

**MINUTES**

**UTAH  
PHYSICIANS LICENSING  
BOARD MEETING**

**March 20, 2013**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:07 A.M.

**ADJOURNED:** 3:55 P.M.

**Bureau Manager:**  
**Board Secretary:**  
**Compliance Assistant:**

Noël Taxin  
Karen McCall  
Debra Troxel

**Board Members Present:**

Elizabeth F. Howell, MD, Board Chairperson  
John W. Bennion, Ph.D.  
Kristen Ries, MD  
Kenneth L. Schaecher, MD  
Gary A. Hale, R. Ph.  
David D. Byrd, MD  
David A. Cook, MD

**Board Members Absent and Excused:**

Paul J. Affleck, MD  
Richard W. Chapa, MD  
John S. Montgomery, MD  
Daniel J. Parker, MD

**Guests:**

Misoo Abele, MP

**DOPL Staff Present:**

Karl Perry, Assistant Attorney General

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the January 9, 2013 Board meeting were read.

Dr. Schaecher made a motion to approve the minutes as written. Dr. Cook seconded the motion. **The Board vote was unanimous.**

**BUSINESS FROM PREVIOUS MEETING:**

#### Cedar Evaluation Update

Ms. Taxin stated it took some time to get in touch with a representative at Cedar but she finally spoke with Ann Felton, a nurse and operations director at Cedar. She stated the psychological evaluation looks at the issues the Board has requested and the fees are comparable to Pine Grove. Ms. Taxin stated she will add Cedar to her resource list.

#### **The Board concurred.**

#### Clarification/Report on Dr. Cook's Question Regarding Allowing Prescribers to Fax Scripts After the New Law Goes Into Effect in July, 2013

Ms. Taxin reported Mr. White clarified that a faxed prescription is not an electronic prescription. She stated the computer program is required federally.

#### **Dr. Cook stated it is the e-program.**

Following additional discussion, Mr. Hale commented the Pharmacy must have the form prescription and original signature for schedule II controlled substances.

#### **APPOINTMENTS:**

##### **9:20 am**

#### Debra Troxel, Compliance Update

Ms. Troxel reported the following are in compliance with their Stipulations and Orders:

- **Dr. Edmund Chein**
- **Dr. Lynn Greenhouse**
- **Dr. John H. Schneider**  
**Ms. Taxin requested the Board to clarify the date of the Wyoming hearing and to remind Dr. Schneider to notify the Division of all address or telephone changes.**
- **Dr. Daniel J. Albertson**
- **Dr. David M. Anderson**
- **Dr. John R. Corkery**  
Ms. Troxel requested the Board to inquire about Dr. Corkery's status with the DEA as the Division has issued the CS license to him.
- **Dr. Arif Chowdhury**  
**Ms. Taxin stated Dr. Chowdhury has requested early termination of his probation and his supervisor, Dr. Sadiq, has supported early termination.**

- **Dr. Donald N. Harline**  
Ms. Taxin requested the Board to clarify the frequency of supervision as it appears they are meeting 30 to 45 minutes quarterly and there is no Board vote to decrease from meeting every two weeks. She stated his supervisor may make the recommendation for the Board to discuss at the next meeting. She also requested they clarify that the supervisor comes to Dr. Harline's office for some of the supervision.
- **Dr. Ludmil Manov**  
Ms. Troxel stated he has requested early termination of his probation.  
Ms. Taxin stated Dr. Manov's supervisor, Dr. Currier, notified her that he will no longer be working at the same facility with Dr. Manov but could still supervise.
- **Dr. James Pickens**  
Ms. Troxel reported Dr. Pickens has informed her that he is going to the supreme court to appeal Florida his case.
- **Dr. Michael S. Roundy**
- **Dr. Robert I. Simpson**
- **Dr. Donald L. Yakel**  
Ms. Taxin explained the Utah Order refers to the Illinois Order. She read the facts and requirements of the Order. She requested the Board to ask Dr. Yakel why California revoked his license. She stated if Dr. Yakel comes to Utah to practice then his requirements will change.
- Ms. Taxin stated **Dr. Mark H. Keep** will be meeting to discuss the possibility of obtaining licensure again in Utah. She stated she believes there are some steps he will need to take prior to reapplying for licensure but he wanted to meet to get an idea of what he will need to do. She stated Dr. Keep would like to volunteer for a military connected medical program and needs the license to practice.  
Ms. Troxel stated **Dr. Keep has been drug and alcohol testing with the Division vendor since January 2013 and all tests have been negative.**

