

MINUTES

**UTAH
PHYSICIAN'S
BOARD MEETING**

March 12, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 A.M.

ADJOURNED: 2:05 P.M.

Bureau Manager:
Bureau Manager:
Board Secretary:

Noel Taxin
Diana Baker
Joyce McStotts

Board Members Present:

George C. Pingree, MD, Chairperson
James R. Fowler, MD
Marc E. Babitz, MD
John W. Bennion, Public Member
Kristen Ries, MD
Richard J. Sperry, MD
Stephen E. Lamb, MD
James H. Pingree, MD
Elizabeth F. Howell, MD

Board Members Absent:

Michael T. Giovanniello, MD
Lori G. Buhler, Public Member

Guests:

Dana Goates, wife of Dr. Goates

DOPL Staff Present:

F. David Stanley, Division Director
Debbie Harry, Compliance Officer
Susan Higgs, Compliance Officer

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

Noel Taxin, welcomes everyone and introduced Joyce McStotts, filling in for the Board Secretary, Karen McCall.

Dr. G. Pingree, welcomes everyone and reviewed the checklist for the public meeting.

Max Cannon

Ms. Baker stated that the Division had an emergency hearing with regards to Dr. Cannon's

license. Ms. Baker discussed the requirements in regards to the rebuttal hearing set for April 4th, 2008.

Medical-Web

A meeting for April 2, 2008, was discussed regarding Medical-Web's request for approval of an on-line pharmacy program consent agreement. A confirmation letter will be sent out to Dr. G. Pingree, as he volunteered to be on the review committee.

CE Audits

Ms. Baker and Ms. Taxin discussed the renewal cycle and the difficulty in regards to the continuing education (CE) audit. Ms. Baker shared her concerns about the high number of licenses that were put on probation compared to the numbers that were randomly selected for the CE audit. Ms. Baker stated that the licensees that did not meet CE requirements, had their licenses expire due to the fact of not meet the renewal requirements. The Board questioned the time frame of the audit. Ms. Baker stated the audit letters went out September 27, 2007 and from September 27, 2007 until January 31, 2008 was plenty of time to put the paperwork together for the audit.

Responsible Opioid Prescribing book

Ms. Taxin asked the Board if anybody had read the Federation book on *Responsible Opioid Prescribing*. Ms. Taxin questioned if the Board would be supportive to the idea of probationers reading the book to cover part of the CE requirements of the Stipulations.

Dr. Babitz recommended the probationers do an essay on the book for the Board covering the points of information they learned. Dr. Howell suggested the Board come up with questions for a response. Dr. Howell stated there are opportunities for free CE's on the internet and there are many possibilities of meeting the CE requirements.

Dr. Heap

Ms. Taxin explained she had numerous telephone calls with Dr. Heap and his supervisor within the past month. Ms. Taxin voiced concern in that Dr. Heap's update in the last board meeting varied significantly from his and his supervisor's telephone conversations with her.
In short summary, Dr. Heap and his supervisor stated

that he is barely working, only seeing six patients a week, has been dropped from his insurance carrier and has no money. His supervisor stated that he has not been reviewing Dr. Heap's practice because of the decrease in services offered. Both Dr. Heap and his supervisor's main concern was Dr. Heap being dropped from insurance and requesting how the Division can help.

Ms. Taxin and the Board discussed Dr. Heap's situation regarding CE requirements, Dr. Heap's supervisor's responsibilities, and the supervisor's role to ensure Dr. Heap is in compliance with his Stipulation.

The Board discussed the required courses of Dr. Heap's stipulations including the Controlled Substance and prescribing classes. Dr. Howell shared concerns about Dr. Heap's ability to practice and his passive aggressive behavior. Dr. Lamb asked if the Board may change his Stipulation. Ms. Taxin explained the difference of Board suggestions and Stipulation requirements and Dr. Babitz clarified Board approval of CE courses.

The Board suggested Dr. Heap should be required to meet in May. Ms. Taxin in a conversation with Dr. Heap, asked if he wanted to meet sooner and he stated he wanted to meet again in May.

