

**Awaiting Formal Approval  
MINUTES**

**UTAH  
PODIATRIC PHYSICIAN  
BOARD MEETING**

**April 10, 2013**

**Room 464 – 4<sup>th</sup> Floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 8:34 A.M.

**ADJOURNED:** 12:05 P.M.

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

Noël Taxin  
Karen McCall  
Debra Troxel

**Board Members Present:**

Francis J. Clark, DPM, Chairperson  
Gary R. Ridge, DPM  
Thomas G. Rogers, DPM  
Bryan Jackman  
Douglas C. Flegal, DPM

**Guests:**

Candace Daly, Association Executive  
Shirley Arnett, Mother-in-Law of Dr. Gulso

**DOPL Staff Present:**

Karl Perry, Assistant Attorney General  
Brittany Butsch, Investigator

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the October 25, 2012 Board meeting were read.

Dr. Rogers made a motion to approve the minutes with minor revisions. Dr. Flegal seconded the motion. **The Board vote was unanimous.**

**APPOINTMENTS:**

**8:45 am**

Debra Troxel, Compliance Update

Ms. Troxel reported the following probationer is out of compliance with his Stipulation and Order:

- Dr. Kelly A. Gomez

She stated no supervisor report has been submitted since December, 2012. However, a report for January, February and March was received this morning.

**Ms. Taxin stated she contacted Dr. Nelson regarding his supervision of Dr. Gomez. She stated Dr. Nelson reported he met once in person with Dr. Gomez but had since not met at Dr. Gomez's office just spoke with him on the telephone. Ms. Taxin stated she explained he needs to meet weekly at Dr. Gomez's office, review charts randomly, he should speak with the staff and discuss with Dr. Gomez the issues that brought him to be on probation. She stated Dr. Nelson will be invited to meet at the July 17, 2013, Board meeting.**

She requested the Board to ask about the telephonic supervision arrangement as it is in the Order that Dr. Gomez must meet in person with the supervisor.

**Ms. Taxin reminded the Board that at the last meeting Dr. Gomez wanted to go to a therapist but the therapist could not conduct the polygraph test and the Board did not come back to that topic for a decision. She stated Dr. Gomez completed the polygraph test this week and the results will be discussed at the next meeting. She stated the Division does not have information at this time that would indicate substance use is an issue. Therefore, Ms. Taxin recommended the drug monitoring not be enforced at this time.**

**Ms. Taxin informed the Board that the office manager is no longer working with Dr. Gomez and they will need to ask about who his staff is, how he is working on his issues, who the chaperone is and remind him to get the paperwork submitted on time. She requested the Board to review the logs to be sure the medications are appropriate for a Podiatrist to prescribe and ask if any of the CSD list of patients are family, friends or office staff and ask what medical problems he is prescribing for. She stated the board could also request Dr. Gomez**

**bring some charts for the Board to review to be sure he is conducting a full assessment, charting and prescribing appropriately.**

**The Board noted it appears Dr. Gomez is prescribing for pain management.**

Ms. Troxel reported the following probationer is currently in compliance with his Stipulation and Order as much as possible for his initial appointment:

- Dr. Gregory J. Gulso

Ms. Troxel distributed Dr. Gulso's practice plan for review and stated Dr. Gary Green was temporarily pre-approved to supervise until the Board could review his resume and formally approve him.

**Ms. Taxin stated she spoke with Dr. Green and he understands he needs to meet at Dr. Gulso's office weekly and submit monthly reports. She suggested the Board clarify Dr. Gulso understands the conditions of his Order and review those he may not understand.**

**9:00 am**

Dr. Kelly A. Gomez, Probationary Interview

Dr. Clark conducted the interview.

Dr. Gomez reported he attended the PACE course in San Diego, California and it was one of the better courses he has attended. He stated they reviewed and discussed the ethics of what pain medication control is and how to assess patient functionality rather than pain function. He stated he and his staff now inquire how patients are functioning today as well as at work, events, etc. He stated he has referred some pain patients to Dr. Oakey but for others he discusses safer ways of treating including alternative methods instead of using medications.

**Board members asked if Dr. Gomez has pain/medication contracts with those patients he prescribes to for their pain.**

Dr. Gomez said he does not have one. Dr. Gomez reported he was on the list to take the New Jersey

PRIME course but has not heard from them since Hurricane Sandy.

**Ms. Taxin stated Dr. Gomez should contact the PRIME program again and be sure he is registered.**

**The Board recommended Dr. Gomez go to the PICA website as there is a complete pain medication contract on that site. They requested Dr. Gomez to review the Controlled Substance Database (CSD) and explain the high doses of medications prescribed and to explain the Testosterone prescription.**

Dr. Gomez reviewed the list and explained the medications are for ankle pain, arthritis, broken ankles, etc. He stated the Testosterone person is not his patient and he has never prescribed it for anyone. He stated he has had problems getting into the CSD so does not check it.

**The Board requested a CSD printout for the July 17, 2013 meeting to review how frequently Dr. Gomez checks it.**

**Dr. Clark stated each patient Dr. Gomez is treating for pain should on a drug contract as it is a protection for malpractice and for the safety of Dr. Gomez and the patients.**

**Ms. Taxin suggested Dr. Gomez review the packet given him at the PACE course as there should be recommended pain contracts in that packet.**

**Dr. Clark requested Dr. Gomez to explain the change in his office staff and who his chaperone is now.**

Dr. Gomez responded his office manager resigned and now Christie chaperones but if she is busy with other duties then his receptionist, Amber, who is Christie's step sister, chaperones. He stated they sign the chart when they chaperone.