**10:15 am**

Dr. Edmund Chein, Telephonic Probationary Interview

Mr. Hale conducted the interview.

Dr. Chein reported all California probation requirements are satisfied and he has a petition in to the California judge for a reversal of the vandal charge.

**Following discussion with Dr. Chein the Board determined Dr. Chein is in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Chein to meet again July 10, 2013, if all paperwork is submitted on time or meet May 1, 2013, if the paperwork has not been received.**

**10:25 am**

Dr. Lynn Greenhouse, Telephonic Probationary Interview

Dr. Ries conducted the interview.

**Dr. Ries asked if Dr. Greenhouse has heard from the DEA and if there have been any additional issues with Nevada since she last met.**

Dr. Greenhouse reported she completed the required CE and the Nevada Board now needs to submit a report to the DEA. She stated her legal counsel has talked with the Nevada Board regarding early termination of probation but has not yet heard if it has been approved.

**The Board determined Dr. Greenhouse is in compliance with her Stipulation and Order.**

**An appointment was made for Dr. Greenhouse to meet again May 1, 2013.**

**10:35 am**

Dr. John H. Schneider, Telephonic Probationary Interview

Dr. Ries conducted the interview.

Dr. Schneider stated a hearing was scheduled in Wyoming for April but it has been continued to September with final arguments in January 2014 and the final decision about April 2014. He stated he will be closing his clinical practice at the end of April 2013 and will no longer have an active medical practice as it

appears there is no end in sight for the Wyoming probation and action. He stated if Utah could terminate his probation he could look at working in Utah. He stated he has submitted his address change.

**Ms. Taxin reminded Dr. Schneider that he must be practicing and monitored by the Board for his Utah probation to count. She suggested Dr. Schneider think about suspending or surrendering his Utah license until he decides to have an active practice. She stated if Wyoming lifts the restriction then Utah could consider terminating his probation if there are no additional actions pending.**

**Following additional discussion the Board determined Dr. Schneider is in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Schneider to meet again July 10, 2013.**

**10:45 am**

Dr. Daniel J. Albertson, Probationary  
Interview

Dr. Howell conducted the interview.

Dr. Albertson reported he was offered a position at the University of Utah and will become a full time instructor July 1, 2013, with credentialing at the hospital. He stated this will allow him to complete his fellowship in Utah. He reported he is maintaining his sobriety and talks with his sponsor in Nebraska, attends meetings, is active in the AA program and at the Backstreet Club in Bountiful. He stated his five year probation in Nebraska is scheduled to terminate in October.

**Following additional discussion the Board determined Dr. Albertson is in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Albertson to meet again May 1, 2013.**

**10:55 am**

Dr. David M. Anderson, Probationary  
Interview

Dr. Byrd conducted the interview.

Dr. Anderson reported he celebrated his two year sobriety birthday, his stress level is low and his practice is doing well with all narcotics being locked in a safe that his office manager and his partner have keys for. He stated he sees 20 to 30 patients. He stated he is still seeing Dr. Flint, attending PIR, aftercare and attending one to two AA meetings a week. Dr. Anderson stated he will not be applying for the DEA until after April as that will be his two year mark and others have said he should wait at least two years. He stated after he gets his DEA registration he will continue to have his partner administer the narcotics and, if necessary, hire a nurse so he does not have to handle narcotics at all.

**Dr. Bennion asked if Dr. Anderson is still meeting with the Dental Board.**

Dr. Anderson responded yes.

