly by the 28th of the month with the next report due November 28, 2013.

Dr. Ramsey requested Dr. Concoby to clarify two chaperones as everything else appears to be in order.

Dr. Concoby stated one is his wife and the other his daughter.

Ms. Taxin asked what Dr. Concoby has learned regarding boundary issues and if anything has changed in his office to ensure he does not cross boundaries.

Dr. Concoby responded he no longer does text messages with any patient. He stated he believed he was above the rules and has found there are no short cuts. He stated he now keeps in mind that he is human and does not want to be the kind of person he was becoming. He stated he meets with his therapist and Bishop even when he does not want to and is learning to communicate again with his wife and children. He stated at his last appointment he discussed with the Board what brought him here and he is looking forward to the PACE course in a few weeks for additional insight. He asked if the Board will be discussing his PACE course report at the December meeting.

Ms. Taxin responded yes. She stated there are additional courses and workshops on effective communication and he may want to attend one.

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

An appointment was made for Dr. Concooby to meet again December 19, 2013.

10:15 am

Dr. Ernest C. Severn, Probationary Interview

Dr. Severn met for his probationary interview.

Dr. Ramsey conducted the interview.

Dr. Severn informed the Board that his employment was terminated as the clinic was not doing well financially. He stated he has been looking for new employment and has located several clinics looking for help with one possibility as well as several practitioners near retirement. He stated due to his probationary status recruiters will not talk with him and places like Intermountain Health Care require full licensure. He stated he has a supervisor in place when he finds something. Dr. Severn stated he has had four insurance panels drop him, he has appealed and three have reversed their decisions and kept him. He stated he is still working on the fourth appeal. Dr. Severn stated if he is unable to locate employment by the end of August he may need to move to Texas to work until he is able to locate something in Utah.

Ms. Taxin suggested Dr. Severn contact the Health Department as they have hired probationers in the past. She also suggested Dr. Severn check with volunteer programs such as the 4th Street Clinic which is a free clinic staffed by volunteers and it would give him employment as a Physician and is a good place to work.

Dr. Ramsey explained the impact of no employment on Dr. Severn's probation as he needs to be in practice or his time will not count. He stated the time will count for now but not for an extended period of time.

Other Board members recommended Dr. Severn also contact the Maliheh Free Clinic, the Road House, Granger Clinic and a large health facility just across the State line in Arizona.

Dr. Severn thanked the Board and Ms. Taxin for their recommendations. He stated he also knows of temporary positions in Colorado and Arizona for Indian Health Services. He asked if the time would count if he worked in either State.

Ms. Taxin responded Indian Health Services are Federal and he probably will not be able to work there. She again stated if he finds something soon his time will count but he will need to continue to submit the reports in the interim.

Dr. Ramsey stated the reports that were submitted indicate improvement in Dr. Severn's documentation.

Ms. Harry informed Dr. Severn that the reports are due by the 28th of each month and if he is not employed he should put on the form "not employed at present".

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

An appointment was made for Dr. Severn to meet again December 19, 2013.

10:35 am

Dr. Kerry Blackham, Probationary Interview

Dr. Blackham met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Blackham reported his farm sold, he completed the PACE course, went to Pine Grove for the comprehensive evaluation and has worked until two weeks ago when he was notified his license had been suspended.

Dr. Hermansen asked what insights Dr. Blackham

gained from the PACE course and from the evaluation.

Dr. Blackham responded he learned some things from the PACE course but had already implemented many of the things they covered. He stated the evaluation helped him realize he does need help with his issues but he does not believe he needs to have in-house therapy for three months. He stated he has been working with the Veterans Administration (VA) and has met with Dr. Abele, a Psychiatrist, who believes anti-depressants may be helpful and will start them next week. He stated Dr. Abele did not review his Pine Grove evaluation and he has not been attending any support groups. Dr. Blackham stated his office staff have taken turns coming in to answer phones for two or three days a week and now the answer machine notifies patients that his office is not in service at this time. He stated he has assisted patients with transitioning to other providers. Dr. Blackham asked if the Board would accept VA services as there are several inpatient services available for him.

Ms. Taxin commented Dr. Blackham would need to be invested in any program or it will be a waste of his time. She recommended he contact Pine Grove and ask if they have any suggestions and once he has a VA recommendation for services, to contact the Division.

Ms. Harry requested Dr. Blackham submit the VA information for her to prepare for the Board to review for approval.

Ms. Taxin commented there are grief support groups available and it might be advantageous for Dr. Blackham to explore attending. She asked if he has read the evaluation. She stated if he does not have a copy he should contact Pine Grove to request the evaluation be released and emailed out to himself and Dr. Abele. She stated the Board/Division want to assist him to be able to practice again but he needs to take care of himself first.

Dr. Blackham responded he does not have a copy of his evaluation but did review portions with Pine Grove.

Ms. Taxin recommended Dr. Blackham send a letter to his patients to inform them he has taken a leave of absence for personal reasons and let them know to whom he has referred their care.

The Board determined Dr. Blackham is in compliance with his Stipulation and Order. They recommended he continue his drug and alcohol testing and locate some support groups.

An appointment was made for Dr. Blackham to meet again December 19, 2013.

