

**MINUTES**

**UTAH  
PHYSICIAN ASSISTANT  
LICENSING BOARD MEETING**

**September 2, 2008**

**Room 475 – 4<sup>th</sup> Floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

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

**ADJOURNED:** 10:39 A.M.

**Bureau Manager:**  
**Board Secretary:**  
**Division Compliance Specialist:**

Noel Taxin  
Karen McCall  
Connie Call

**Board Members Present:**

Larry Reimer, MD  
Jeffrey Paul Clark, MD  
Maria K. Skedros  
D. Wain Allen, MD  
Gordon L. Day, PA-C  
Jeffrey M. Coursey, PA-C  
David Schmitz, MD

**DOPL Staff Present:**

David Stanley, Division Director  
Wayne Holman, Chief of Investigations  
Clyde Ormond, Bureau Manager

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**SWEARING IN OF BOARD MEMBERS:**

Ms. Taxin conducted the swearing in of Jeffrey M. Coursey, PA-C, and David Schmitz, MD, as Board members. **The Board welcomed them.**

**MINUTES:**

The minutes from the June 19, 2008 Board meeting were read.

Dr. Reimer made a motion to approve the minutes with minor corrections. Dr. Schmitz seconded the motion. **The Board vote was unanimous.**

## **APPOINTMENTS:**

**9:00 am**

Connie Call , Compliance Update

Ms. Call informed the Board of the new probationary interview form. She stated that there are some suggested questions the Board may ask during an interview. Ms. Call stated that if the Board has any suggestions regarding revising the form to let her know. She reminded the Board to print their name and then sign in order for the compliance specialist to know which person interviewed the probationer.

Ms. Call updated the Board regarding the compliance or non-compliance of probationers.

Ms. Call reported that **Elmer G. Sisneros** is currently non-compliant with his Stipulation and Order. She stated that there has not been a monthly report for July and August as required. Ms. Call stated that Mr. Sisneros has not yet submitted a letter from his supervising Physician that acknowledges having read the Stipulation and Order and willingness to supervise and assist Mr. Sisneros to be successful in his probation. She stated that the supervisor did mark on the supervision form that the Stipulation and Order has been read. Ms. Call asked if the Board believed this to be sufficient or if they still want the letter.

**Dr. Allen stated Physicians receive so many things to read and sign that he believed the Board should accept the form with the check mark that the Stipulation and Order has been read by the supervising Physician.**

Ms. Call asked if the Board wanted to continue requiring monthly reports as the July and August reports were not received. She stated that he may bring the reports with him today.

**Mr. Day suggested the Board consider quarterly reports after the July and August reports have been received.**

**Dr. Clark commented that Mr. Sisneros was in compliance at his last appointment and there was**

**no mention of the reports.**

**Mr. Day responded that the required reports were submitted for Mr. Sisneros June appointment which would mean he was in compliance at that meeting.**

Ms. Call stated that the last therapist report was received July 2, 2008. She stated that the evaluation recommended Mr. Sisneros complete couples counseling. She asked if the Board still wants that requirement met.

**Ms. Taxin stated that Mr. Sisneros began therapy when the therapist report was submitted.**

Ms. Call stated that she will contact the therapist regarding the report.

**Mr. Day reminded the Board that the Board had said there should be no change in therapy until the therapist submits a recommendation to the Board.**

**Ms. Taxin stated that she believed Mr. Sisneros has completed the required CE.**

Ms. Call stated that Mr. Sisneros was required by the Stipulation and Order to submit a practice plan. She asked if the Board still wants that practice plan submitted.