Dr. Ries requested to see the list of Dr. Heap's patients as she has concerns about his practice. Dr. Howell and Dr. Lamb shared concerns about what Dr. Heap is doing. The Board and Ms. Baker discussed Dr. Heap's supervision. The Board recommended the supervisor bring the reports and come to the Board meeting as the reports received from the supervisor are not complete. Dr. Babitz stated Medicaid would not consider working with Dr. Heap's without a proper fee schedule.

Dr. Babitz made the motion that Dr. Heap's reads the Federations book on prescribing, write a report, and discusses the book with the Board to meet CE course requirement. Dr. Ries seconded the motion. Dr. Pingree asked for oppositions or comments. The motion passed unanimously.

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the February 13, 2008, Board meeting were read. The Board reviewed the minutes

and Dr. Babitz and Dr. Lamb made suggestions for corrections of wording and spelling. Ms. Taxin made corrections to the minutes as the items were discussed. **Dr. Lamb made the motion to approve the minutes with the corrections. Dr. Babitz seconded the motion. The vote passed unanimously.**

APPOINTMENTS:

9:30 am

Debbie Harry, Compliance Update

Ms. Taxin introduced Ms. Harry.

Ms. Harry reviewed each probationer as follows:

Ms. Harry reviewed and read the Stipulations basic requirements of **Dr. Wurster**, then asked Ms. Taxin to explain further. Ms. Taxin reviewed Exhibit A of the file. Dr. Babitz requested clarification of Idaho's Stipulation. Ms. Taxin requested information to be gathered regarding employment in Idaho and Utah, proof of payment for the fines in Idaho, a copy of the CPEP evaluation and confirmation of the date Dr. Wurster was put on probation in Idaho.

Ms. Baker explained how the Division becomes aware of a licensee being on probation in other States. The Board discussed the process and recommended putting the requirement to report disciplinary actions taken in other States within 60 to 90 days to the Division into Rule.

Ms. Harry stated **Dr. Hopkins** is not on probation but has a restricted license. This is a monitoring interview. His license has expired and needs to be addressed. Ms. Baker stated Dr. Hopkins is teaching at the University of Utah.

Ms. Harry stated **Dr. Sellers** is not in compliance for this quarter only.

Ms. Baker stated Dr. Sellers' was required to do an extensive outpatient course, has been sober for two years and recommends the extensive outpatient course requirement be amended due to the duration of sobriety.

Ms. Harry stated **Dr. Anthony** is not in compliance at this time. He needs to complete an Obstetrics course

and be on a restricted license. **Dr. Anthony** has not provided the chart review or controlled substance review for this quarter. The file requires supervisor reports from Dr. Van Komen from 01/01/08 and another chart review.

Ms. Harry stated **Dr. Goates** is not in compliance for this quarter only. He had a positive test in February for alcohol and this restarts his probation period. The Board discussed ETG tests and voiced concerns over lotions, cleansing gels, and the alcohol content in the ingredients.

Dr. Babitz stated that Dr. Goats needs clean reads on his drug tests. Ms. Taxin stated his probation requires him clean for one year and the probation started over again with the positive test in February. Dr. Howell suggested the Board require more than the ETG tests. Dr. Sperry and Dr. Babitz discussed the difference of requirements of testing.

Ms. Harry stated **Dr. Miercort** is in compliance for this quarter and he is in total compliance in Florida. Dr. Miercort's probation will end in May.

Dr. Lamb asked what the Board's duties are when the probationer is out of compliance during most of the probation. Ms. Taxin and Ms. Baker discussed the Board's duties and the process for an Order to Show Cause (OSC). Dr. Howell voiced frustration of trying to protect the public, stated Boards have received bad press when the time takes too long to process disciplinary action, and asked how can the timeframe be minimized through the system?

Dr. Howell and Ms. Baker recommend starting the process with the Order to Show Cause as soon as a serious pattern becomes apparent. Ms. Baker stated she is working to have cases proceed in a timelier manner.

Dr. Howell recommended being stronger in the requests of meeting probation requirements and becoming more proactive.

Ms. Baker recommended putting probationers on monthly scheduled meetings to actively monitor the

individuals who are out of compliance.

10:00 am

Dr. Carl F. Wurster, Initial Probationary Interview

Dr. Wurster met for his probationary interview.

Board members and Division staff were introduced.

Mr. Bennion conducted the interview.

