

**MINUTES**

**UTAH**

**PODIATRIC PHYSICIANS  
LICENSING BOARD  
MEETING**

**October 2, 2013**

**Room 402 – 4<sup>th</sup> Floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:30 A.M.**

**ADJOURNED: 11:30 A.M.**

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

Noël Taxin  
Tammy Baker  
Debbie Harry

**Board Members Present:**

Francis J. Clark, DPM, Chairperson  
Douglas C. Flegal, DPM  
Gary R. Ridge, DPM  
Thomas G. Rogers, DPM

**Board Members Absent and Excused:**

Bryan Jackman

**Guests:**

Candace Daly

**DOPL Staff Present:**

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the July 17, 2013 Board meeting were read.  
Dr. Rogers made a motion to approve the minutes as read. Dr. Flegal seconded the motion. **The Board vote was unanimous.**

**APPOINTMENTS:**

**8:45 am**

Debbie Harry, Compliance Update  
Noël Taxin, Compliance Update

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

- **Dr. Gregory J. Gulso**

Ms. Taxin reported that Dr. Gregory J. Gulso is in compliance with his Stipulation and Order. Ms. Taxin asked the Board to request that supervising physician, Dr. Green be more specific in his reports to include patient care and prescribing habits of Dr. Gulso.

- **Dr. Kelly A. Gomez**

Ms. Harry reported that Dr. Gomez is out of compliance with his Stipulation and Order. Dr. McBride's therapy report states three therapy sessions have been missed. Dr. McBride's therapy reports and Dr. Nelson's supervisor reports are not getting submitted on time and there is no correspondence with Ms. Harry regarding the late submission of the reports. Dr. Gomez's chaperone log is being turned in on time by Dr. Gomez's office staff. The Board was requested to clarify with Dr. Gomez that it is his probation and if the reports are not submitted on time or if he misses therapy appointments, additional disciplinary action will be taken.

**9:00 am**

Dr. Gregory J. Gulso, Probationary Interview

Dr. Gulso met for his probationary interview.

Dr. Ridge conducted the interview.

Dr. Gulso reported that he is meeting weekly with Dr. Green and discussing patient care.

**Dr. Ridge reports that Dr. Gulso is in compliance and that Dr. Green's reports are complimentary. Dr. Ridge requested that Dr. Green needs to be more specific in his reports.**

**Ms. Taxin explained that the reports need to include prescribing habits and specifics regarding patient cases and performance aspects.**

Dr. Gulso responded by stating that he understands and will speak to Dr. Green asking him to include specifics in his report.

**Dr. Ridge commented that prescribing logs look good and that Dr. Gulso is in compliance.**

Dr. Gulso requested that the frequency of reports to be submitted to Board be limited from weekly to twice monthly.

**Dr. Rogers made a motion to change frequency of supervision from weekly to monthly with detailed reports from Dr. Green to go over charts monthly. Dr. Green would then provide quarterly reports to the Board.**

**Dr. Flegal seconded the motion.**

**The Board vote was unanimous.**

**An appointment was made for Dr. Gulso to meet on January 8, 2014.**

**9:20 am**

Dr. Kelly A. Gomez, Probationary Interview

Dr. Gomez met for his probationary interview.

**Ms. Taxin asked how Dr. Gomez is doing with staying in compliance.**

Dr. Gomez stated that he believes he is in compliance and that he is performing more CSD checks before prescribing narcotics. Dr. Gomez noted a discrepancy between the CSD report and his prescribing of testosterone. Dr. Gomez stated that he contacted the pharmacy, police, and investigations to make them aware of the issue. Dr. Gomez stated that he does have patients that are long term patients that have chronic pain and he continues to prescribe pain medication. Dr. Gomez stated he notified multiple patients that

they need to seek treatment at a pain clinic and referred them to another doctor.

**Ms. Taxin asked Dr. Gomez to tell the Board about his office staff, training, and office composition including what changes he has made in his office.**

Dr. Gomez stated that he has the same staff as usual and that he is keeping all relationships professional and not crossing boundaries between his personal and professional relationships. Dr. Gomez stated that he does have some male students come in for training and all doors are to be left open unless there are privacy issues.