**Dr. Schaecher recommended Dr. Anderson meet again July 10, 2013, as he has been meeting every other month with the Physicians Board for a year and has been in compliance. He also recommended the supervision in person be changed to every two weeks as they have met for about a year.**

**The Board concurred.**

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

**An appointment was made for Dr. Anderson to meet again July 10, 2013.**

**11:05 am**

Dr. John R. Corkery, Probationary Interview

Dr. Byrd conducted the interview.

Dr. Corkery reported yesterday the DEA informed him that they are reviewing his application and his DEA registration may possibly be issued by the end of April. He stated someone else is currently assessing and writing the controlled substance prescriptions for his patients. He stated he is still attending the outdoor events but no longer takes any medications with him to dispense to injured people. He stated he also no

longer has any business dealings with the Henry Scheine company. Dr. Corkery voiced appreciation for everything the probation and the Board have done for him.

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

**An appointment was made for Dr. Corkery to meet again May 1, 2013.**

**11:20 am**

Dr. Arif A. Chowdhury and Mr. Marshall,  
Probationary Interview

Dr. Schaecher conducted the interview.

Dr. Chowdhury reported doing well, having learned to be more open with patients, explaining procedures and the reasons for ordering or conducting specific examinations thoroughly and taking time to listen to patients and to answer their questions and then taking time to explain reports. He stated the lumbar punctures have gone better as he explains the process prior to conducting the procedure. He stated anything going out of his office now is reviewed by him to be sure it is correct and is then signed by him. He thanked the Board and Division for helping him to be a better practitioner. He asked if the Board had reviewed his letter requesting early termination of his probation.

**Dr. Schaecher responded yes.**

**Following additional discussion, Dr. Schaecher made a motion to monitor until the July 10, 2013, meeting and then discuss early termination of probation as Dr. Chowdhury has only been on probation 13 months of his two year probation.**

**Mr. Hale seconded the motion.**

**Dr. Schaecher, Mr. Hale and Dr. Byrd voted in favor of the motion.**

**Dr. Cook, Dr. Bennion and Dr. Ries voted against the motion.**

**Dr. Howell broke the tie by voting against the**

**motion.**

**Following more discussion, Dr. Cook made a motion to terminate Dr. Chowdhury's probation today as all requirements have been met except the timeframe.**

**Dr. Ries seconded the motion.**

**Dr. Cook, Dr. Bennion and Dr. Ries voted in favor of the motion.**

**Dr. Schaecher, Mr. Hale and Dr. Byrd vote against the motion.**

**Dr. Howell broke the tie by voting in favor of the motion.**

**The motion carried with a majority vote.**

**Ms. Taxin then explained the process of terminating probation to Dr. Chowdhury and stated he should expect a new license in about two weeks. She then cautioned him to continue to practice appropriately as probation might not be an option again.**

**11:35 am**

Dr. Donald N. Harline, Probationary Interview

Dr. Byrd conducted the interview.

**Dr. Byrd asked how frequently Dr. Harline and Dr. Oakey meet for supervision as he was to meet weekly and then the Board discussed moving the frequency to every two weeks and now the reports indicate they are meeting quarterly. He stated the Board did not vote for quarterly supervision.**

Dr. Harline responded the Board talked about moving the frequency to quarterly so they are meeting quarterly.

**Ms. Taxin recommended Dr. Oakey go to Dr. Harline's office and do a random file review, review the office, talk with the staff and then write the information in his next report.**

Dr. Harline stated his Order required him to have a chaperone for two years and it is now over two years. He stated he has a chaperone for all female patients, makes a list of their names and faxes it to Ms. Troxel. Dr. Harline stated he always is sure his female patients are chaperoned but the log is onerous and he would like to discontinue that part.

**Ms. Taxin responded Dr. Harline will need to submit a proposal to the Board to amend the requirement of the chaperone. She stated Dr. Oakey could check patient charts to verify a chaperone was present instead of continuing the log.**

**Dr. Schaecher commented the Board would be willing to consider an alternative but he is not in favor of doing away with the chaperone. He requested Dr. Harline to meet with Dr. Oakey at least every two months rather than quarterly so the Board is able to have updated reports at each meeting**

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

**An appointment was made for Dr. Harline to meet again May 1, 2013.**

**11:50 am**

Dr. Ludmil Manov, Probationary Interview

Mr. Hale conducted the interview.

