

**MINUTES UTAH PHYSICIANS  
LICENSING BOARD MEETING**

**SEPTEMBER 15, 2022  
SALT LAKE CITY, UT 84114**

CONVENED: 9:02 A.M.

ADJOURNED: 12:42 A.M.

**DOPL STAFF PRESENT:**

Bureau Manager: Larry Marx

Board Secretary: Allison Pulsipher

Investigator: James Furner

Compliance Officer: Jennifer Johnson

**BOARD MEMBERS ELECTRONICALLY PRESENT:**

Alan Smith, MD

David Moulton, MD Chairman

Craig Davis, MD Vice-Chair

Kumar Shah

Brian Zehnder, MD

David Young, Ph.D

Mark Bair, MD

Rebecca Moore, MD

**BOARD MEMBERS NOT PRESENT:**

Susan Wiet, MD

Dr. Stephen Voss, MD

**GUESTS:**

Mark Brinton, UMA

Dave Davis

Matthew Higley

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

**ADMINISTRATIVE BUSINESS:**

**Call Meeting to Order**

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

**Read and Approve July 21, 2022 Minutes (Audio 1 – 0:03:01)**

Dr. Davis motioned to approve the minutes as written.

Mr. Shah seconded the motion.

The Board motion passed unanimously.

**APPOINTMENTS:**

**INVESTIGATION UPDATE (AUDIO - 0:03:40)**

Mr. Furner reviewed the investigation report stating there was 78 complaints files 5 administrative filing and 1 citation issued, 78 cases were received and closed.

Mr. Marx stated there have been 2 Notice of Agency Actions filed.

Dr. Davis asked if UPHP was still taking referrals for doctors in their program.

Mr. Marx stated that UPHP has received multiple new referrals to their program, but not through investigations referrals.

**CSD Update (Audio 1 – 0:10:15)**

Mr. Marx gave the CSD update.

Mr. Marx stated that the CSD website has added additional icons to give more details when searching patients.

**COMPLIANCE REPORT (AUDIO 1 – 0:11:56, 0:36:02)**

Dr. Allen had no changes in practice and there are no compliance concerns.

Dr. Draschil had an amendment made to his order.

Dr. Draschil has not missed any check ins and had one excused missed test.

Dr. Draschil employment has changed and submitted a new practice plan.

Dr. Phillips had no missed check ins.

Dr. Phillips missed turning in her reports and multiple meeting logs.

Dr. Davis asked if Dr. Phillips time is tolling for not being compliant.

Ms. Johnson stated Dr. Phillips current end date is May 28, 2025.

Ms. Johnson stated Dr. Shaskey's reasons for his probation.

Dr. Shaskey completed multiple evaluations to receive his license on probation.

Ms. Johnson stated the requirements for Dr. Shaskey's probation.

Dr. Shaskey provided his practice plan and supervisor reports before the meeting for the board to review.

Dr. Moulton stated his concern of Dr. Shaskey's supervisor also being his primary care physician.

Mr. Marx stated that the Board may recommend that Dr. Shaskey find a new primary care physician or supervisor to avoid conflict of interest.

Dr. Bair asked for clarification on when Dr. Allen is expected to end her probation with minimal requirements and board interviews.

Dr. Smith stated that the stipulation is expected to end on November 08, 2025.

Mr. Marx clarified the need for Dr. Allen's probation.

Ms. Johnson stated Dr. Shaskey has not missed any tests or check ins.

Ms. Johnson stated Dr. Shaskey is very communitive.

Ms. Johnson stated Dr. Shaskey has displayed attitude problems with his probation.

**DR. JENNIFER ALLEN, PROBATIONARY INTERVIEW (AUDIO 1 – 0:31:10)**

Dr. Bair conducted the interview asking how Dr. Allen is doing.

Dr. Allen stated she is doing well and had no changes in her practice.

Dr. Smith asked Dr. Allen what her current practice involves in both Utah and Hawaii.

Dr. Allen does not practice in Hawaii, in Utah does minor cosmetic procedures.

Dr. Smith asked about her current practice times.

Dr. Allen stated she works roughly 6 days a month, with full days of patients.

