

MINUTES

**UTAH
OSTEOPATHIC
PHYSICIAN AND SURGEON'S
LICENSING BOARD
MEETING**

April 5, 2012

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 A.M.

ADJOURNED: 11:45 A.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Noël Taxin
Karen McCall
Debra Troxel

Board Members Present:

Warren A. Peterson, DO, Chairperson
Keith P. Ramsey, DO
Noel C. Nye, DO
Layne A. Hermansen, DO

Board Members Absent:

Vacant Position

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 5, 2012 Board meeting were read.

Dr. Nye made a motion to approve the minutes with minor revisions. Dr. Hermansen seconded the motion.
The Board vote was unanimous.

APPOINTMENTS:

9:20 am

Debra Troxel, Compliance Update

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

Ms. Troxel reported **Dr. Larry Andrew** is currently in compliance with his Stipulation and Order. She stated

the chaperone log does not have the box checked confirming the chaperone was in the appointment on a couple of appointments.

Ms. Taxin explained the chaperone signed on the chart but it appears forgot to sign on the log.

Dr. Ramsey stated on the CSD report it appears a patient had two of the same prescriptions filled at two different pharmacies. He stated the report documents two of these incidents.

Ms. Taxin suggested Dr. Ramsey ask Dr. Andrew and then suggest he contact the Pharmacies to find out if the report is correct. Ms. Taxin reminded the Board of Dr. Andrew's comment that he was planning to do a medical mission in Kosovo. She stated usually those programs require practitioners to have an active license and not be on probation. Ms. Taxin stated Dr. Andrew requested she write a letter regarding no issues but she could only write he is probation and is in compliance with his Order. She suggested Dr. Ramsey ask Dr. Andrew about the trip. Ms. Taxin stated she believes the Board should be very clear with Dr. Andrew and recommend after probation he continues to always have a chaperone with him during his procedures.

Ms. Troxel reported **Dr. Raymond Bedell** is currently in compliance with his Stipulation and Order. She stated the chaperone logs have not changed as per the Board request and the evaluation was received and reviewed toward the end of the last meeting.

Ms. Taxin commented someone in Nevada had called wanting to know if Utah had any concerns with Dr. Bedell applying for a Nevada Class D Pharmacy license. She stated it could be a curiosity question in regard to the device he invented. Ms. Taxin stated the evaluation documented Dr. Bedell is safe to practice. She stated he called to ask if he could be excused due to this week being spring break to which she had informed him this would be his last meeting and he needed to meet. She stated

Dr. Bedell's supervisor never did go to the office and observe his performance but he has written reports on his performance. She stated maybe a Board member would be willing to make a site visit. Ms. Taxin stated Dr. Bedell was on probation for a boundary violation.

Dr. Hermansen asked if there have been any more complaints.

Ms. Taxin responded no.

Dr. Nye questioned the value of a Board member doing a site visit as if someone is watching him he would do everything he should be doing.

Ms. Taxin suggested the Board request a final supervision report which addresses an in person visit to observe and then write if they support termination of probation. She stated if the report is not submitted the Board could recommend termination of probation out of compliance which she is sure Dr. Bedell will not want.

9:30 am

Dr. Larry Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Dr. Ramsey conducted the interview.

Dr. Ramsey brought the issue of the missing initials on the chaperone log to Dr. Andrew's attention.

Dr. Andrew responded his office manager does the log after he puts in the information in the chart and includes which nurse is in the office that day. He stated then the chaperone goes back and initials the log and the charts.

Dr. Ramsey then brought to Dr. Andrew's attention the issue with the CSD and the patient who it appears filled two prescriptions for the same thing on the same day at two different Pharmacies.

Dr. Andrew wrote down the information and stated he will contact the Pharmacies to verify but believes his

office called in the prescription to one Pharmacy who could not fill it so it was then called into the other Pharmacy.

Dr. Ramsey asked if Dr. Andrew was able to go on the medical mission to Kosovo.

Dr. Andrew responded yes. He stated it was a great experience for him and some of his office staff. He thanked Ms. Taxin for her assistance with the letter.

Dr. Ramsey stated Dr. Andrew is in compliance with his Stipulation and Order and is scheduled to have probation terminated December 17, 2012.

Ms. Taxin asked Dr. Andrew what he has implemented in his office practice that he plans to continue doing to protect himself and his patients after probation is completed.

Dr. Andrew responded he plans to continue with the procedures that are now in place and will continue having a nurse present when he is doing procedures. He stated it is good to have her there taking notes so he does not forget something. He stated he also plans to continue with the survey but will be making a few changes to make it more effective.

Ms. Taxin commented making sure someone else is in the room is the ethical thing to do to protect him and his patients. Ms. Taxin advised Dr. Andrew to be aware of himself and his issues and seek help if he needs to.

Dr. Andrew thanked Ms. Taxin for her assistance with the letter for the Kosovo trip and stated he will contact the Pharmacies regarding the prescriptions.

Ms. Taxin suggested Dr. Andrew also check the CSD frequently.

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

An appointment was made for Dr. Andrew to meet

again July 19, 2012.

9:45 am

Dr. Raymond Bedell, Probationary Interview

Dr. Bedell met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Hermansen stated today would be Dr. Bedell's last meeting with the Board as his probation is scheduled to be completed May 26, 2012. He asked Dr. Bedell to share what he has learned through this probationary process.

Dr. Bedell responded he has learned it is not just important to have someone as a chaperone during an examination but also to sign the log to verify they were there. He stated when he first met with the Board he felt the Board was prejudice but now recognizes that he did not need to be so belligerent with the process as it is a collaborative process. He stated he has tried to change how he interacts with patients and now seeks verbal permission prior to starting a procedure. He stated he believes the information he has learned has been useful to him regarding documentation and consent prior to a procedure. He stated he believes his practice is safer.

