

**MINUTES**

**UTAH  
PHYSICIANS  
LICENSING BOARD MEETING**

**November 9, 2011**

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

**CONVENED:** 9:04 A.M.

**ADJOURNED:** 1:50 P.M.

**Bureau Manager:**

Noël Taxin

**Board Secretary:**

Karen McCall

**Compliance Specialist:**

Debbie Harry

**Board Members Present:**

Elizabeth F. Howell, MD, Chairperson

James R. Fowler, MD

Gary A. Hale, R.Ph.

Daniel J. Parker, MD

Marc E. Babitz, MD

John W. Bennion, Ph.D.

Kristen Ries, MD

David D. Byrd, MD

Kenneth L. Schaecher, MD

Richard W. Chapa, MD

**Board Members Absent:**

Paul J. Affleck, MD

**Guests:**

Katie Carlson, MD

Anne Thomson, Medical Student

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Swearing in of Gary A. Hale as a Board Member

Ms. Taxin conducted the swearing in of Mr. Hale as a Board member. **Mr. Hale was welcomed to the Board.**

**MINUTES:**

The minutes from the October 12, 2011 Board meeting were read.

Dr. Babitz made a motion to approve the minutes with

minor revisions. Dr. Ries seconded the motion. **The Board vote was unanimous.**

**BUSINESS FROM PREVIOUS MEETING:**

Continue Discussion regarding Applications  
With 12 Months or No ACGME Residencies

This item was discussed during the application review.

Dr. Howell, Dr. Ries, Ms. Taxin, Update on  
Physician Educator Licensing

Ms. Taxin explained she, Dr. Ries and Dr. Howell met with Dr. Lee, Dean of the Medical School at the University of Utah, and Dr. Sperry, last week to explain the Physician Educator application requirements as letters submitted from Dr. Lee and the Department Head did not address the requirements as per the Medical Practice Act. She stated discussion took place and all parties understand the requirements and expectations for future applications.

**APPOINTMENTS:**

**9:20 am**

Debbie Harry, Compliance Update

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

Ms. Harry reported **Dr. Gregory R. Hoffman** is currently in compliance with his Stipulation and Order.

Ms. Harry reported **Dr. Edmund Chein** is currently in compliance with his Stipulation and Order for Utah and California and his probationary period for Utah was scheduled for completion on October 10, 2011. She stated Dr. Chein is out of the country today and will not be meeting.

**Ms. Taxin reminded the Board of California extending his probation there based on new criminal action in California. She stated Dr. Chein has met the requirements of his Utah Order and he is not working in Utah. She stated the Board could recommend termination of probation as the October date was the original California probation termination date but if there is a new case in California then Utah could take action again at that time.**

Ms. Harry reported **Dr. Kittya N. Paigne** is currently in compliance with his Stipulation and Order. She stated his probation is scheduled to be completed November 13, 2011 and he has consistently been in compliance. Ms. Harry stated Dr. Paigne's supervisor's report is positive and he recommends termination of probation.

**Board members questioned the Utah probation being less time than the California probation.**

**Ms. Taxin explained that Utah would not have given Dr. Paigne a five year probation for the violation if it had happened in Utah, so Utah kept the sanction consistent with others disciplined.**

Ms. Harry reported **Dr. Carl Wurster** is currently in compliance with his Stipulation and Order. She stated he will meet telephonically today and she requested the Board to check on Dr. Wurster's health issues and status with the Idaho probation and if he plans to return to medical practice.

Ms. Harry reported **Dr. Robert A. Weitzel** is currently in compliance with his Stipulation and Order as much as possible for his initial interview. She requested the Board to review Dr. Weitzel's proposed practice plan and reminded them the practice plan will need to be updated when he becomes employed.

Ms. Harry reported **Dr. Robert F. Finnegan** would not be meeting today and deferred to Ms. Taxin.

**Ms. Taxin updated the Board in regard to her conversation with Dr. Finnegan where he admitted he was out of compliance with his Order and he agreed to sign an Order to suspend his licenses based on his believing he is not medically or physically able to function appropriately as a Physician at this time. Ms. Taxin stated the suspension is not indefinite but will be addressed at**

**a later date if necessary and he will not be meeting with the Board until he has completed some conditions of the suspension Order.**

**9:40 am**

Dr. Gregory R. Hoffman, Probationary  
Interview

Dr. Hoffman met for his probationary interview.