Mr. Bennion asked where Dr. Wurster is working and Dr. Wurster responded, he has a medical condition and is not working.

The Board discussed Dr. Wurster's requirements in regards to Idaho's Stipulation. Mr. Bennion asked Dr. Wurster if: his CPEP evaluation is completed and have the fees charged by Idaho been paid. Mr. Bennion requested confirmation of the paid fines and a copy of CPEP evaluation.

The Board recommended Dr. Wurster notify the Board if he starts working. Ms. Harry provided the paperwork required for the quarterly reports and Ms. Taxin stated Dr. Wurster's probation will not start counting until he starts working. The Board discussed probation while working and not working. Dr. Babitz suggested Dr. Wurster may consider not being licensed and take time to consider surrendering his license.

Ms. Taxin recommended scheduling a six month probationary review, unless Dr. Wurster starts working. Dr. G. Pingree suggested doing the six month interview by telephone if Dr. Wurster is still not working.

10:20 am

Dr. Ammar Jesri, New Applicant Telephonic Conference Call

Dr. Jesri telephonically met for his interview.

Board members and Division staff were introduced.

Dr. Howell conducted the interview.

Dr. Howell verified Dr. Jesri was the person on the phone and Dr. Jesri stated it is him. Dr. Howell and Dr. Jesri discussed the purpose of the review

and the reason the review was necessary.

Dr. Jesri and Board members discussed matters relevant to examinations and qualifications for licensure.

Dr. Howell asked why he is seeking licensure in Utah.

Dr. Jesri explained he will be working at Pioneer Valley Hospital.

The Board asked how many other States he is licensed in.

Dr. Jesri stated licensure in Indiana, and stated he will be practicing in Utah.

Dr. J. Pingree made the motion to approve Dr. Jesri's application. Dr. Ries seconded the motion. The vote passed unanimously.

Dr. Jesri stated his appreciation at being allowed to interview by phone versus having to appear in person.

10:40 am

Dr. Candace Cooley, New Applicant
Telephonic Conference Call

Dr. Cooley met telephonically for her interview.

Board members and Division staff were introduced.

Dr. G. Pingree conducted the interview.

Dr. G. Pingree introduced himself and explained the reason for the call.

Dr. Cooley referred to part 3 of UMLE test and discussed the reasons for the difficulties she had in passing the test.

Dr. J. Pingree asked why the request for Utah licensure.

Dr. Cooley stated she and her husband are moving to Utah because they love the area.

Dr. G. Pingree and Dr. Cooley discussed when she

11:00 am

Dr. James Hopkins, Monitoring Interview

could be Ob/Gyn certified.

Dr. Howell made the motion to approve Dr. Cooley's license. Dr. Ries seconded the motion, The motion passed unanimously.

Dr. Cooley thanked the Board for their time.

Dr. Hopkins met for his yearly monitoring interview.

Board members and Division staff were introduced.

Dr. Fowler conducted the interview.

It was noted Dr. Hopkins has not renewed his license and has expired.

Dr. Fowler and Dr. Hopkins discussed the need for the monitoring interview.

Dr. Hopkins stated he will not be practicing medicine in the near future and he is pursuing opportunities to teach. Dr. Hopkins explained how his brain injury is affecting his functioning. Dr. Hopkins discussed his problems of dealing with the education system and his anger management problems.

Dr. Hopkins stated in December he realized he needed help and started seeing Dr. Susan Morrow. Dr. Hopkins and Dr. Morrow are trying different medications to stabilize the situation. Dr. Hopkins stated that Dr. Morrow told him that teaching was not a positive position for him and so he is looking into research opportunities but has not received many opportunities.

Dr. Hopkins is currently working at Auto Zone as a driver.

Dr. Fowler asked what his future plans are.

Dr. Hopkins stated he would like to go back in science.

Dr. Fowler inquired if he is not practicing would he be keeping his medical license active.

Dr. Hopkins stated he is unsure of what he was going to do.

Ms. Taxin explained the options of renewing the expired license.

Dr. Fowler asked what Dr. Hopkins interaction with the Board should be.

Dr. Hopkins stated he feels meeting with the Board is not required as long as he is not working. Dr. Hopkins started discussing personal items.