DISCUSSION ITEMS:

FYI

Ms. Taxin informed the Board of Dr. Jacob E. Jessop's appointment to the Osteopathic Physicians Board. She stated he is absent today as the timing was too short of notice for him to rearrange his schedule.

Ms. Taxin thanked Dr. Ramsey for arranging to attend this meeting so there would be a quorum. She stated this will be Dr. Ramsey's last meeting.

Board members thanked Dr. Ramsey for serving.

Review DO Suspension, Reapplication Process and Evaluation

Ms. Taxin asked the Board for assistance with appropriate requirements after a suspension on a practitioner's license is lifted.

11:17 am, Closure of Meeting

Dr. Ramsey made a motion to close the meeting.

Dr. Drew seconded the motion.

The Board vote was unanimous.

12:03 pm, Reopen Meeting

Dr. Ramsey made a motion to reopen the meeting.

Dr. Drew seconded the motion.

The Board vote was unanimous.

Dr. Hermansen recapped the discussion by stating the

Board determined reapplication of a practitioner after a surrender would require taking and passing the SPEX examination if out of practice for several years, specific conditions which may include an evaluation if a Stipulation is offered.

FYI

Ms. Taxin informed the Board of the dispensing meeting August 27, 2013, at the University of Utah, Room 1750, 1st floor of the Spencer F. and Cleone P. Eccles Health Sciences Education Building at 26 South 2000 East in Salt Lake City, Utah, from 8:30 am to about 4:00 pm.

The Board thanked Ms. Taxin for the information.

Prescribers/Dispensers Being Required to Check the CSD Report

Ms. Taxin informed the Board of the information received from the Physicians Board chairperson about Tennessee requiring all prescribers/dispensers being required to check the CSD report. She asked for any ideas regarding Utah making this a requirement.

Following discussion, the Board determined it is a good idea and a good tool to be able to check the CSD report on patients but should not be a requirement at this time.

USMLE Failures and Step 3 Discussion

Ms. Taxin explained an Osteopathic Physician stopped in the office and inquired about licensure. She stated he attended medical school and graduated several years ago, took steps 1 and 2 of the USMLE and had several failures but did not take Step 3. She stated he has not yet completed his residency program and trying for acceptance into a University of Utah residency program. She stated the Osteopathic Physician is concerned that if he completes his residency he will be over the 7 year rule to complete all the required examinations and is inquiring if he would need to retake all portions.

Following discussion the Board determined the Osteopathic Physician would need to meet with the Board after he submits an application to explain what he has been doing and for the Board to make a final decision regarding the examinations.

2014 Board Meeting Schedule

The Board noted the following dates for the 2014 schedule: (Thursdays) February 13, May 8, August 14 and November 13, 2014.

FSMB Prescribing Model Policy Update

Ms. Taxin informed the Board of the new FSMB prescribing model policy. She stated she would like to update the Rule to incorporate the new update. She requested the Board to review the document and contact her if they disagree with incorporating them into the Rule.

4 Hour CME Requirements Update

Ms. Taxin reminded the Board of the new Law requirement for 4 hours of approved CME on appropriate Opioid prescribing. She stated the UMA received a grant for development and there are six modules of information and examinations. Ms. Taxin stated the UMA is hoping to have the test pilot completed and available this fall and if anyone is interested in doing a free review and test for feedback to contact her. She stated 3 ½ hours of credit will be given to those who do the review and examination. She stated the information will be offered online and the fee will be minimal to everyone.

Dr. Hermansen commented AMA category 1 CME is category 2 for Osteopathic Physicians.

Ms. Taxin recommended Brian Rodgers contact the UMA regarding the program and CME credit.

Dr. Rodgers suggested the program be part of the Association conference next fall.

CORRESPONDENCE:

Michael Zanolli, MD, FSMB Liaison Letter

Ms. Taxin informed the Board of the FSMB assigning a liaison for each Board and Dr. Zanolli has been assigned to Utah. She explained Dr. Zanolli would like to meet with the Board to discuss any concerns Utah may have. She stated the last time the FSMB liaison met the Physicians and Osteopathic Physicians combined for the meeting.

Following discussion the Board recommended Dr. Zanolli be invited to meet later in the year with the

**DO (Osteopathic Physicians) and MD (Physicians)
Board if the MD Board agrees the meeting is
necessary.**

FSMB Report Regarding Reentry to Practice

A copy of the report was given to each Board member to review.

FSMB 2013 Annual Report

A copy of the report was given to each Board member to review.

Utah Osteopathic Medical Association CME
Event Information

Dr. Rodgers informed the Board of an Association CME event on August 14 through August 17, 2013 at the Doubletree Suites in Salt Lake City. He stated information has been sent to all licensees.

**The Board thanked Dr. Rodgers for the
information.**

NEXT MEETING SCHEDULED FOR:

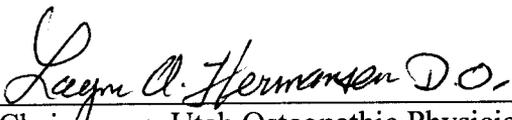
December 19, 2013

ADJOURN:

The time is 12:13 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.

12-19-13
Date Approved


Chairperson, Utah Osteopathic Physicians Licensing
Board

9/3/13
Date Approved


Bureau Manager, Division of Occupational &
Professional Licensing