**Dr. Allen responded that the practice plan should be addressed. He stated that the Board needs to be consistent with requirements and not come up with new requirements at each meeting.**

**Ms. Taxin stated that there was an amendment to Mr. Sisneros Stipulation and Order in October 2007. She stated that the amendment does require couples therapy. Ms. Taxin asked the Board to address the issue during Mr. Sisneros appointment. She stated that it appeared that the Board accepted what Mr. Sisneros presented as a practice plan and did not require a separate plan.**

Ms. Call reported that **Alan N. Bybee** is currently non-compliant with his Stipulation and Order. She stated that Mr. Bybee's controlled substance (CS) license has been suspended since May 9, 2008 and the CS database has reported that he has prescribed since that date. Ms. Call voiced the Division's concern regarding all the prescriptions that have been written. Ms. Call stated the Mr. Bybee submitted CE certificates for the Board to review to determine if the Board will accept the CE he has completed. She stated that Ms. Taxin provided Mr. Bybee with additional CE information if the Board does not accept what has been submitted. Ms. Call stated that Mr. Bybee was required to read the Model Policy for the Use of Controlled Substances for the Treatment of Pain 2004 and to discuss with the Board/Division what he read. She stated that the Board should ask if this requirement has been completed.

**Ms. Taxin commented that Mr. Bybee submitted the CE documentation at the last Board meeting but the Board did not address if they would accept the CE as being completed. She stated that if the Board accepts the CE as being completed then she can lift the suspension on Mr. Bybee's CS license.**

**Dr. Reimer responded that the CE appears to be a couple of on-line classes. He stated that there is documentation of 4 one-hour classes.**

**Dr. Reimer also noted that Mr. Bybee's DEA number from 1999 indicates it is a retired number. He asked if there is a current DEA number or if that number has expired.**

**Ms. Taxin responded that Mr. Bybee should not be prescribing while his CS license has been suspended since May 9, 2008.**

**Ms. Taxin stated that the Board would need to have a formal motion regarding approving the CE or a formal motion to amend the order and not require the CE. She stated that the courses are to educate Mr. Bybee so that he understands proper prescribing methods and how to document properly.**

**Dr. Clark read the completed CE documentation content to the Board.**

**Dr. Reimer commented that the Stipulation and Order requires Mr. Bybee to complete 2 pre-approved courses, not CE.**

Ms. Call reported that **David N. Dodd** is currently not working as a Physician Assistant (PA) and his time is not counting. She stated that he has the PA and a Radiology Technology licenses. She reported that Mr. Dodd is being monitored by the Radiology Board and is in compliance with that Stipulation and Order. Ms. Call stated that Mr. Dodd does need to sign the PA reports he submits that document he is not working.

**Ms. Taxin reminded the Board that Mr. Dodd was requested to contact the DEA regarding if they would issue the DEA number if Mr. Dodd's CS license was issued.**

Ms. Call stated that today the Board should ask for the following:

1. Mr. Dodd's Practice Plan;
2. The letter from Dr. Alexander Theodore;
3. The letter from Mr. Dodd's Radiology Supervisor; and
4. Mr. Dodd's essay regarding what is required as a PA under the supervision of a Radiology Physician.

**9:15 am**

Elmer G. Sisneros, Probationary Interview

Mr. Sisneros met for his probationary interview.

The new Board members, Mr. Coursey, PA-C, and Dr. Schmitz were introduced.

Mr. Day conducted the interview.

**Mr. Day asked Mr. Sisneros to explain where he is with the litigation with Blue Cross insurance.**

Mr. Sisneros responded that Blue Cross/Blue Shield dropped him. He stated that the office staffs now screen all patients for him to ensure he does not see

any Blue Cross/Blue Shield patients.

**Mr. Day commented that he reviewed the notes regarding Mr. Sisneros attendance at the ethics course and noticed there are some insights now coming forth that Mr. Sisneros has not had before. He asked if Mr. Sisneros and his wife are in couples counseling as was recommended.**

Mr. Sisneros responded that they had couples counseling when the incident happened but have now moved on. He stated that since he has now been dropped from Blue Cross/Blue Shield his ability to practice might be over. He stated that being dropped by Blue Cross/Blue Shield is permanent for any sexual misconduct. Mr. Sisneros stated that he has not had time to check further into the PEHP. He stated that his supervising Physician has helped him by having him do a lot of administrative duties.