**DR. THOMAS DRASCHIL, PROBATIONARY INTERVIEW (AUDIO 1 – 0:46:32)**

Dr. Zehnder started the interview asking how Dr. Draschil is doing.  
Dr. Draschil stated things are going better. He stated he had changed jobs.  
Dr. Zehnder asked Dr. Draschil to explain his new position.  
Dr. Draschil stated he will work in the detoxification unit.  
Dr. Zehnder asked if he will be keeping his supervisor.  
Dr. Draschil confirmed he will be keeping his same supervisor.  
Dr. Draschil provided his new practice plan and requested approval for the new plan.  
Dr. Davis asked for clarification about what the day shift would look like.  
Dr. Draschil stated he would come in at 9:00 am, complete patient rounds, and go home.  
Dr. Draschil stated there are the possibility of working weekends on call.  
Dr. Moulton asked if Dr. Draschil if there was someone at his new job that could be his supervisor.  
Dr. Draschil stated he would look into finding a supervisor at the new facility.  
Dr. Zehnder asked Dr. Draschil if there would be any difficulty honoring the terms of his stipulation working at a new facility.  
Dr. Draschil stated this new facility would help him keep his practice plan as the facility is more professional.  
Mr. Marx asked for a motion to approve Dr. Draschil's new practice plan.  
    Dr. Smith motioned to approve the practice plan.  
    Dr. Zehnder seconded the motion.  
    The Board motion passed unanimously.

**DR. DAVID SHASKEY, INITIAL PROBATIONARY INTERVIEW (AUDIO 2 – 0:21:43, AUDIO 3 – 0:00:03)**

Dr. Moulton conducted the interview with Dr. Shaskey.  
Dr. Shaskey gave a summary of his medical practice history.  
Dr. Moulton started the discussion asking about Dr. Shaskey's supervisor.  
Dr. Moulton mentioned the Board thought Dr. Shaskey's supervisor being his primary care provider could be a conflict of interest.  
Dr. Shaskey stated that if it were an issue, he would find a different primary care provider.  
Dr. Smith asked for confirmation that Dr. Shaskey will not use Dr. Nelson as a primary care provider.  
Dr. Shaskey gave confirmation he will not see Dr. Nelson as a primary care provider.  
Dr. Smith asked for clarification regarding the reports received by a patient.  
Dr. Moulton asked for a motion to close the meeting.  
    Dr. Davis motioned to close the meeting in accordance with the Open and Public Meeting Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.  
    Dr. Smith seconded the motion to close the meeting.  
    All Board members voted in favor of closing the meeting.

**Dr. Moulton closed the meeting at 10:43am**

**Dr. Moulton opened the meeting at 10:53 am**

Dr. Moulton asked Dr. Shaskey about his current practice.

Dr. Shaskey explained his current practice is Monday through Friday 9:00 am to 5:00 pm.

Dr. Moulton asked for a motion to approve Dr. Shaskey's practice plan.

Dr. Smith motioned to approve the practice plan

Dr. Bair seconded the motion.

The Board approved the motion unanimously.

Dr. Moulton asked Dr. Nelson if he has the proper knowledge to be Dr. Shaskey's supervisor.

Dr. Nelson stated that there are some things Dr. Shaskey does that are outside what Dr. Nelson practices.

Dr. Moulton clarified that Dr. Nelson would need to be able to decide if there is physician impairment within the practice.

Dr. Nelson asked what type of tools he has available to him to assess Dr. Shaskey's professionalism and practice.

Dr. Moulton stated Dr. Nelson may contact the medical assistant working with Dr. Shaskey to better help him assess Dr. Shaskey's practice.

Mr. Marx agreed Dr. Nelson may be in contact with the practice staff, may review charts, and have open communication with Dr. Shaskey.

Dr. Smith reminded Dr. Nelson being Dr. Shaskey's supervisor requires constant communication including chart reviews and supervision evaluations.

Dr. Nelson asked how often he needs to be checking up on Dr. Shaskey.

Dr. Moulton stated there is no set number, he will need to decide what he is comfortable reviewing to ensure he is keeping up with his practice and maintaining professionalism.

Dr. Moulton asked for motion to approve Dr. Nelson as a supervisor for Dr. Shaskey.

Dr. Smith motioned to approve the supervisor.

Dr. Zehnder seconded the motion.

The Board approved motion unanimously.

Ms. Johnson stated the board would need to motion to accept the evaluations.

Ms. Johnson reminded Dr. Shaskey his reports are monthly

**DR. KAREN PHILLIPS, PROBATIONARY INTERVIEW (AUDIO 3 -0:18:20)**

Dr. Davis conducted the interview asking how Dr. Phillips is doing.

Dr. Phillips stated she has been doing well.