**Mr. Hale informed Dr. Manov of the positive reports that were submitted.**

Dr. Manov voiced learning from Dr. Currier's experience such as being more defensive and not create situations, make contact with patients and staff with a hand shake only and avoid conditions that may potentially create problems. He stated he tries to be on the safer side now and not go beyond the guidelines. Dr. Manov stated he is seeing about 15 to 17 patients a day and only PEHP has dropped him from their insurance panel to date.

**Mr. Hale read Dr. Manov's letter requesting early**

**termination of probation.**

**Following discussion regarding early termination and Dr. Manov only being on probation ten months of a two year probation, it was determined to consider the request at the May 1, 2013, meeting. The Board requested Dr. Currier be invited to also meet at that time for Dr. Manov's appointment or send a letter if he is unable to attend.**

**The board determined Dr. Manov is in compliance with his Stipulation and Order.**

**An appointment was made for Dr. Manov and Dr. Currier to meet May 1, 2013.**

**12:10 pm to 1:00 pm**

**Working Lunch**

**1:00 pm**

Dr. James Pickens, Probationary Interview

Dr. Ries conducted the interview.

Dr. Pickens stated he has appealed to the Judge regarding his legal issues but the Judge has said it is out of his jurisdiction. He stated the courts are considering home confinement. He stated he expects to hear from the courts in the next few months and they will also notify him if he will have home confinement which would allow him to still work. Dr. Pickens stated he is still doing weight loss and has about 15 patients a week and Dr. Youngblood meets with him almost every day. He stated Dr. Youngblood reviews all his charts.

**Dr. Ries asked Dr. Pickens what he is getting out of probation.**

Dr. Pickens responded he is now more vigilant. He stated he also will no longer prescribe to a patient if he has not seen the patient recently and he makes sure he gets the information in the charts.

**Following additional discussion, the Board determined Dr. Pickens is in compliance with his Stipulation and Order with a reminder to continue to submit the reports quarterly.**

**An appointment was made for Dr. Pickens to meet again July 10, 2013, unless he is out of compliance and then he should meet May 1, 2013.**

**1:15 pm**

Dr. Michael S. Roundy, Probationary Interview

Dr. Schaecher conducted the interview.

Dr. Roundy informed the Board that he is no longer on probation with IHC. He stated he is still at McKay Dee and Lakeview and the pace is a little less at Lakeview. He voiced enjoying working with geriatric patients on the general psychiatry floor. He stated on two occasions patients have Googled his name and reviewed his Order. Dr. Roundy stated he was able to address the patient's questions with one person but the other refused to see him.

**Following additional discussion, Ms. Taxin reminded the Board that Dr. Roundy's probation is scheduled to be completed in September and she requested he submit his reports on April 15, 2013, June 15 and August 15, 2013. Dr. Roundy was requested to think about what he has learned in the probationary process, what he has changed and what he will change to be a better practitioner and be prepared for discussion at the May meeting.**

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

**An appointment was made for Dr. Roundy to meet again May 1, 2013.**

**1:30 pm**

Dr. Robert I. Simpson, Probationary Interview

Dr. Howell conducted the interview.

Dr. Simpson reported the charges in New Jersey were dismissed and he is in the process of having the courts expunge the record. He stated he weathered the huge snow storm to attend the PRIME course and things are coming back together professionally for him. Dr. Simpson stated he also learned a lot at the PACE course. He stated he has now started to work with some other people on their recovery program by working the steps and he plans to go to the IDAA program this summer. He stated he finds AA useful

and is starting a program at the 4<sup>th</sup> Street Clinic but did not find the PIR as focused. Dr. Simpson stated the 4<sup>th</sup> Street Clinic wants him to obtain his controlled substance (CS) license and the DEA registration so they will be able to bill Medicaid/Medicare for his services.