**Mr. Day informed Mr. Sisneros that the monthly supervision reports for July and August have not been received. He stated that if the reports are submitted in a timely manner the Board could discuss and vote to move the due date of the reports to a quarterly basis. He informed Mr. Sisneros that the therapist should decide the frequency of therapy and should document on his report any recommendations regarding termination of therapy.**

Mr. Sisneros responded that his supervisor faxed over the reports last night for the Board meeting today. He stated that he will talk with his therapist regarding the frequency of therapy and request him to submit his recommendation when the time comes for termination of therapy.

**Ms. Taxin asked if the insurance carriers offered a hearing for Mr. Sisneros. She stated that there are some people on probation who have continued to work with the insurance companies and have not been dropped.**

Mr. Sisneros responded that he was denied both his first and second requests for a hearing. He stated that

the insurance company had discussion with him and then dropped him a few months later. He stated that the Blue Cross/Blue Shield Board changes about every 5 years and he may request reconsideration when the Board does change. He stated that he also may redo his therapy and then ask for reconsideration.

**Dr. Reimer asked Mr. Sisneros what his plans are if he does lose his employment.**

Mr. Sisneros responded that his wife is a developer and he has considered working for her.

**Dr. Clark suggested Ms. Taxin or the Board write a letter in Mr. Sisneros's behalf to Blue Cross.**

**Ms. Taxin stated that she has written letters for probationers in the past and could write one for Mr. Sisneros if he will submit a name and address.**

Mr. Sisneros responded that he will contact Ms. Taxin with the information.

**Ms. Call asked if Mr. Sisneros would check on the reports that were not received and have them faxed again or mailed. She stated that if the reports are submitted immediately then the Board may consider changing the due date from monthly to quarterly.**

Mr. Sisneros responded that he will ask for the reports to be faxed again this afternoon.

**Mr. Day encouraged Mr. Sisneros to continue with his CE.**

Mr. Sisneros stated that he is considering volunteering at a place in Park City, Peoples Health Clinic. He stated there is an acute care clinic and a chronic care clinic. Mr. Sisneros asked what he would need to submit to the Board.

**Mr. Day stated that he should complete the Declaration of Service form, retain a copy at the site and submit a copy for his file.**

**Ms. Taxin stated that Mr. Sisneros should also submit letters from the supervising Physician(s) that they have read, understand and are willing to supervise and assist Mr. Sisneros in being successful in his probation.**

**The Board determined Mr. Sisneros is currently out of compliance with his Stipulation and Order.**

**An appointment was made for Mr. Sisneros to meet again December 18, 2008.**

**Ms. Taxin stated that she will approve for the monthly reports to be submitted quarterly if the July and August reports are received today.**

**9:30 am**

Alan N. Bybee, Probationary Interview

Mr. Bybee met for his probationary interview.

The new Board members, Mr. Coursey, PA-C, and Dr. Schmitz were introduced.

Dr. Reimer conducted interview.

**Dr. Reimer asked Mr. Bybee if he is still writing prescriptions.**

Mr. Bybee responded that all prescriptions are run past the supervising Physician for their signature and all legend drugs are written by the supervising Physician. He stated that his DEA has expired and he cannot get another DEA until he has the suspension lifted on the Utah CS license.

**Dr. Reimer informed Mr. Bybee that the DOPL database has documented that there are a number of CS prescriptions that have been written since Mr. Bybee signed the Stipulation and Order. He again asked for an explanation.**

Mr. Bybee responded that he has not written any CS prescriptions or called into the Pharmacy for any CS prescriptions to be filled since he signed the Stipulation and Order. He stated that he cannot explain why there is a list of prescriptions that he has written. Mr. Bybee reviewed the DOPL database

document. He stated that the list appears to be patients he has seen in the past and the prescriptions would be refills.