**Dr. Clark stated that the report from Dr. McBride says that three appointments were missed and that Dr. Gomez is out of compliance.**

Dr. Gomez looked surprised.

**Ms. Taxin asked Dr. Gomez if she could read the report on tape.**

Dr. Gomez said yes.

**Ms. Taxin then stated that on August 2, 2013, Dr. McBride sent in a report stating there were three missed appointments. The report included a statement that Dr. Gomez has issues with compulsive behavior and boundaries but seems to be making progress.**

Dr. Gomez disagreed with the report stating that he has been meeting with the therapist monthly.

**Dr. Francis Clark stated that Dr. McBride, should be sending reports in monthly and that Dr. Gomez is out of compliance because the reports are not sent in each month and when they are received, they are not submitted by the date required.**

Dr. Gomez stated that he thought all reports were being submitted each month and that he was in

compliance.

**Ms. Taxin and Ms. Harry both told Dr. Gomez that it is the responsibility of the probationer to ensure that the probationer has all reports in and on time.**

Dr. Gomez stated that he understands it is his responsibility that he gets his reports in on time and that he talks to Dr. McBride weekly and he was under the impression that all reports were being submitted on time.

**Dr. Clark stated Dr. Nelson's reports have also not been submitted on time.**

**Ms. Harry stated that Dr. Gomez needs to take responsibility to call her if the reports are going to be late and to fax the report's in personally in order to stay in compliance.**

**Dr. Clark stated that Dr. Gomez's license will be suspended or a fine will be issued if he is not in compliance by the next board meeting.**

**Dr. Rogers suggested that Dr. Gomez tell Dr. Nelson and Dr. McBride that he will pick up the reports on a specific date to ensure that the Board receives them on time.**

Dr. Gomez stated he is frustrated with both practitioners as they both told him the reports were submitted.

More discussion took place about therapy benefits.

Dr. Gomez asked if he could change therapists.

Ms. Taxin stated yes and that at times patients reach maximum benefit out of a provider and it can be more beneficial to switch.

**Dr. Flegal pointed out that during the previous Board meeting Dr. Gomez was not in compliance and that this was not the first time these issues were discussed.**

Dr. Gomez stated that he will take responsibility and start having a copy of the reports sent directly to him and send them directly to Ms. Harry.

**Dr. Clark questioned Dr. Gomez about possible over prescribing as reviewed on the CSD report.**

Dr. Gomez stated he told one patient that he was no longer going to treat him and gave recommendations to another patient as to what Physician they could go to. Dr. Gomez wrote the names of patients in question to check charts and verify prescribing habits. Dr. Gomez stated that some patients are long term pain patients that cannot go elsewhere. Dr. Gomez referred to a particular patient stating that patient has chronic leg crapping, using arm canes and has been a long term patient. Dr. Gomez stated he does not pull a CSD report on this particular patient.

**Ms. Taxin commented on his supervising physician, Dr. Nelson's concerns regarding his prescribing history. Ms. Taxin questioned Dr. Gomez's surprise response at viewing the CSD provided by the Board if he was really pulling CSD report of his own. Ms. Taxin suggested Dr. Gomez write patients down and look into whether they can be referred elsewhere for pain therapy.**

**Dr. Clark stated that the patient that has chronic leg pain and cramping may be served better by seeing neurologist.**

**Ms. Taxin stated that Dr. Gomez should be running a CSD report on all pain patients that he is prescribing narcotics.**

**Dr. Rogers brought up a team approach to treating patients in order to improve the quality of life for patient.**

**Ms. Taxin told Dr. Gomez that he does not need to drop patients but he should probably re-evaluate their treatment and that he can contact Marv Sims, CSD Manager, to help him run quarterly CSD reports.**

Dr. Gomez stated that he has Marv Sims contact information and does not need the Board to provide that information.

