

MINUTES UTAH PHYSICIANS  
LICENSING BOARD MEETING

MARCH 16, 2023  
SALT LAKE CITY, UT 84114

CONVENED: 8:03 A.M.

ADJOURNED: 9:17 A.M.

**DOPL STAFF PRESENT:**

Bureau Manager: Larry Marx  
Board Secretary: Allison Pulsipher  
Compliance Officer: Jennifer Johnson  
Investigations: James Furner

Division Director: Mark Steinagel  
Attorney General Office Representation:  
Douglas Crapo

**BOARD MEMBERS PRESENT:**

Dr. Alan Smith, MD Chairman  
Dr. David Moulton, MD  
Dr. Brian Zehrnder, MD  
Dr. David Young, Ph.D.  
Dr. Mark Bair, MD  
Dr. Rebecca Moore, MD  
Dr. Stephen Voss, MD

Kumar Shah, Public Member  
Dr. Peter Taillac, MD  
Dr. William Francis, DO  
Dr. Tricia Ferrin, DO Chairman  
Dr. Michael Derr, DO  
Dr. Jessica Egbert, Ph.D.

**BOARD MEMBERS NOT PRESENT:**

Dr. Susan Weit, MD

Dr. George Gourley, DO  
Dr. Craig Davis, MD Vice-chair

**GUESTS:**

Angelo Giardino, MD, Ph.D.  
Ariel Malan  
Senator Michael Kennedy, MD  
Brook Keeshin  
Collen Kuhn  
Jennifer Brinton  
Joanne Rolls, PA-C  
Kara Chaudhary

Michael Staley  
Michelle McOmber, UMA  
Saige Miller  
Mark Brinton, UMA  
Nicole Mihalopolos, MD  
Matt Bryan, MD  
Nicholas Kim, MD  
Ejay Jack, LCSW

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

**ADMINISTRATIVE BUSINESS:**

**Call Meeting to Order**

Dr. Smith called the meeting to order at 8:03 am.

## DISCUSSION ITEMS:

SB 16 (AUDIO 1- 0:04:25)

Dr. Smith started the discussion about Senate Bill 16 by reading a statement indicating the goal and intent of the discussion.

Senator Kennedy gave a brief summary of SB 16.

Senator Kennedy reminded the Board that SB 16 is about minors and recommended they look into the state of Florida medical study.

Dr. Derr asked Senator Kennedy if as a doctor he treats transgender youth?

Senator Kennedy stated he does not administer or perform surgeries on transgender youth, he refers them to someone who is more qualified.

Ms. Rolls asked if Utah is trying to redo a systematic review when there already are in-depth systematic reviews out there.

Senator Kennedy stated he is looking for whatever people feel would benefit the legislature make an informed decision, whether it be conducting new reviews or submitting reviews that have already been conducted.

Dr. Smith went over SB 16 with the Board to review what is required from practitioners, the Department of Health, and the Division of Professional Licensing, DOPL.

Dr. Derr asked for clarification regarding what the Physicians & Surgeon and Osteopathic Physicians Board are supposed to provide.

Dr. Smith clarified the Boards will create recommendations to give to the legislature.

Dr. Taillac stated his background as a practitioner and stated he does not feel qualified to help the legislature with their request.

Mr. Steinagel stated the Department of Health will handle a bulk of the systematic review and DOPL is to assist the legislature with creating certification.

Mr. Steinagel stated the timeline to create a certification for doctors to qualify is going by quick and would request the Board to find a pathway that can be pulled together quickly.

Dr. Moulton stated that the goal is to get this right, but if looking at history we often get things wrong and methods need to be adjusted.

Mr. Rolls stated there are many hours of training already created including local courses and asked what the best way is to submit them to the Board.

Dr. Smith stated they can be submitted to Ms. Marx.

Dr. Bair stated his understanding is the bill states the initial certification is 40 hours of training, but Utah's current standard is much higher than the 40 hours of training.

Dr. Bair stated he would like to see what standard of practice currently is in Utah and base the training from what is collected to ensure the standards are still being met.

Ms. McOmber, UMA, stated the Board can suggest the provider must be practicing within a specific specialty then require the additional 40 hours of training.

Dr. Mihalopolos, stated that the current treatment with transgender youth includes mental health, dietitians, adolescent medicine, pediatric care, and pediatric endocrinologist among many other specialties on file when needed to have a large multi-disciplinary care for adolescents seeking care.

Dr. Moulton asked Dr. Mihalopolos if she thought 40 hours of training was adequate.

Dr. Mihalopolos stated the number came from what training is currently available through the World Professional Association of Transgender Health, WPATH, and there not currently a fellowship in transgender health.

Dr. Moulton stated his concern is centered around the diagnosis being done correctly and is worried about what trickles down to places without multi-disciplinary teams.

Dr. Bryan stated transgender care in adolescent is already done by a small group of people and with the new legal implications it will continue to keep the group small.

Dr. Smith asked Dr. Mihalopolos and Dr. Bryan if they would consider presenting the standards they already have and methods they use to help the Board create a strong certification.