**Dr. Allen commented that if the Pharmacist called the office, the staff may have approved the refill and it would then appear on the database list. He stated that Mr. Bybee could and should request a copy of the refill for some of the patients on the list.**

**Dr. Reimer stated that there are some prescriptions that are not refills as they cannot be refilled.**

**Ms. Taxin responded that she will request someone to review the records.**

**Mr. Day stated that it is the recommendation of the Board that Mr. Bybee's office staff not approve refills under Mr. Bybee's name until the DEA and CS are reinstated.**

Mr. Bybee again responded that if he sees a patient who needs a refill he presents the information to the supervising Physician and the office staff call the prescription in under the MD's license. He again stated that he has not written or called in anything since May 14, 2008.

**Dr. Reimer asked Mr. Bybee to address the education requirement.**

Mr. Bybee responded that he completed a family practice and chronic pain in family practice program. He stated that one was through Cleveland. Mr. Bybee stated that if the Board does not approve the 2 he completed then he also submitted a proposal for an extensive class through Case Western on record keeping. He stated that the course will be November 16 and 17, 2008.

**The Board approved the class Mr. Bybee previously completed and approved for Mr. Bybee to complete the record keeping class which will complete the education requirement in his Stipulation and Order.**

**Ms. Taxin reminded Mr. Bybee to submit a copy of the certificate of completion and informed Mr. Bybee that the suspension on his CS license will be lifted when she receives the certificate of completion.**

**Dr. Reimer asked if Mr. Bybee read the Model Policy for Controlled Substances as required.**

Mr. Bybee responded that he did read it prior to the last meeting. He stated that the policies have been incorporated into the office policies. Mr. Bybee explained that the organization he works for has two clinics, the main one in Ogden and another one in Morgan. He asked if the Board would approve for him to work at the Morgan clinic. He stated that each person who works at the Morgan clinic works 4 days a week. He stated that he and the supervising Physician would sometimes work 2, 3, or 4 days a week together and they usually meet every week.

**Dr. Schmitz asked how the supervising Physician will be able to supervise and treat patients if he is in Morgan and the supervising Physician is in Ogden.**

Mr. Bybee explained that working at the Morgan clinic is only in the talking stage at this time. He stated that he needs the Board's recommendation before he can work in Morgan.

**Dr. Clark asked if Mr. Bybee would be working alone in Morgan.**

Mr. Bybee responded that he would be alone most of the time. He stated that the earliest he would be working in Morgan would be October 2008.

**Mr. Day suggested Mr. Bybee review, fill out and submit the Declaration of Services Agreement for Ms. Taxin and the Board to review.**

**Ms. Taxin stated that she would review the Declaration of Services Agreement and contact Mr. Bybee if she has any questions. She requested he include a description of the work plan.**

**Dr. Reimer commented that there is still a concern about the CS prescriptions.**

**Dr. Allen asked Mr. Bybee to obtain copies of the prescriptions from the prescribing Physician.**

**Ms. Taxin reminded Mr. Bybee that he can also call the DOPL database and request a copy of the prescriptions he has written.**

**Dr. Allen reminded Mr. Bybee that the reports must be shredded after they are reviewed and are not to be retained.**

**Dr. Schmitz suggested Mr. Bybee contact the Pharmacies and notify them not to refill any of his prescriptions.**

**Dr. Allen commented that the Board is making it very clear that Mr. Bybee needs to figure out what is going on with the prescriptions as it appears he is writing his own.**

**The Board determined Mr. Bybee is currently out of compliance with his Stipulation and Order.**

**An appointment was made for Mr. Bybee to meet again December 18, 2008.**

**9:45 am**

David Dodd, Probationary Interview

Mr. Dodd met for his probationary interview.

The new Board members, Mr. Coursey, PA-C, and Dr. Schmitz were introduced.

**Ms. Taxin informed the Board that she invited Clyde Ormond, Bureau Manager, to attend during Mr. Dodd's appointment as Mr. Ormond is the Bureau Manager for the Radiology Board.**

Dr. Clark conducted the interview.