Mr. Hale was introduced.

Dr. Byrd conducted the interview.

Dr. Hoffman stated he completed his assignment at the Meliheh clinic as the doctor he was covering for is back from maternity leave. He stated he is now only working at the Sandy clinic. Dr. Hoffman stated he wrote his request for termination of probation in Oregon at their request as they had stated they would consider termination and will discuss it at their December meeting. He asked if Utah would consider early termination.

**Ms. Taxin responded for Utah to consider early termination Dr. Hoffman would need to submit a probation termination letter from Oregon, a request and include what he has learned from the process and what he will do different in his practice. She stated he could meet again with the Board in March for the discussion. Ms. Taxin asked if Dr. Hoffman has had any issues with boundaries, if anyone has made him uncomfortable and if so, how has he handled the situation.**

Dr. Hoffman responded he has not had any boundary or potential boundary issues arise. He stated he has learned to leave the door ajar to minimize the possibility and he pulls all charts for the supervisor to review that may have any hint of concern.

**Dr. Byrd asked if Dr. Hoffman has had any resistance from his patients in regard to leaving the door ajar.**

Dr. Hoffman responded no.

**Dr. Schaecher asked if Dr. Hoffman has heard anything on his contract with Intermountain Select**

**Health and if there is anything in place to reassess his status.**

Dr. Hoffman responded no. He stated he believes the contract review will be in 2013 and they reassess quarterly or every six months.

**Dr. Schaecher asked if any requirements were given when he was rehired with Intermountain Select Health.**

Dr. Hoffman responded he was cautioned to be very careful with boundary issues and to reduce his dictation.

**Dr. Bennion asked if Dr. Hoffman would have a problem waiting until March to meet with the Utah Board.**

Dr. Hoffman responded no.

**The Board asked if it would be a problem to consider early termination of Dr. Hoffman's Utah probation.**

**Ms. Taxin responded no. She stated if he completes the items she listed and the Board believes he has met Utah conditions they may recommend early termination of probation.**

**The Board determined Dr. Hoffman is in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Hoffman to meet again March 7, 2012.**

**10:05 am**

Dr. Kittya N. Paigne, Telephonic Probationary Interview

Dr. Paigne met for his telephonic probationary interview.

Dr. Babitz conducted the interview.

**Dr. Babitz stated Dr. Paigne's supervisor submitted a positive report. He asked about Dr. Paigne's status with the California Board.**

Dr. Paigne responded California should schedule a hearing to review his case in November as he was told it would take about six months for a hearing date after he submitted his application.

**Dr. Babitz asked if Dr. Paigne's employer has PA's on staff.**

Dr. Paigne responded yes. He stated he does not plan to supervise anyone.

**Dr. Babitz stated the Utah probation is scheduled to be completed on November 13, 2011. He stated Dr. Paigne has completed all the conditions of his Order but if California gives an adverse action then Utah would have to consider it.**

**Dr. Babitz made a motion to terminate probation with Dr. Paigne on November 13, 2011, based on his consistent compliance and having met all conditions of his Order.**

**Dr. Parker seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the process and recommended Dr. Paigne continue to be in compliance in California so no new actions are filed.**

Dr. Paigne responded he plans to continue to be on track with California. He then thanked the Board for their help and making it easy for him to comply.

**10:15 am**

Dr. Carl Wurster, Telephonic Probationary interview

Dr. Wurster met for his telephonic probationary interview.

Dr. Bennion conducted the interview.

**Dr. Bennion asked Dr. Wurster to update the Board regarding his health and employment.**

Dr. Wurster stated he had another operation last summer and is doing well. He stated is teaching a

medical terminology course in Idaho. He stated his Idaho probation is scheduled to be terminated in a year and asked what he needs to do for the Utah Board to consider terminating the Utah probation. He stated he has to write a letter to the Idaho Board requesting termination and they will be meeting in February to make their decision. Dr. Wurster explained he does not plan to go back into traditional medical practice but is applying for positions that would require him to have a license, such as, medical director, etc.

**Dr. Bennion requested a copy of the letter to the Idaho Board be sent to Utah.**

**The Board determined Dr. Wurster is in compliance with the Utah Stipulation and Order.**

**An appointment was made for Dr. Wurster to meet again March 7, 2012.**

**10:25 am**

Dr. Robert A. Weitzel, Probationary Interview

Dr. Weitzel met for his probationary interview.