Ms. Taxin suggested closing meeting to protect his privacy. Dr. Ries made a motion to close the meeting. Dr. Fowler seconded the motion. Motion passed unanimously.

The meeting is reopened.

Dr. Fowler stated the Board will review the application when Dr. Hopkins considers reinstating his license.

Dr. Lamb stated that he is impressed with Dr. Hopkins intelligence and is concerned that his future may not involve being active in medicine.

11:30 am

Dr. Terrell Sellers, Probationary Interview

Dr. Sellers met for his probationary interview.

Board members and Division staff were introduced.

Dr. Lamb conducted the interview.

Dr. Lamb introduced himself and explained the change in the committee. Dr. Lamb stated we met three months ago and then reviewed items from the last meeting.

Dr. Sellers stated he met with ARCH and that Steve Szykula, psychologist, did write a letter stating he had met with him.

Dr. Lamb asked if he has been continuing with

aftercare and requested the AA card. Dr. Lamb stated Dr. Sellers missed four drug screenings.

Dr. Sellers explained the cost and problems with testing.

Dr. Babitz asked if Dr. Sellers actually went to the testing center.

Dr. Sellers stated he has not been able to schedule appointments.

Ms. Harry stated that he needs to continue to call and try to make appointments and Ms. Harry stated they will add a test because of the missed tests. Ms. Harry explained the reports are now due on 28th day of each month.

Dr. Lamb reviewed the summation of reports on Dr. Seller's sobriety.

Dr. G. Pingree made a motion to remove the requirement to do an outpatient treatment program. Dr. Babitz seconded the motion. The motion passed unanimously. Dr. Howell recused herself from voting.

Dr. Sellers is required to reappear in June.

11:40 am

Dr. Layfe Anthony, Probationary Interview

Dr. Anthony met for his probationary interview.

Board members and Division staff were introduced.

Dr. Babitz conducted the interview.

Dr. Babitz asked how Dr. Anthony is doing and asked if the clinic was open.

Dr. Anthony said things are slow and are averaging only one script a day or about one patient every two days.

The Board and Dr. Anthony discussed working at the clinic, the jail and the amount of time Dr. Anthony is working.

Dr. Babitz asked about the charting process.

Dr. Anthony stated he is working with the charting process.

Dr. Babitz asked Dr. Anthony to bring the prescriptions and logs of Controlled Substances he has written.

Dr. Ries asked where Dr. Anthony is seeing patients and he replied he sees them in the clinic. Dr. Anthony's stated he is unable to see patients with insurance as he is on probation and most of those doors are closed. The open doors are patients without insurance and patients in jail. He stated once he is off probation more doors will open.

Dr. Babitz stated the Division file contains reports from January and requested having the reports in a more timely matter and cover monthly occurrences. Dr. Babitz made a request to have the next quarterly report, logs and all information on May 28, 2008 to have on file for the next probation interview.

Dr. Ries asked with the average of two patients every other day, how the number of prescriptions matches the number of patients. Dr. Ries asked what percentages of patients get prescriptions.

Dr. Anthony stated about 75% of the patient receive a prescriptions.

Dr. Howell asked if Dr. Anthony is checking the Controlled Substance database for prescription shopping.

Dr. Anthony stated he did earlier but has not done so recently.

Dr. Ries shared her concern with the number of prescriptions per each member of the same family. Dr. Ries and Dr. Babitz suggested being cautious in giving prescriptions.

Ms. Taxin verified the Controlled Substance log has been turned in. Dr. Babitz offered to review charts and would like to see pain contracts. Dr. Lamb asked about the required continuing education. Dr. Babitz and Ms. Baker stated he must retake OB/Gyn experience to have an unrestricted license. Dr. Babitz thanked Dr. Anthony for his time.

Dr. Anthony left the meeting.

Dr. Babitz and Dr. Lamb shared concerns with Dr. Anthony coming off of probation. The Board discussed changes which would have to be made to Dr. Anthony's probation. Ms. Taxin stated options which may be available. Ms. Baker asked what would the Board like to see happen and the Board responded they would like to see him not practice medicine.

The Board and Ms. Taxin discussed changing supervisors and the best possible way to accomplish the transition.

Dr. Howell made a motion to change Dr. Anthony's supervisor. Dr. Ries seconded the motion. The motion passed unanimously.