Dr. Phillips stated she didn't have contact with her supervisor or therapist, so she has missed reports.

Dr. Davis stated Dr. Phillips is missing her required meeting.

Ms. Johnson confirmed she hasn't provided 9 months' worth of meeting logs.

Dr. Phillips asked if she can retroactively enter in the meeting logs.

Ms. Johnson stated she would connect with Dr. Phillips to discuss her options regarding her missed meetings.

Dr. Davis asked Dr. Phillips about her work.

Dr. Phillips said work has been slow and has open availability Monday through Friday but will group appointments together to work shorter days.  
Dr. Davis reminded Dr. Phillips her probation is scheduled to last through May 2025.  
Dr. Phillips asked if her probation extension was necessary.  
Dr. Davis stated with the lack of supervisor and work at the beginning of the stipulation as it stands it is necessary.  
Dr. Moulton stated that if Dr. Phillips turned her reports in on time it could help the Board assess if early termination of the stipulation is possible.  
Dr. Smith stated that it is Dr. Phillips responsibility to provide the board with the proper documents showing she is safe to practice and met her requirements.  
Dr. Phillips asked again if it was necessary to extend her probation to May 2025.  
Dr. Moulton stated that Dr. Phillips needs to become compliant and follow her stipulation before the Board can consider early termination.  
Mr. Shah stated that earlier termination is earned, if Dr. Phillips would like the Board to consider early termination, she will need to be less defensive and become compliant with her stipulation.

## **DISCUSSION ITEMS:**

### **LEGISLATION REVIEW**

#### **Anesthesiologist Assistant: (Audio 3 – 0:35:45)**

Mr. Marx started the discussion explaining the new license type.  
Mr. Marx explained the requirements for Anesthesiologist Assistants.  
Dr. Moulton asked if the state is expecting push back from other states regarding the wording within the proposed rule for Anesthesiologist Assistant Practice Act Rule.  
Mr. Marx stated it is similar to many other states and the Division does not expect push back.  
Dr. Moulton asked if there were any input from the board or public.  
Dr. Moore asked for clarification about the education requirements.  
Mr. Marx clarified that the education is someone who has finished a bachelor's degree and a two-year master's program. There are currently 8 schools with the required master's program, all of which are affiliated with medical schools.  
Dr. Smith asked for clarification regarding the wording of when an anesthesiologist needs to be present.  
Dr. West Mortensen, Utah Society of Anesthesiologist, clarified the wording used allows the Anesthesiologist to be present, but also allows the anesthesiologist assistant to perform the procedure and keep their skills current in controlled situations.  
Mr. Brinton, UMA, stated the wording leaves the responsibility on the shoulders of the Anesthesiologist supervising to ensure the procedures are being done correctly.  
Dr. Moulton asked for a motion to recommend the rule moves forward as written.  
Dr. Smith motioned to move the rule forward as written.  
Dr. Zehnder seconded the motion.

The Board approved the motion unanimously.

**Anesthesia and Sedation: (Audio 3 – 01:03:40)**

Mr. Marx started the discussion around the changes in Utah Medical Practice Act Rule regarding anesthesia and sedation.

Dr. Bair asked if including the American Board of Medical Specialties prohibits someone getting licensed if they are yet to be board certified.

Mr. Marx clarified it would not because there are other options available for applicants to choose between.

Dr. Bair stated in some specialties there are different policies and procedures in which sedation is handled. Some use ACEP guidelines, American College of Emergency Physicians, versus ASA guidelines, American Society of Anesthesiologists.

Mr. Marx stated he would like the Boards input in clarifying the wording for who is allowed to do moderate and deep sedation and the guidelines in which they should follow.

Dr. Bair suggested adding the clarification “In a non-emergency setting” to make the wording consistent with the already existing statute.

**Associate Physician: (Audio 3 – 1:20:33)**

Mr. Marx started the discussion around the changes in the Utah Medical Practice Act Rule regarding Associate Physician’s.

Mr. Marx stated some of the restrictions have been removed from the rule.

Mr. Brinton stated there was a lot of discussion around the associate physician program making the program more flexible for the graduates interested in the license.

Dr. Moulton asked for a motion to move forward with the legislative changes.

Dr. Smith motioned to move forward with the changes to the Utah Medical Practice Act Rule.

Dr. Davis seconded the motion.

The Board approved the motion unanimously.