Board members and Division staff were introduced.

Dr. Howell conducted the interview.

**Dr. Howell commented Dr. Weitzel called her directly last week and left a message requesting her to return the call. She stated she did not return the call as she believes it is inappropriate for her to talk with him outside the Board meetings.**

Dr. Weitzel responded he called Dr. Howell based on her name coming up at the last meeting regarding her knowledge of names of possible supervisors.

**Dr. Howell reviewed the violations and then read the Order conditions which Dr. Weitzel will be required to meet.**

**Ms. Taxin stated Dr. Weitzel could have two supervisors; one for reeducation and one for current psychiatry training.**

Dr. Weitzel stated he has made numerous calls

regarding residencies and would like to get one for next year or perhaps a fellowship for next year. He stated programs are full for this year and are looking at filling for next year. Dr. Weitzel stated he has also contacted several recruiters in the area for assistance in locating employment and there is a position at the prison but not having a CS might be a problem.

**Dr. Fowler asked if the prison position would be in psychiatry.**

Dr. Weitzel responded it would probably be for intake right now. He stated the 4<sup>th</sup> Street Clinic may want him next year for about 4 hours a week but there is nothing for sure.

**Dr. Howell commented Dr. Weitzel has been out of practice for 12 years. She stated there have been many changes and she does not believe it will be easy for him to get back in the field. She stated he may have to start with something that is not ideal and work his way back into psychiatry practice.**

**Dr. Babitz commented Dr. Weitzel's biggest barrier is the probation as Medicare and Medicaid will not credential anyone on probation.**

**Ms. Taxin responded Dr. Weitzel has a letter saying he is ok for reimbursements as he was off their credentialing for five years and they have put him back on. She stated he also is up against people knowing his name and history. She stated she has received calls of concern regarding public safety with him practicing. Ms. Taxin stated Dr. Weitzel has stated he is committed to providing safe services and there are some things he will need to do to prove himself.**

**Dr. Babitz suggested Dr. Weitzel check the rural areas as there is a shortage of good mental health care in those areas.**

Dr. Weitzel responded he has applied in Vernal with no success based on his probation. He stated he has also presented to work as a Physician Assistant with no success. He stated he would appreciate any

recommendation letters the Board could write to help him locate employment.

**Dr. Howell stated Dr. Weitzel has mentioned the issues he is facing and many of the issues have come to the Board before with other probationers. She stated she believes someone being supervised is probably safer than someone who is not supervised. Dr. Howell stated the Board cannot write any recommendation letters but Ms. Taxin has on occasion written letters explaining probation and the hope that probationers will be able to work. She stated if Dr. Weitzel is employed at the prison he may need to look for someone internally to be his supervisor as it would be inappropriate for him to take files out for someone to review.**

Dr. Weitzel responded he would like his practice supervisor to be someone at the University but if he is hired at the prison then someone there could review his charts. He stated he no longer has any contacts and will need some assistance.

**Dr. Howell recommended Dr. Weitzel continue to try to obtain employment and if he continues to be unsuccessful then the Board could give Ms. Taxin a list of names for him to contact.**

**Ms. Taxin asked if Dr. Weitzel has read his Order or if he wants the Board to continue reviewing the conditions.**

Dr. Weitzel responded he has read the Order several times and reviewed it with Ms. Harry.

**Dr. Howell asked if it is standard for probationers to submit triplicate copies of non-controlled substance prescriptions as Dr. Weitzel is required to do.**

**Ms. Taxin responded no, it is not standard. She stated since he has been out of practice for such a long period of time she believes the Board should review all his prescriptions to be sure he is prescribing appropriately.**

**Dr. Schaecher asked how Dr. Weitzel is able to submit a practice plan if he is not practicing.**

**Ms. Harry responded Dr. Weitzel already submitted a practice plan which will need to be revised when he starts working.**

**Dr. Schaecher made a motion to accept the provided practice plan with the understanding it will need to be revised and more detailed when Dr. Weitzel starts working.**

**Dr. Babitz seconded the motion.**

**The Board vote was unanimous.**

**Dr. Howell reminded Dr. Weitzel the practice plan revision is required whether he works for employment or is a volunteer.**

**Dr. Babitz suggested Dr. Weitzel check out the Meliheh clinic and the Hope clinic as they are free service clinics.**

**Ms. Taxin suggested Dr. Weitzel work for a couple of the free clinics under supervision to give himself the opportunity to give back to the community and get back into practice.**

Dr. Weitzel responded if he worked at the clinics he could not get into the mini-residency program.