**Dr. Clark asked Mr. Dodd to explain if he is working as a Physician Assistant (PA) and, if not, what he is doing.**

Mr. Dodd responded that he is not working as a PA. He stated that he dropped off a proposal for the Board to review for him to work as a PA. He stated that he talked with Ms. Taxin and she gave him some homework assignments to complete for the meeting today and he was prepared to report on those assignments. Mr. Dodd submitted a letter and information regarding approval from the Board for an on-line course through Princeton on Chronic Pain Management in Primary Care: Individualizing Pain Relief and Improving Quality and a course on Risk Management with the Focus on Documentation. Mr. Dodd stated that he located Dr. Alexander Theodore incarcerated but has been unable to call or visit with Dr. Theodore. Mr. Dodd stated that he has sent a letter to Dr. Theodore but has not yet received an answer.

**The Board agreed to review the education information.**

**Dr. Clark explained that when Mr. Dodd is not working as a PA he must submit a report he has signed noting that he is not working. He then asked if Mr. Dodd has his DEA registration.**

Mr. Dodd responded that he has been unable to reach the person at the DEA he needs to talk with. He stated that he does have a letter from Darrell Bell that may explain some things for the Board and he will drop the letter off. He stated that Ms. Taxin also assigned him to review the guidelines for treating chronic pain. He stated that he obtained and reviewed some information from the Chronic Pain Society and also read some additional information. He stated that Dr. Theodore briefly explained some things to him but he did not understand at the time. Mr. Dodd stated that the information he reviewed stresses that the patient should only obtain their medications from one pharmacy. He stated that this is something that he did not have control over as he worked with an Orthopedic Physician for a short period of time and each patient is individual. He stated that he has learned that knowledge is very important when working with chronic pain patients.

**Ms. Taxin asked Mr. Dodd what he would do in the**

**future if his supervising Physician is not prescribing properly.**

Mr. Dodd responded that he has read that the maximum dose is 4 times the minimum dose. He stated that in the future he will try to stay away from pain medications.

**Ms. Taxin stated that she requested Clyde Ormond, Bureau Manager for the Radiology Board, to attend this meeting. She asked Mr. Ormond if he had anything to add to Mr. Dodd's comments.**

**Mr. Ormond responded that Mr. Dodd met once with the Radiology Board as the next meeting was cancelled due to the lack of a quorum. He stated that he believes Mr. Dodd now understands why he was put on probation and realizes what he needs to do to complete his probation. Mr. Ormond stated that Mr. Dodd has been doing well on completing his probationary requirements.**

Mr. Dodd commented that he submitted his supervisor's report for the Radiology Board to review and was hoping to also present that report for the PA Board. He stated that he has been promoted to senior technologist in his Radiology position. Mr. Dodd explained that the clinic where he works has a couple of satellite clinics opening and he believes they are in the process of hiring an additional PA. He stated that he would like to apply for the PA position. Mr. Dodd stated that he has completed additional PA training and CE. He stated that he is waiting to meet again with the Radiologist.

**Ms. Taxin asked the Board to review Mr. Dodd's practice plan and supervision letters and determine if they are acceptable.**

**She stated to Mr. Dodd that if he has questions regarding the Physician he works with then it is always good to have another Physician that he can go to for discussion. She stated that she appreciated Mr. Dodd taking the time to complete the assignments. She stated that hopefully the**

**assignments made him think about some issues to be sure he does not have similar problems in the future.**

Mr. Dodd responded that his plan is to stay in a hospital setting as it is a good setting with many peers for support. He stated he will let Ms. Taxin know if he receives any documentation from Dr. Theodore.