Dr. Babitz stated he would follow up with the current supervisor.

12:00 pm
Dr. Michael Goates, Probationary Interview

Dr. Goates met for his probationary interview.

Board members and Division staff were introduced.

Dr. G. Pingree conducted the interview.

Dr. G. Pingree asked how things are going and Dr. Goates stated things are going ok.

Dr. G. Pingree stated that in the last three months there have been several positive drug tests and requested an explanation.

Dr. Goates stated that it is a combination of things, his dentist has given him a rinse with alcohol in it and the hand sanitizers have alcohol in them.

Dr. G. Pingree stated he needs to do what he needs to, to be clean on his drug test and Ms. Taxin reiterated he needs to have clean tests. The Board emphasized Dr. Goates needs to be very aware and not use items which would give a positive read on the test.

Since Dr. Goates needs to be clean for one year, Dr. Howell emphasized the restrictions will continue until Dr. Goates is clean for one year.

Dr. Bennion stated more people come in without the positive test results using the same items Dr. Goates has been using and Dr. Howell suggested Dr. Goates become clean.

Ms. Taxin suggested Dr. Goates be honest with the Board. Dr. Goates will not be off probation until his testing is negative for one year. The last positive drug test was in February and this restarts the one year drug/alcohol free probation.

Dr. G. Pingree discussed this review and recommended Dr. Goates keeps improving until he can be off probation.

Dr. Goates stated he wants to stay off Controlled Substances and stated his recovery is on going. Dr. Babitz introduced the change in paperwork and stated Dr. Goates paperwork needs to be received by May 28, 2008 for the June meeting.

Dr. Goates read his request for removal of restrictions and probation on his license due to the fact of insurances dropping him from the insurance panels.

Dr. G. Pingree stated that Dr. Goates needs to be diligent in having negative test results. Dr. Howell requested Dr. Goates do what is required to get clean tests result.

Dr. Goates stated it is not alcohol that stops him from practicing but is the restrictions on his license. He continued to explain that he believes the tests are not accurate.

Dr. G. Pingree reiterated that Dr. Goates needs to be diligent in being clean on his test results.

Dana Goates, Dr. Goates wife, stated his recovery is good and she is supportive of the progress he has made.

Dr. Babitz stated that recovery is total recovery and this includes alcohol. Recovery needs to be from all substances including alcohol.

Ms. Taxin clarified testing procedures, and if more people were showing positive results the Division would be reviewing the different testing options. Ms. Taxin re-emphasized Dr. Goates needs to be more diligent in having clean tests. Dr. Goates, Dr. Babitz, and Ms. Harry discussed the positive test results.

Dr. Lamb made a motion to deny the request of early termination. Dr. Babitz seconded because he has not met the stipulations of his agreement. The vote passed unanimously.

Dr. Lamb recommended Dr. Goates be clean for at least six months before the Board would be even consider termination.

12:20 pm

Dr. Maitland G. Spencer, Review Controlled Substance Application

Dr. Spencer met for the review of his controlled substance application.

Board members and Division staff were introduced.

Dr. Ries conducted the interview.

Dr. Ries asked why he is here today and Dr. Spencer stated he would like to reinstate his Controlled Substance License.

Dr. Ries and Dr. Spencer discussed the reason Dr.

Spencer did not have a Controlled Substance license.

Dr. Spencer stated when he surrendered his license, he thought he was medically helping the patient but he found out he was just providing for a drug habit.

Dr. Ries asked what course Dr. Spencer has completed, if any in regards to prescribing.

Dr. Spencer stated none.

The Board and Dr. Spencer discussed going part time with Alpine Home Health facility or hospice.

Dr. Ries asked if Dr. Spencer has practiced in the last 8 years and he stated he has been doing Head Start physicals.

Dr. Babitz asked what experience Dr. Spencer has with working with dying patients and Dr. Spencer stated very little.

Dr. Babitz shared concerns about the ability to work with very complex needs of hospice patients.

Dr. Lamb asked for clarification from the incident of nine years ago.

Dr. Spencer explained the situation of nine years ago was that he was accused of prescribing to many controlled substances to one patient with arthritis.

Dr. Spencer stated towards the end he saw the patient in his home and did not have a chart for the patient.