**Dr. Clark told Dr. Gomez to submit 3 patient charts: RW, PF and GC, for him to pre-review the CSD prior to meeting and be prepared to discuss at the next Board meeting scheduled for January 8, 2013.**

**The Board let Dr. Gomez know that if he is non-compliant at the next Board meeting, the Board will have to take additional disciplinary action which could include a fine or suspension of license.**

#### **DISCUSSION ITEMS:**

Podiatry Assistants

Ms. Daly stated to the Board that she would like Podiatry Assistants to be included in the statute and she stated she spoke with Mr. Steinagel about it, and would like to see it addressed this legislative session.

4 CME Prescribing

**Ms. Taxin read the CS Practice Act and Rule 58-37-6.5.**

Ms. Daly stated that AMA and UMA exclusively have the ability to provide acceptable CME courses. Ms. Daley stated that she would like the Board to approve the UPMA to provide in person lecture courses that would be eligible for CME credits, for this requirement.

Discussion took place about the development of the UMA course and the processes to approve other providers.

Ms. Daley stated that the UPMA wants to be able to work in coordination with UMA but feels due to email correspondence, they do not want to include the UPMA in the coordination of CME courses. Ms. Daley stated that the rule states APMA should be able to approve educational content. Ms. Daley wants the Board to approve UPMA to provide CME courses.

**Ms. Taxin reminded the Board that the Utah statute allows for other prescribing practitioners other than MD's and DO's to have their Boards consider approving other non UMA REM's courses.**

**Ms. Taxin stated she believes the Division and Boards do not want to get into the part-time business of pre-approval of CME courses. She stated that it would be easier for providers to follow the REM's criteria and Utah law versus pre approving courses.**

Ms. Daley stated all courses organized by the UPMA will be REM compliant and meet the Utah Statute. Ms. Daley stated she would like the Board to provide her with a list of content that would have to be covered in UPMA courses to get approved by the Board.

**Ms. Taxin suggested Ms. Daley review the Utah's Law and Rule and the REM's program for course content.**

**Dr. Ridge asked Ms. Daly as to whether the UPMA course work would be in lieu of UMA training.**

Ms. Daley stated that the course provided by the UPMA would be in addition to, or in coordination with what is provided by the UMA.

**Dr. Rogers was excused at 11:00 A.M.**

**Dr. Flegal asked Ms. Daly about the Podiatrists outside of Utah and how the UPMA was intending on addressing the CME courses.**

Ms. Daley stated that out of state Podiatrists would be

required to take the courses provided by the UMA. Ms. Daley stated that the UPMA wants the opportunity to train with a live lecture so there can be interaction between the audience and the instructor.

**Dr. Flegal made a motion to approve UMA program as acceptable for 4 hours CME credits for prescribing Podiatrists.**

**Dr. Ridge seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin suggested UPMA coordinate with the UMA and discuss their live course being a part of the module options.**

**Ms. Taxin stated that the UPMA courses should meet the criteria stated in the Law and Rule and the UMPA may present the proposal to the Board at the January 2014 board meeting.**

Board Member Training

The Board decided to postpone training until all Board Members present.

2014 Board Meeting Schedule

The Board noted the following dates for the 2014 Board meeting schedule: **Wednesdays, January 8, April 9, July 9 and October 8, 2014.**

**CORRESPONDENCE:**

**Ms. Taxin reviewed with the Board the FSMB 2013 prescribing guidelines. She stated with these new recommendations she will update R156-1-501(6) to include both the 2004 & 2013 versions.**

**NEXT MEETING SCHEDULED FOR:**

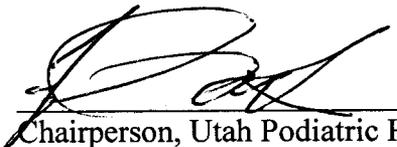
January 8, 2014

**ADJOURN: 11:30 am**

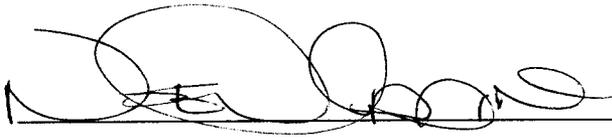
The time is 11:30 A.M and the Board meeting is adjourned.

*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.*

1/6/14  
Date Approved

  
Chairperson, Utah Podiatric Physicians Licensing Board

10/19/13  
Date Approved

  
Bureau Manager, Division of Occupational & Professional Licensing