**Medication Dispenser: (Audio 2 – 0:00:01)**

Mr. Marx explained the Medication Dispenser rule and changes that were made.

Dr. Moulton asked if the word “Secure” is defined.

Mr. Marx stated it is not, but he can define the term.

Dr. Young stated the “Properly label” should also be clearly defined

Dr. Davis asked for the background on this rule.

Mr. Marx stated this rule comes from House Bill 301.

Mr. Brinton, UMA, stated that the rule comes from working with pharmacist making it easier for patients to receive required non-controlled substances.

Mr. Brinton stated the change is to aid the patient to receive timely care.

Dr. Moulton asked if this would make pharmacies obsolete if physicians can now have multiple prescriptions on stock.

Mr. Brinton stated Dr. Moulton's concern was discussed and intends to be discussed more as the rule moves forward.

Dr. Bair stated there is already a law in Utah stating a physician cannot own a pharmacy.

Dr. Smith stated he sees the practicality of this new addition would be short term medication when patients are seen at a time when pharmacies are closed or are in a rural area.

**IMPAIRED PHYSICIAN (Audio 3 – 1:25:50, Audio 4 – 0:0)**

Mr. Marx asked the Board for an action involving an impaired physician.

Dr. Moulton stated his concern for how the physician chooses a provider to perform the evaluation.

Mr. Marx stated the board can mandate the options of who to see for evaluations.

Dr. Moulton asked for a motion to close the meeting.

Dr. Davis motioned to close the meeting in accordance with the Open and Public Meeting Act, 52-4-205(1)(a) to discuss the character, professional competence or physical or mental health of an individual.

Dr. Moulton seconded the motion.

All Board members voted in favor of closing the meeting.

**Dr Moulton closed the meeting at 12:25pm**

**Dr. Moulton opened the meeting at 12:37pm**

Dr. Moulton stated the Board had discussion about Dr. Jones.

Dr. Moulton asked for a motion for action on Dr. Jones.

Dr. Smith motioned to proposed fitness for duty evaluation of Dr. Jones, suspending the license pending evaluation.

Dr. Bair seconded the motion.

The Board approved the motion unanimously.

Dr. Moulton proposed investigations also look into possible violations on the physician.

**CORRESPONDENCE:**

**NEXT SCHEDULED MEETING:           NOVEMBER 17, 2022**

**2023 MEETING SCHEDULE:**

**JANUARY 19, MARCH 17, MAY 18, JULY 20, SEPTEMBER 21, NOVEMBER 16**

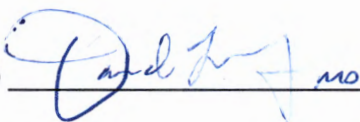
**ADJOURN:**

**Meeting adjourned at 12:42 A.M.**

**Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.**

11/17/22

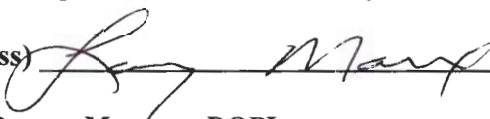
**Date Approved**

(ss) 

**Chairperson, Utah Board of Physician Licensing Board**

4/17/22

**Date Approved**

(ss) 

**Bureau Manager, DOPL**



# SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Dr. Meillon, as the presiding member of the Physician Board,  
which met on the 15 day of September, 2022.

Appropriate notice was given of the Board's meeting as required by Utah Code Annotated § 52-4-202.

A quorum of the Board was present at the meeting and **voted by at least a two-thirds vote**, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- The character, professional competence, or physical or mental health of an individual (§ 52-4-205(1)(a))
- Strategy regarding pending or reasonably imminent litigation (§ 52-4-205(1)(c))
- Deployment of security personnel, devices, or systems (§ 52-4-205(1)(f))
- Investigative proceedings regarding allegations of criminal misconduct (§ 52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a) The reason or reasons for holding the closed meeting;
- (b) The location where the closed meeting will be held; and
- (c) The vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) The date, time, and place of the meeting;
- (b) The names of members present and absent; and
- (c) The names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Pursuant to § 52-4-206(5), a sworn statement is required to close a meeting under § 52-4-205 (1)(a) or § 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

A record was not made

A record was made by:  Tape Recording  Detailed Written Minutes

Pursuant to § 52-4-206(1), a record by tape recording is required for a meeting closed under § 52-4-205(1)(c) or § 52-4-205(1)(g), and was made.

Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

  
Board Chairman or other Presiding Member

11/17/22  
Date