Dr. Babitz recommended Dr. Spencer read the model guideline for using and prescribing controlled substances.

Mr. Bennion reiterated the complexity of helping patients through the end of their lives and prescribing of Controlled Substances.

Dr. Lamb made a motion the Board not accept the application until he has taken a CME course and provides proof of completion.

Dr. Ries amended the motion to include controlled substances, elderly care, and palliative care. Dr. Howell seconded the motion. The motion passed unanimously.

Ms. Taxin requested the time frame of completion and Dr. Spencer requested suggestions of where he can go to take the suggest course by the Board. Ms. Taxin provided her card and let Dr. Spencer know he can call her if he can't find a course.

12:40 pm

Dr. Craig Meircort, Yearly Telephonic Probationary Interview

Dr. Meircort telephonically met for his probationary interview.

Board members and Division staff were introduced.

Dr. Babitz conducted the interview.

Dr. Ries asked how he is coming with the Florida probation as his probation ends September of this year.

The Board and Dr. Meircort discussed the Stipulations in both States.

Dr. Meircort and Dr. Babitz discussed his recovery and he stated he will continue with AA.

Dr. Babitz asked if there are any concerns with recovery.

Dr. Meircort stated he is thankful for the extra help from the Board.

Dr. Babitz stated Dr. Meircort needs to prepare himself to be off probation. Dr. Lamb asked what needs to be received from Florida to remove the probation.

Dr. Meircort was requested to return in May for end of probation review.

Ms. Taxin requested a letter be sent from Dr. Meircort with the plan of what he would like to do once he is off probation. Dr. Lamb and Dr. Ries requested a final letter from Florida. Dr. Babitz stated items the letter

should include.

Dr. Ries made the motion to terminate Dr. Meircort's probation. Dr. Lamb amended the motion to termination after the requested report and letter from Florida was received. Mr. Bennion seconded the motion to termination the probation when the letter was received from Florida. The motion passed unanimously.

1:00 pm

Dr. Robert V. Dr. McKeen, Public Reprimand

Dr. McKeen met for discussion of his public reprimand.

Board members and Division staff were introduced.

Dr. J. Pingree conducted the interview.

Dr. J. Pingree asked questions about the reason and purpose of the meeting with Dr. McKeen.

Dr. J. Pingree asked Dr. McKeen why he was here and Dr. McKeen stated he was a general surgeon, left Utah around 2003 to teach and now has come back to practice in Utah.

Dr. J. Pingree asked where Dr. McKeen practiced and he stated in Provo. Dr. McKeen had two patients who required urgent care in which he was unavailable. Dr. J. Pingree asked what procedures have been put in place to prevent this from occurring again.

Dr. McKeen stated he has found a partner who resides in Mount Pleasant to see patients in his absence.

Dr. J. Pingree, the Board and Dr. McKeen discussed the types of complications and what the follow-up procedures were. They discussed only two doctors perform lap band surgery in Utah county. They discussed the Board certification and his type of education and training of lap band received.

Dr. J. Pingree stated the major concern of the Board is the safety of the patients. Dr. J. Pingree and Dr. McKeen discussed practicing in Utah and

the time spent practicing in both States.

Dr. McKeen stated his patients are 50 % in Utah and 50% in California.

Mr. Bennion asked what training the new partner Dr. Randy Hansen has.

Dr. McKeen explained the training.

Dr. G Pingree asked why Dr. McKeen doesn't move to Utah. Dr. Lamb and Dr. McKeen discussed the drive from Mt. Pleasant to Utah Valley is 90 minutes.

Dr. Lamb strongly suggested that 90 minutes is not timely.

It was stated that Dr. McKeen needs to find a surgeon in Utah Valley to respond to an emergency.

Dr. Lamb asked what Dr. McKeen's schedule was in seeing patients to provide proper care. Dr. Lamb recommended Dr. McKeen find a doctor who will be more readily available to see patients in case of an emergency.

Dr. Babitz and Dr. McKeen discussed the time frame of when patients were seen.

The Board and Dr. McKeen discussed the problems that may occur and Mr. Bennion asked what occurred with the two patients that started this process. Dr. McKeen explained.

Ms. Taxin asked what Dr. McKeen had learned from this process.