**Dr. Schaecher commented he believed Dr. Weitzel could do both the residency program and work but could not start one and then stop it to start the other.**

Dr. Weitzel stated he would like to do more than the Order requires and would like to have someone to discuss ideas with.

**Ms. Taxin suggested he present a plan for the Board to review and if it is valid the Board could approve it for Dr. Weitzel. She stated there is a clause that gives the Board the ability to amend the Order.**

**Dr. Howell commented the concern is the 12 years out of practice and until Dr. Weitzel completes the re-education he might not be the safest person to send out to practice.**

**The Board determined Dr. Weitzel is in compliance with his Stipulation and Order as much as possible for his first appointment.**

**An appointment was made for Dr. Weitzel to meet again January 11, 2012 unless he is not working and then have him meet March 7, 2012.**

**11:15 am**

Dr. Jared M. Brown, Application  
Review/Potential Approved Supervisor

Dr. Brown met for the review of his Physician application and to discuss the possibility of him supervising a probationer.

**Following introductions of Board members and Division staff Ms. Taxin explained Dr. Brown met the requirements to be licensed as a Dentist – Anesthesia Class IV permit. She stated Dr. Brown has had only twelve months of an ACGME residency but did complete five years of a CODA residency. She read the Law and the Board noted the Law requires 24 months of progressive residency training approved by the ACGME, the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada, or any similar body in the United States or Canada approved by the Division in collaboration with the Board.**

**Ms. Taxin stated this issue is becoming more common. She reminded the Board of their review and recommendation to deny two similar applications at the last meeting.**

**Dr. Babitz requested clarification regarding the second year of residency.**

Dr. Brown responded he completed the first years of a ACGME accredited residency and the second year was a CODA accredited program as it was a dental maxillofacial program for dental surgery. He stated all

staff members were Physicians.

**Dr. Babitz asked if there are any ACGME accredited maxillofacial programs.**

Dr. Brown responded no.

**Dr. Byrd asked what has been done with similar applications.**

**Ms. Taxin responded the Board and Division have reviewed each application on an individual basis. She stated some applications were approved and applicants were able to show they met the licensing requirements. Ms. Taxin stated recently there has been an influx of this type of application. She stated the Board reviewed several applications last month and recommended they be denied based on the lack of meeting the requirements as set forth in the Statute.**

**Dr. Byrd asked Dr. Brown if the program notified him there might be a problem obtaining licensure.**

Dr. Brown responded yes. He stated he thought the Board would recommend licensure based on the precedent that has already been set. He stated he completed the Medical Boards and was admitted into the medical rotations in the third year just like the medical students. He stated two months was spent in the anesthesia department prior to starting the general surgery rotation and after that rotation he started the chief oral surgery year. Dr. Brown explained all Dentists in the program are under the CODA program. He stated the training involved a lot of plastic surgery and to perform plastic surgery he would be required to have the Physician license. Dr. Brown stated all plastic surgeries he would be doing would be above the neck.

**Dr. Fowler commented anyone with the Physician license could treat the whole body including doing breast implants.**

**Several Board members voiced concern of Dr. Brown not having the same education as other**

**physicians licensed in the State and, if licensed, the license allows him to provide more medical services than he was educated to provide, i.e.: breast augmentations and other cosmetic procedures. Some Board members voiced concern that it is becoming more common for MD/DDS's to provide more services outside the scope of their education and specialties.**

**Ms. Taxin clarified the license allows the practitioner to practice only what is in their scope of education and experience. She stated if the practitioner practices outside their scope they would be liable and it is unprofessional conduct. She asked the Board if Dr. Brown's education is similar to the ACGME education.**

Dr. Brown voiced concern with the Division's and Board inconsistency to policy. He asked how other oral surgeons have been able to obtain licensure in Utah with the same education he has completed.