**Based on Mr. Dodd's request for termination of the PA probation, Ms. Taxin asked the Board if there were any concerns regarding termination of the PA probation.**

**Board members requested Ms. Taxin to research the background information on Mr. Dodd's case and contact Mr. Bell to determine if probation is appropriate.**

**Ms. Taxin informed the Board that she had requested Mr. Dodd to complete the following:**

- 1. Submit a letter from his supervisor.**
- 2. Submit a letter from Dr. Theodore.**
- 3. Read the Federation Guidelines from prescribing.**
- 4. Submit an essay regarding what is expected of PA supervision.**
- 5. Submit a Delegation Agreement if practicing.**
- 6. Complete a prescribing management course.**

**Ms. Taxin stated that Mr. Dodd completed numbers 1, 3, and 4 of the assignment.**

**The Board acknowledged that Mr. Dodd has been working on completing the assignments Ms. Taxin requested. Based on his diligence, the Board determined Mr. Dodd is in compliance with providing paperwork as requested but out of compliance as he is not working as a PA as required in his Stipulation and Order.**

**An appointment was made for Mr. Dodd to meet again December 18, 2008.**

**DISCUSSION ITEMS:**

Board Chairperson

Ms. Taxin explained that the Board Chairperson appointment is usually on the agenda the first meeting after new Board members have been appointed. She stated that the Board may retain the current Board Chairperson, someone may volunteer to serve or voice a desire to serve or nominations may take place.

**Dr. Clark volunteered to serve as Board Chairperson.**

**Dr. Schmitz made a motion for Dr. Clark to serve as the Chairperson. Dr. Reimer seconded the motion. The Board vote was unanimous.**

FYI

Ms. Taxin informed the Board that Barbara Wilkes agreed to a non-disciplinary surrender of her license. She explained that she contacted Ms. Wilkes who disclosed that she has had many health problems. Following the discussion, Ms. Taxin stated that she sent the documents to Ms. Wilkes to review and sign if she agreed. She stated that Ms. Wilkes signed and surrendered her license. Ms Taxin stated that Ms. Wilkes may reapply for her probationary license if her health improves.

**The Board noted the information.**

Review 58-70a-306(2)(b) regarding Temporary License

Ms. Taxin asked the Board to clarify the Law regarding issuing a temporary license as there are people who apply for the temporary but want to practice for a year to give them time to study for the examination.

**Dr. Clark responded that if an individual graduates in June and the next examination is in August a temporary license could be issued until 10 days after the results are available. He stated that the examinations are given in August and February and if a person does not take the first available examination after they graduate they should not be given a temporary license to practice.**

**Dr. Allen stated that if a person wants time to study**

**for a year then they do not qualify for a temporary license.**

**Mr. Coursey stated that there are times when the education program recommends the student/graduate goes through an additional preparation program before they take the examination.**

Ms. Taxin clarified that an applicant for a temporary license must register for the next available examination and the Division may give them up to 10 days after the scores are received to become fully licensed.

**The Board concurred.**

Tentative 2009 Board Meeting Schedule

The Board noted the following tentative dates for the 2009 Board meeting schedule:  
Thursday, March 5, June 4, September 3 and  
December 3, 2009.

**The Board requested the March 5, 2009 meeting be scheduled for March 12, 2009.**

Information

Ms. Taxin asked the Board if there were any questions or concerns regarding running the meeting.

**Dr. Schmitz responded that he would like the probationers to leave the room for discussion and voting.**

Ms. Taxin commented that the meetings are open public meetings and the Board cannot ask probationers to leave for closed door discussion and voting. She stated that there will be a new Board member training and the 2 new Board members will receive an invitation to attend that meeting.

**Dr. Allen requested the Discipline Tracking Form be formatted with a 1, 2, 3, etc. list of specific requirements the probationer must complete. He stated that it is hard for him to review the bullets that are currently on the form.**

Ms. Taxin agreed to talk with the Compliance Unit.

**NEXT MEETING SCHEDULED FOR:** December 18, 2008

**ADJOURN:** The time is 10:39 am 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.*

December 15, 2008  
Date Approved

(ss) Jeffrey P. Clark, MD  
Chairperson, Utah Physician Assistant Licensing Board

September 30, 2008  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational & Professional Licensing