Dr. McKeen stated he had learned a lot and was putting the items into place to prevent this from occurring again. These items were immediate radiology and change of surgical procedure to prevent the type of problem from recurring.

Dr. Fowler stated we have all learned something and wonders if Dr. McKeen thinks this is a good procedure and asked if he would do this on your overweight

older grandmother. Ms. Taxin suggested he learn how the patients felt and find away to minimize the trauma to the patients.

Dr. G. Pingree asked how he was going to resolve this issue right now. Dr. McKeen stated he does not know what he would do different at this time.

Dr. Fowler re-asked if Dr. McKeen thinks this is good medicine. Dr. McKeen stated medicine is changing and he provides good care to his patients. Dr. McKeen stated he feels that the technology will increase.

Ms. Taxin suggested Dr. McKeen really considers the feedback of the Board and try to implement the suggestion of a 30 minute response time in an emergency.

Ms. Taxin stated this process is to protect the public. Ms. Baker read the stipulations for post operative care and suggested the Board readdress to see if Dr. McKeen is in compliance with the Stipulation.

Dr. Lamb suggested the 90 minute response time is not in compliance.

Dr. McKeen stated California requirement is 30 minutes phone response but a personal response is not required within the 30 minutes. Ms. Baker stated the complaints came from the emergency personal not the patients.

Dr. Lamb suggested a recommendation for the AG's office to reconsider the Order of Dr. McKeen.

Dr. Lamb made a motion for to give 60 days to have a plan for a surgeon see the patient within 30 minutes.

No Second. Motion dies.

Dr. Babitz made a motion for Dr. McKeen to report back to the Division in 60 days with the efforts and measures that have been made to provide a 30 minute response time. Dr. J. Pingree seconded the motion.

Dr. Sperry asked if Dr. McKeen would be putting

in a concerted effort to meet this request/Stipulation. The motion passed unanimously.

Dr. Fowler made the suggestion to Dr. McKeen to provide training to the hospitals emergency room personnel in the close proximity and provide the information to the patient of where they can go in an emergency.

It was suggested that if the request/Order is not met that the AG's office be notified and the Order be changed.

The Board discussed the changes in medicine with the changes in mobility of patients, changes in technology, and the specialization of doctors.

Ms. Taxin asked Dr. McKeen how he would feel if the emergency patient would have been his wife.

Dr. McKeen stated that his wife did have an emergency once and services were delayed and he was not happy about it.

Dr. Lamb stated he does surgery and he has back-up doctors in place in case of emergencies.

Dr. Babitz requested improvement in response time but does not feel that this issue will be resolved quickly. Dr. J. Pingree voiced concern about sending patients home after this type surgery.

DISCUSSION ITEMS:

FYI

Ms. Taxin informed the Board of an Emergency Order on Dr. Max Cannon.

Med Web Internet Program to Review

Ms. Taxin requested volunteers for the meeting. Dr. G. Pingree volunteered and Dr. James Fowler would check his schedule to see if he would be available.

CE Audit Update

Ms. Taxin updated the Board regarding the Physician who submitted the audit documentation of completing the CE requirements.

2008 Board Meeting Schedule

The Board noted the following dates for the 2008 Board meeting schedule: April 9, May 14, June 4, July 9, August 13, September 10, October 8, November 12 and December 10, 2008.

CORRESPONDENCE:

Association Newsletter

The Board reviewed the newsletter. **No action taken.**

USF Health, CME Course Approval Request for "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing"

Board recommended that more information be provided in order to evaluate the course. **No action taken.**

USF Health, CME Course approval Request for "Program for Distressed Physicians"

Board recommended that more information be provided in order to evaluate the course. **No action taken.**

Nancy Achin Audesse, Massachusetts Board of Registration in Medicine, letter regarding complaints against Physician's.

Board recommended that more information be provided in order to evaluate the course. **No action taken.**

NEXT MEETING SCHEDULED FOR:

April 9, 2008 at 9:00 AM

ADJOURN:

Motion to adjourn by Dr. G. Pingree.

The time is 2:05 pm and the Board meeting was 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.

April 9, 2008
Date Approved

(ss) George Pingree, MD
Chairperson, Utah Physician's Licensing Board

March 26, 2008
Date Approved

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