**Following additional discussion, Dr. Howell asked Dr. Simpson to be prepared with a plan regarding how he will do things different in the future and to include a plan of supervision if he was to prescribe.**

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

**An appointment was made for Dr. Simpson to meet again May 1, 2013.**

**1:45 pm**

Dr. Donald L. Yakel, Initial Telephonic Probationary Interview

The Board called Dr. Yakel and got his voice mail. A message was left that the Board would call back in about 10 minutes. Another call was placed and the voice mail came on again. Another message was left. Due to the schedule the Board was unable to call again. An appointment will be made for Dr. Yakel to meet with the Board May 1, 2013, in person.

**2:30 pm**

Dr. Mark H. Keep, Board Interview

Dr. Keep met for his interview with the Board.

**Dr. Schaecher disclosed knowing Dr. Keep and asked if Dr. Keep would be comfortable with him conducting the interview and being here.**

Dr. Keep voiced comfort with Dr. Schaecher being part of the decision making and conducting the interview today.

Dr. Keep briefly explained his situation and stated he was meeting to request the Board to consider issuing him a license in order for him to take advantage of a humanitarian employment opportunity with the Navy. He then explained his situation and the reasons for the surrender of his license.

**1:56 pm close meeting**

**Dr. Bennion made a motion to close the meeting to discuss the character, professional competence or physical or mental health of Dr. Keep.**

**Mr. Hale seconded the motion.**

**The Board vote was unanimous.**

**2:34 pm reopen meeting**

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

**Dr. Bennion seconded the motion.**

**The Board vote was unanimous.**

**Dr. Schaecher asked what Dr. Keep has done since he surrendered his license in September 2011, to work through his issues.**

Dr. Keep responded he went to Cirque Lodge, has been to Pine Grove twice. He stated he has very compassionate friends, belongs to a grief group and is involved in the LDS church programs and still does some teaching in Arizona. He stated his therapist and the VA have also helped him. He stated he has also found some counselors who work with trauma and would like to meet with them. He stated he has kept up on the CE requirement. Dr. Keep stated if he had his license he also has an opportunity to work with a friend who does ultrasounds in Utah out of a traveling van.

**Following additional discussion, Dr. Howell read a proposed recommendation from the evaluation for Dr. Keep to follow and voiced concern that he should resolve some of his issues in therapy prior to the Board considering an application for licensure. She agreed to submit some names for Dr. Keep to contact.**

**Dr. Schaecher also voiced concern if Dr. Keep would be a risk to the public and the Board should not feel pressured into issuing a license.**

**Board members inquired what employment Dr.**

**Keep has had.**

Dr. Keep responded he has been able to live off the insurance settlement from his daughter's death without employment.

**The Board recommended the following:**

- 1. Start working on the recommendations from Pine Grove;**
- 2. Be in intensive therapy where he meets at least weekly with a therapist with reports being submitted monthly which include recommendations;**
- 3. Continue consistent 12 step meetings each week;**
- 4. Be on consistent drug testing;**
- 5. Contact Ms. Troxel regarding where he is residing; and**
- 6. Meet again July 10, 2013, for further discussion regarding the possibility of licensure**

**Ms. Taxin stated this will give Dr. Keep three month of reports for the Board to review to assist with considering relicensing Dr. Keep.**

**An appointment was made for Dr. Keep to meet with the Board again July 10, 2013.**

**DISCUSSION ITEMS:**

Legislative Update

Ms Taxin reviewed the following legislative Bills with the Board:

HB 48, HB 51, HB 120, HB 135, HB 375, SB 77, SB 78, SB 203, SB 214 and SB 270.

She informed the Board that the mandated 4 hours of Opioid training has been postponed until after 2014, but one half hour may be counted for taking the Prescribing tutorial and examination online. She stated Board members may go to the Legislative website for complete information on the Bills that passed.