Ms. Taxin asked how patients respond to his procedures and evaluations.

Dr. Bedell responded he believes they think it is odd and slows the process down a little.

Dr. Hermansen asked if another probationer contacted Dr. Bedell what advice would he give them.

Dr. Bedell responded he would tell them they have to deal with the Board and the situation in their own way and he would not give them any advice.

Dr. Peterson asked if Dr. Bedell would be comfortable with offering telemedicine services.

Dr. Bedell responded no. He stated the Department of

Justice codes have never ratified telemedicine as a valid evaluation and until it is validated by the Department of Justice and FSMB practitioners should not be involved in doing telemedicine.

Dr. Hermansen asked if Dr. Bedell is planning to expand his practice into Nevada.

Dr. Bedell responded he has had a Nevada license for some time but does not plan to practice there.

Ms. Taxin explained the Division received an inquiry telephone call regarding Nevada issuing a Class D Pharmacy license to Dr. Bedell.

Dr. Bedell responded he believes the call was bogus as he has never applied for any Pharmacy license. He stated he does a DOPL search on his name every three months and has found several people who have used his DEA to obtain medications. He stated he has turned in the names and believes all have been arrested.

Dr. Hermansen thanked Dr. Bedell for his comments. He then requested one last report from Dr. Duke which documents an onsite visit and includes a statement of support for termination of probation.

Ms. Taxin asked if Dr. Bedell has submitted his renewal form and fee.

Dr. Bedell responded he has sent in the renewal and fee.

Ms. Taxin stated she will hold the renewal until May 26, 2012 and then terminate the probation and issue the full license without probation.

DISCUSSION ITEMS:

Legislative Update

Ms. Taxin updated the Board on the 2012 Legislative session.

Review FSMB Annual Meeting Resolutions

The Board reviewed the following FSMB Annual

and Candidates

Meeting Resolutions:

1. The Impact of State Medical Board Disciplinary Action on AMBS/AOA BOS Board Certification & Recertification. **The Board was in favor of this resolution.**
2. The Establishment of a Committee on Ethics & Professionalism. **The Board was in favor of this resolution.**
3. Participation in ABMS MOC & AOA Bos Occ Programs to Meet CME Requirements for Licensure Renewal.

Dr. Peterson commented he would not be in favor of this resolution as it has not yet been proved that CME programs increase the effectiveness of medicine.

The Board and Ms. Taxin suggested Dr. Nye discuss this resolution with Dr. Fowler and determine the best way for them to vote as the Physicians Board had supported this resolution.

4. Establishment of a Platinum Standard Certification for Licensure for the Purpose of Multi-State Practice. **The Board opposed this resolution.**
5. The Federation of State Medical Board (FSMB) Certifying as a Category 1 CME Provider. **The Board opposed this resolution.**
6. Physician Assistant Initiative. **The Board opposed this resolution.**

The Board and Ms. Taxin suggested Dr. Nye make contact with Dr. Fowler and determine which FSMB candidates to vote for.

IHC – Webcam House Calls

Ms. Taxin reviewed the Webcam House Calls article with the Board and stated there is nothing in the Utah Law which addresses the telemedicine issue and there are no qualifiers or standards that have been set up nationally.

Dr. Peterson voiced concern regarding relying on a webcam and computer to make a diagnosis. He

stated many that he has observed are very fuzzy and the practitioner would not be able to identify ear infections, rashes, etc.

Ms. Taxin stated the Physicians Board also had concerns and they requested she contact IHC and request them to meet with the Physicians Board. Ms. Taxin stated she made contact and she and Karl Perry, AG, met with the IHC attorney, two Physicians and a staff person who are developing this service. She stated they were understanding about the Division and Boards concerns and informed them that this is a pilot program right now within the IHC system. Ms. Taxin stated she voiced the concern of confidentiality, safety quality and the possibility of the program reducing the quality of care. She stated she informed them that a better way for them to have proceeded would have been to change the Law while the Legislature was in session and then promote their program. She stated they agreed to work with her and the Boards regarding the program and standards and requested participation with them. Ms. Taxin stated she was informed they have equipment available for patients and an instrument they use to view the ear for infections. She stated she suggested they establish a patient/Physician relationship by meeting in person with the patient for one visit and then try the webcam. Ms. Taxin stated the IHC representative indicated with the volume of patients they would not be able to accommodate a personal visit prior to trying the webcam visit. She stated she sent the article to Ms. McOmber at the UMA and suggested Dr. Nye contact Ms. McOmber for discussion and collaboration. Ms. Taxin stated FSMB is coordinating a telemedicine meeting in October. She suggested a Board member and a Physicians Board member also meet with this group.

Dr. Nye stated he is still involved with the UMA and will contact Ms. McOmber.

Dr. Hermansen and Dr. Peterson volunteered to be involved.

Ms. Taxin suggested further discussion July 19, 2012.

Sunshine Act

Ms. Taxin requested the Board take the information on the Sunshine Act with them to review and if they have any questions to contact her.

The Board concurred.

CORRESPONDENCE:

NBOME – Fundamental Osteopathic Medical
Competency Domains – Guidelines for
Licensure and Practice

The Board reviewed the NBOME information.

No Board action was taken.

FYI

Noel notified the board of the ABMS annual report info sheet.

The Board reviewed the information with no Board action taken.

NEXT MEETING SCHEDULED FOR:

July 19, 2012

ADJOURN:

The time is 11:45 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.

July 19, 2012
Date Approved

(ss) Warren A. Peterson, DO
Chairperson, Utah Osteopathic Physician & Surgeon's
Licensing Board

April 25, 2012
Date Approved

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