**Ms. Taxin responded when the question came up she pulled some applications from archives to review. She stated she found the education on the applications she pulled was not the same as Dr. Brown's. She stated some had completed additional education and training prior to the licenses being issued and others were licensed by endorsement.**

**Dr. Fowler commented the Utah Law requires 24 months of ACGME progressive residency or 24 months from specific education programs or the education must be from a similar body. He asked if the Board is qualified to determine what education is from a similar body.**

**Ms. Taxin read the Law again for the Board and Dr. Brown. She stated the Law requires 24 months of ACGME or any similar body in the United States or Canada approved by the Division in collaboration with the Board.**

**Dr. Ries commented she has been involved in the review of this type of application over the last**

**several years and believes it is time for the Board to review the criteria in the Law again as there are more people and issues coming up compared to five years ago.**

Dr. Brown commented his practice would be limited to facial trauma as his training was in that area. He stated Board members have mentioned they are not qualified to determine if his education is from a body similar to ACGME. Dr. Brown stated the Law does say 24 months of ACGME progressive resident training or any similar body and he believes the second year of training was similar to the Physicians ACGME training. He stated in his final year the trauma patients were shared and each patient was examined from head to toe on physical examinations. He stated he was operating as any other ACGME student would operate for 12 months.

**Dr. Ries asked where an oral surgeon does surgery.**

Dr. Brown responded he is privileged at several hospitals. He stated he is able to do everything he is trained to do without the Physician license but he believes he has met the medical requirements to be licensed. Dr. Brown stated without the license he is limited in being able to bill for some procedures.

**Dr. Babitz made a motion to approve Dr. Brown's application for licensure as a Physician and Surgeon based on his individual application and education being obtained from a residency program similar to the ACGME.**

**Dr. Ries seconded the motion.**

**Dr. Babitz, Dr. Ries, Dr. Fowler, Dr. Chapa, Dr. Parker, Mr. Hale, Dr. Bennion and Dr. Howell voted in favor of the motion. Dr. Byrd, Dr. Schaecher and Dr. Fowler voted against the motion. The motion passed with a majority vote.**

Dr. Brown thanked the Board.

**Dr. Howell suggested Ms. Taxin contact the Federation regarding guidance on how other States**

**are handling this type of situation.**

Supervision

Ms. Taxin explained Dr. David Max Anderson, a probationer, has requested Dr. Brown be approved as his supervisor. She stated Dr. Brown had agreed to supervise Dr. Anderson if his Physician license was granted. Ms. Taxin stated she believes Dr. Anderson should meet with the Board prior to Board approval of a supervisor.

The Board reviewed Dr. Anderson's Stipulation and Order.

**Dr. Schaecher asked Dr. Brown if he is a partner or an employee.**

Dr. Brown responded he is an employee at this time.

**The Board determined it would be inappropriate for an employee to be the supervisor of Dr. Anderson and denied the request for Dr. Brown to supervise.**

**12:05 pm**  
Close meeting

**Dr. Parker made a motion to close the meeting as per the closed deliberation following the hearing regarding Dr. John E. Gambee for instructions from Judge Eklund, Department Administrative Law Judge.**

**Dr. Schaecher seconded the motion.**

**The Board vote was unanimous.**

**12:15 pm**  
Reopen

**Dr. Parker made a motion to reopen the meeting.**

**Dr. Ries seconded the motion.**

**The Board vote was unanimous.**

Question Regarding Physician Educator License

Ms. Taxin explained a call was received from a Physician who stated he has no ECFMG and was informed by Dr. Sperry at the University of Utah that he did not have to meet the ECFMG specific requirement for licensure as a Physician Educator.

Ms. Taxin stated this Physician informed her he has worked at the U of U for years and has never been licensed. She stated Dr. Sperry told him to apply for the step 2 Physician Educator license.

Ms. Taxin stated the Law is unclear as to if a Physician Educator is required to have ECFMG and Steps I and II of the USMLE completed upon initial application or if the Law allows them to complete the examinations within the five years.

Ms. Taxin stated Dr. Lee voiced the U of U desiring to bring in good people to work there and they are unable to do so if the Division doesn't make exceptions to the licensing requirements. She stated Dr. Lee believes these people should be brought in as they are at the top of their profession. Ms. Taxin stated the Federation informed the Division that they will not verify for this specific type of educated doctor which becomes a problem to issue a license.

**Dr. Ries commented when she, Ms. Taxin and Dr. Howell met with Dr. Lee they could not pin down Dr. Lee and Dr. Sperry regarding how much time would be spent on research and how much on patient clinical services to determine if these types of doctors would meet type 2 Physician Educator licensing.**

Dr. Michael J. Adelman and Dr. Jessica L. Stahl, Combined Residency Program not ACGME

Ms. Taxin explained Dr. Adelman completed a combined progressive education residency in Pediatrics, Psychology and Child and Adolescent Psychology. She stated each individual program is ACGME accredited but the combined program is not ACGME accredited.