Discuss Discipline for Certain Violations

Ms. Taxin informed the Board that there is now fine authority for specific violations that might not be

appropriate for probation. She voiced concern regarding violations with dating a patient or co-worker and asked for Board recommendations.

**Following discussion, the Board recommended fines be issued when the violation is not egregious, the doctor has not treated the patient for a long period of time and the patient is being treated by another practitioner or patients have not been harmed but dating staff or patients is not recommended.**

Dr. Schaecher voiced knowing there is an AMA ethics committee and maybe they should be contacted.

**Ms. Taxin requested Dr. Scheacher to contact the AMA ethics committee and report back at the May 1, 2013, meeting.**

Volunteer for the Controlled Substance Committee

Ms. Taxin explained the controlled substance committee reviews proposed controlled substances (CS) and makes recommendations to the Legislature to be included in the CS list. She stated they schedule meetings when necessary from 4:00 pm to about 5:30 pm through the year.

**Dr. Ries and Dr. Howell stated they have been serving on the committee.**

**Dr. Ries explained the committee looks at different bath salts, analogs, spice, etc. She stated adding Tramadol was the biggest topic recently and then information came out for Tramadol to be included as a CS. She stated the next meeting will be at the end of April.**

**Dr. Schaecher volunteered for the committee.**

Ms. Taxin stated she will submit his name.

Newspaper Article Regarding Probationers

Ms. Taxin reviewed the Salt Lake Tribune article and provided a copy of the article for the Board.

Electronic Prescribing

Ms. Taxin updated the Board on the newly passed Law and Rule.

DOPL Renovation

Ms. Taxin informed the Board of the planned renovation for the Division in June and July. She stated some meetings may need to be cancelled and Board members will be notified if that is the case.

FYI

Ms. Taxin informed the Board of Dr. William J. Walsh surrendering his Utah licenses. She read the facts of the case and the requirements if Dr. Walsh wants to reapply for licensure in Utah.

FYI

Ms. Taxin informed the Board of Dr. Carl F. Wurster surrendering his Utah licenses and requirements if he wants to reapply.

FYI

Ms. Taxin updated the Board regarding Dr. Weitzel. She stated the Board discussed amending his Order and Karl Perry, AAG, is still working on those changes. She stated Dr. Weitzel mentioned considering moving and working back in Texas.

FYI

Ms. Taxin updated the Board regarding the UMA developing a program of training for the required 4 hours of CE in appropriate Opioid prescribing and the requirement will not go into effect until after 2014.

2012 Board Meeting Schedule

The Board noted the following dates for the 2013 Board meeting schedule: May 1, July 10, September 11 and November 13, 2013.

**CORRESPONDENCE:**

Review Letter from Dr. Paul Stenberg, Jr., AAO, and Dr. David B. Petersen, UOS, regarding Safety and Integrity of Compounded Medications While Preserving Access to Drugs

The Board reviewed the letter with no action taken.

FDA – Required REMS Program for Serious Drug Risks Information

The Board reviewed the information and determined the Federal guidelines conflict with Utah Law and the form should not be given to patients unless it is revised to reflect Utah requirements, ie; responsible disposal of medications.

FSMB Notification Discontinuing States Sponsoring of USMLE Step 3

Ms. Taxin informed the Board that FSMB will now be sponsoring Step 3 of the USMLE and the scores will move from a two digit score to a three digit score. She stated she will review the Rules to be sure they do not

have to be amended.

FSMB Resolution, Voting and Annual Meeting Information

The Board acknowledged Ms. Taxin, Dr. Ries, MD, and Dr. Ramsey, DO, will be attending the annual conference. The Board recommended the three of them meet to review the resolutions and vote accordingly.

FSMB 2013, The Medical Workforce, Annual Meeting Information

The information was reviewed with no Board action taken.

**NEXT MEETING SCHEDULED FOR:**

May 1, 2013

**ADJOURN:**

The time is 3:55 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.*

May 1, 2013  
Date Approved

(ss) Elizabeth Howell  
Chairperson, Utah Physician's Licensing Board

April 3, 2013  
Date Approved

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