Dr. Moulton reiterated he is worried about an incorrect diagnosis being given and someone getting hurt.

Mr. Jack stated he understands Dr. Moulton's concern and that is something that needs to be discussed with legislation because it is a concern bigger than what the Board has been tasked with.

Dr. Smith asked the Board what recommendations regarding certification they would like to give to the legislature.

Mr. Kumar stated the Board should keep in mind the future when the Board makes these recommendations.

Dr. Kuhn stated the doctors who are diagnosing gender dysphoria are not doing it haphazardly, they are doing in-depth care before they start administering hormonal treatment.

Mr. Marx stated he will set up meetings with those in the medical field providing the care to help create an outline of certification.

Mr. Marx stating his main concern is not disrupting the continuity of care of those who are already receiving their care.

Dr. Voss asked how many minor patients in Utah are seeking this care.

Dr. Mihalopolos stated they see roughly 250 patients a month in her clinic and each patient has a different schedule to be seen based off their needs.

Dr. Smith asked what percentage of their 250 patients are on hormonal care.

Dr. Mihalopolos stated less than 50% of the patients are on hormonal care.

#### LEGISLATION REVIEW (AUDIO 2- 0:21:25)

Mr. Marx went over HB 159.

Mr. Marx went over the different stages this bill went through to allow out-of-state providers to provide telemedicine.

Mr. Marx went over HB 288.

Mr. Marx went over HB 312.

Mr. Marx stated providers will need to supply the Division with contacts of where providers keep their medical records.

Ms. McOmber stated the bill comes from patients and their attorneys struggling to get their medical records during malpractice claims.

Mr. Marx went over SB 35.

Mr. Marx went over SB 36.

Mr. Marx went over SB 171.

Ms. McOmber stated the bills ensures that providers administering alternative medicine are held to the same liability of standard of care and removes the Board approval aspect. Ms. McOmber stated the provider is still required to give in-depth consent with the patient.

Mr. Marx went over SB 197.

Dr. Moulton stated he does not like wording "on site" as it does not clarify how far on site is.

## **APPOINTMENTS:**

### **Read and Approve January 19, 2023 Minutes (Audio 2- 0:00:10)**

Dr. Moulton motioned to approve the minutes as written.

Dr. Zehnder seconded the motion.

The Board motion passed unanimously.

### **Investigations Update (Audio 2- 0:00:41)**

Mr. Furner gave the investigations report.

Mr. Furner stated the Division has recently changed programs in which they track their complaints.

Mr. Furner stated there was 1 administrative action, 8 cases closed, 1 verbal warning was issued, and 1 voluntary compliance was received.

### **Compliance Report (Audio 2- 0:04:45)**

Ms. Johnson gave the compliance report.

Ms. Johnson stated Dr. Draschil has no missed check-in.

Dr. Draschil is missing multiple reports.

Ms. Johnson stated Dr. Shaskey has no missed check-ins.

Dr. Shaskey has turned in all reports on time.

Dr. Young stated it looks like Dr. Draschil is going backwards in his progress.

Dr. Zehnder stated he agrees with Dr. Youngs assessment.

Dr. Voss asked if Dr. Draschil positive tests were allowed.

Ms. Johnson confirmed Dr. Draschil's positive tests are prescription positive with approved prescriptions.

### **Dr. Thomas Draschil, probationary interview (Audio 2- 0:08:55)**

Dr. Zehnder started the interview with Dr. Draschil.

Dr. Zehnder asked Dr. Draschil how things have been going.

Dr. Draschil stated things are going well in work and life, but he is aware that he has not turned in his reports to the Board.

Dr. Zehnder stated Dr. Draschil constant late reports are making it hard for the Board to be merciful when he is struggling.

Dr. Moulton asked Dr. Draschil who his current supervisor is and asked if he had considered changing supervisors to someone he works with.  
Dr. Draschil stated his current supervisor is Dr. Johnson and would look into having one of the providers he works with to become a new supervisor.  
Dr. Zehnder reminded Dr. Draschil that the missing reports makes him non-compliant with his probation.  
Dr. Draschil stated he is struggling in general with deadlines and recognizes it is an issue.  
Dr. Moulton stated he is concerned about the missing reports as he wants to ensure Dr. Draschil is making his meetings that help his recovery.  
Dr. Draschil stated he is looking to reorganize his schedule to ensure he can attend his meetings.

**Dr. David Shaskey, probationary interview (Audio 2- 0:16:30)**

Dr. Moulton started the interview with Dr. Shaskey.  
Dr. Moulton asked Dr. Shaskey how he is doing.  
Dr. Shaskey stated he is doing well, but is dealing with some insurance companies no longer accept him as an approved provider.

**CORRESPONDENCE:**

**NEXT SCHEDULED MEETING:            MARCH 17, 2023**

**2023 MEETING SCHEDULE:  
MAY 18, JULY 26, SEPTEMBER 21, NOVEMBER 16**

**ADJOURN:  
Meeting adjourned at 11: \_\_ 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.**

5/18/23

(ss) 

**Date Approved**

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

5/18/2023

(ss) 

**Date Approved**

**Bureau Manager, DOPL**