**Following discussion the Board recommended licensure for Dr. Adelman as each individual component meets ACGME accreditation and would be similar to one ACGME accredited progressive residency.**

Dr. Howell explained the University of Utah (U of U) has combined the triple (combined) 5 year education program of general Psychiatry, Pediatrics and Child

Psychiatry and upon completion the Physician is Board eligible as the program meets ACGME requirements. She stated the combined program is not ACGME accredited.

**Dr. Schaecher asked if students are allowed to sit for the examination.**

Dr. Howell responded yes.

**Dr. Byrd asked why the U of U Psychiatry program has not applied for ACGME accreditation as this is a medical program.**

Dr. Howell responded she does not know.

**Dr. Schaecher stated the program is tied to the ACGME accredited programs as it meets the standards of the ACGME.**

**Following discussion the Board recommended licensure for Dr. Stahl as each individual component meets ACGME accreditation and would be similar to one ACGME accredited progressive residency.**

Further Discussion Regarding Dr. Brown's Application and the Applications Denied Last Month

Ms. Taxin explained she denied two application last month due to applicants not meeting the requirement of 24 months of an ACGME progressive residency and this month the Board recommended licensure for Dr. Brown with 12 months ACGME residency and the remainder in a CODA accredited program for maxillofacial reconstruction.

**Dr. Schaecher asked if the Board could review the CODA accreditation requirements to determine if they are similar to ACGME.**

**Dr. Howell recommended the dual education of medical and dental be granted a limited scope license.**

Ms. Taxin reminded the Board that there is no limited scope of practice license.

**Dr. Fowler and Dr. Schaecher commented the**

**Statute, Rules and Board are here to protect the public but also to be sure licensees offer quality care. They stated it is not the position of the Board to be sure they are compensated by insurance plans.**

Ms. Taxin stated licenses are issued based on meeting requirements which are minimum standards.

**Dr. Babitz commented if the Board was going to review the CODA accreditation requirements to determine if they are similar to ACGME they would need to have attorneys involved to make a solid opinion. He stated he does not want to go the route of reviewing, comparing and approving accreditation requirements.**

**Following additional discussion the Board requested Ms. Taxin and the AG's office contact the Federation and Michelle McOmber, Utah Medical Association, and Monte Thompson, Utah Dental Association, regarding the issue and report back to the Board.**

**Dr. Schaecher asked if Dr. Brown had said his program was similar to the ACGME program.**

**Dr. Byrd responded no. He stated Dr. Brown said he knew his program did not meet the Utah licensing requirements but he relied on the Board being lenient with others with similar education have been licensed.**

Ms. Taxin stated Dr. Brown could go back into an ACGME accredited program and do another 12 months, reapply and be licensed as a Physician.

**The Board concluded that they were uncomfortable with the situation and recommended Ms. Taxin research prior to issuing the license.**

#### **REVIEW APPLICATIONS FOR TEMPORARY LICENSURE:**

Dr. Lan Le Adams, Dr. Jeffrey S. Greenspoon,

Ms. Taxin explained that sometimes the language in

Dr. Carol A. Lindsay and Dr. B. Denise Raynor the Law is unclear. She stated temporary licensure is for someone applying for licensure by endorsement where Utah would honor the other States license until the FCVS packet is received to verify requirements have been met for full licensure. She stated the requirements are for the applicant to submit a written document to the division from a health care facility under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, stating that the applicant is practicing under the invitation of the health care facility; or statements from two individuals licensed under the Utah Medical Practice Act whose license is in good standing and who practice in the same clinical location with both stating the applicant is practicing under the invitation of the individual and the applicant will practice at the same clinical location as the individual. Ms. Taxin stated Obstetrix Medical Group is bringing the four applicants into Utah to practice locum tenens and the manager stated there would not be any fully licensed person for oversight. She explained the requirements and the need for oversight and then the manager got two doctors to write the letters saying they will provide oversight. She stated most clinics have a permanent medical director on staff who would oversee the temporary locum tenens licensees. Ms. Taxin stated her question for the Board is should these four applicants be granted temporary licensure when their overseer will be working locum tenens. Ms. Taxin requested the Board to make a recommendation.

**Following discussion the Board recommended the temporary licenses be issued based on the letter from two Physicians who have agreed to oversight of the four temporary licensees but they voiced concern about ensuring oversight would occur and the lack of Obstetrix understanding of the Law.**

#### **AUDIT REVIEW:**

Dr. John N. Henrie, Audit Review

Noel explained Dr. Henrie's CME was audited. She stated he submitted his CME audit and documented he reads articles for his CME. Ms. Taxin stated she did not believe only reading articles will count.

**Board members reviewed the audit CME list and**

**determined reading articles will not count for the 40 hours per year of CME. The Board recommended the Division contact Dr. Henrie and suggest he go online to obtain category 1 CME and obtain certificates of completion upon completing the courses and examinations.**

**DISCUSSION ITEMS:**

Annual Board Member Training

Ms. Taxin recommended the training be deferred until January as Dr. Affleck is absent today. She stated she would like to do the training with both new Board members present.

**The Board concurred.**

Telemedicine

**Dr. Schaecher stated Intermountain Select Health is in the process of developing programs for doing tele-visits. He stated they want to do tele-visits with patients in Roosevelt and other rural areas as there are few or no Psychiatrists in rural areas. He stated there are also out of State companies monitoring Utah residents who have had spinal surgeries in Utah and they bill for their services without ever physically seeing the patients. He stated he will have more information to share with the Board in January. He asked what the implications are from a licensing standpoint or is there a telemedicine licensing to allow for monitoring.**

Ms. Taxin responded there is no Law at this time regulating telemedicine and she is aware of the U of U doing some telemedicine. She stated the Law would have to be changed to allow and regulate telemedicine.

FYI

The Board reviewed the conditions in Dr. David M. Anderson's Stipulation and Order. Ms. Taxin stated Dr. Anderson will meet with the Board after the suspension conditions have been met.

**No Board action was taken.**

FYI

Ms. Taxin read the facts Dr. Mark H. Keep's situation and stated he agreed to surrender his license at this time. She stated he may reapply for licensure after he

completes a program and has a letter from Pine Grove stating he is fit for duty.

**The Board reviewed Dr. Mark H. Keep's surrender Stipulation and Order.**

FYI

The Board noted the fine authority Rule hearing is scheduled for December 13, 2011, at 9:00 am in room 475.

Dr. Bennion Question

Dr. Bennion asked if the Board could revisit how Utah deals with people who practice outside their scope of practice.

**Dr. Babitz responded complaints are referred to investigations to be investigated.**

**Dr. Schaecher stated he voted against licensing Dr. Brown as he believes it pushes the problem down for now to be addressed again later. He stated every time a license is issued without the 24 months ACGME the Law is redefined.**

**Dr. Parker commented the Board also recommended denial of two applications last month where the applicants did not have the 24 months of ACGME progressive residencies.**

Ms. Taxin stated the UMA would need to open the Law to more clearly define the accepted programs and the similar programs. She stated if Dr. Brown had attended the U of U his last 12 months of education would have counted.

2012 Board Meeting Schedule

The Board requested monthly meetings be scheduled and plan to meet every other month in 2012. The 2012 Board Meeting Schedule will be: **January 11**, February 8, **March 7**, April 11, **May 9**, June 13, **July 11**, August 15, **September 12**, October 10, **November 14**, and December 12, 2012 (The planned dates are in **BOLD**). **The Board noted the March meeting was adjusted to March 7 and the May meeting adjusted to May 9 to accommodate requests.**

**Dr. Howell commented she will absent May 9, 2012.**

**The Board recommended the meeting date stay on May 9, 2012.**

**The Board noted there will be a hearing on January 11, 2012 at 2 pm.**

Ms. Taxin explained the hearing on January 11, 2012 is in regard to a renewal application she denied and the Physician has appealed the denial.

Ms. Taxin stated there will be another hearing scheduled as the Physician's attorney does not believe their client should be required to go to Pine Grove. She stated the Board will be notified of that hearing date.

**CORRESPONDENCE:**

FSMB – Journal of Medical Regulation (JMR)

**The Board reviewed the JMR with no Board action taken.**

Mr. Hale took the journal with him.

**NEXT MEETING SCHEDULED FOR:**

January 11, 2011

**ADJOURN:**

The time is 1:50 pm 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.*

January 11, 2012  
Date Approved

(ss) Elizabeth F. Howell, MD  
Chairperson, Utah Physicians Licensing Board

December 15, 2011  
Date Approved

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