**Ms. Taxin asked if Dr. Gomez does Podiatry**

**services on staff, family or friends. She stated she believes he should refer staff to other practitioners as the relationship should be employee and employer. She stated Dr. Gomez should establish boundaries and expectations on the employee relationship.**

Dr. Gomez responded he has not done any services officially for his employees.

**Dr. Clark asked why Dr. Gomez writes such high numbers of tablets for narcotics for a couple of patients.**

Dr. Gomez responded sometimes it is less expensive for the patient to purchase larger numbers. He stated he has been trying to reduce the numbers and requesting those patients to increase the number of office visits but a few patients receive these narcotics for chronic leg/foot pain.

**Dr. Clark reminded Dr. Gomez that managing chronic pain is not part of the practice of Podiatry and those patients should be referred to Dr. Oakey or another pain management specialist.**

**Dr. Ridge commented there are usually multiple medical problems when there is chronic pain and those patients should be referred out.**

**Dr. Clark asked how the supervision was arranged and what the supervision plan is.**

Dr. Gomez responded he makes copies of charts and takes them bimonthly on Fridays to Dr. Nelson to review. He stated Dr. Nelson calls him randomly and has dropped by a copy of times.

**Ms. Taxin stated she has contacted Dr. Nelson and reviewed the supervision requirements with him as the Order requires him to meet weekly. She stated he should review 20% of the charts that he has chosen at random then have discussion time regarding boundaries in the office, prescriptions, etc. Ms. Taxin stated the CSD report should be reviewed by Dr. Nelson and discussed with Dr.**

**Gomez and Dr. Nelson should give feedback on their appointments on his report so the Board does not have questions. She stated Dr. Nelson should have been informed about his office manager issues. She stated if Dr. Gomez may have to pay Dr. Nelson for his time as it takes a lot of time to supervise and review correctly.**

Dr Gomez responded he did speak with Dr. Nelson about the office manager.

**Dr. Clark made the following list for Dr. Gomez for his next appointment:**

- 1. Bring the charts of the two patients discussed today;**
- 2. Research the Testosterone prescription and report back to the Board;**
- 3. Write policies for patient care for prescribing and bring a copy;**
- 4. Bring a copy of his patient prescribing contract;**
- 5. Write office procedure and expectation policies for employees and bring signed copies; and**
- 6. Provide a copy of the DOPL CSD to Dr. Nelson to review and have him report in the supervisor's report.**

**Dr. Ridge asked if Dr. Gomez is in compliance with all other conditions of his Order.**

Dr. Gomez responded yes.

**Ms. Taxin recommended he read his Order to be sure he is meeting those conditions.**

Dr. Gomez asked if it is appropriate for him to contact Dr. Rogers to discuss his frustrations.

**Ms. Taxin responded if he has professional questions but if the relationship is too personal then Dr. Rogers may need to recuse himself when Dr. Gomez meets with the Board as it could be a conflict of interest.**

**The Board determined Dr. Gomez is out of compliance with his Order as supervision reports were not submitted as required.**

**An appointment was made for Dr. Gomez to meet again July 17, 2013.**

**9:20 am**

Dr. Gregory J. Gulso, Initial Probationary Interview

Board members, Division staff and Mrs. Arnett, Mother-in-Law to Dr. Gulso, were introduced.

Dr. Flegal conducted the interview.

**Dr. Flegal requested Dr. Gulso to briefly explain why he is here today and how he has changed his practice.**

Dr. Gulso responded he over prescribed narcotic medications to some patients. He stated he now is more thorough in his examinations and tries to work out a treatment plan for his patients. He stated he also limits his prescribing narcotic medications for surgery. Dr. Gulso distributed a copy of the controlled substance policy and contract for the Board to review. He stated the policy and contract are now part of the patient packet so they are aware and the contract must be signed. He stated he no longer calls in prescriptions and does not allow his staff to call them in. Dr. Gulso reported in February 2012, he attended the PACE course on prescribing and medical record keeping. He stated he also now coordinates his care with the Primary Care Practitioner especially if the patient is on pain medications so only one practitioner is writing the prescriptions. Dr. Gulso stated he also checks the DOPL CSD on first time patients or if he is doing surgery.

**Dr. Flegal asked what relationship Dr. Gulso has with the proposed supervisor, Dr. Green.**

Dr. Gulso responded he has no personal relationship with Dr. Green that it is professional. He stated he will start meeting formally with Dr. Green next week.

**Ms. Taxin explained she spoke with Dr. Green and he was of the understanding that they were to meet**

**after Dr. Gulso met today and received formal approval. She stated he needs to start meeting weekly at his office.**

Dr. Gulso responded he will contact Dr. Green. He asked what is required regarding the triplicate prescriptions if his nurse calls from the hospital to ask about prescribing medications. He stated this occurs infrequently.

**Dr. Clark responded he should not worry about the hospital prescriptions as those are infrequent and documented in the hospital patient chart, but he will be required to submit sequentially numbered triplicate prescriptions when prescribing from his office.**

**Following additional discussion it was determined Dr. Gulso is in compliance with his Stipulation and Order, that he has taken responsibility for his actions and has tried to make corrections.**

**Dr. Flegal stated the Board is here to assist Dr. Gulso in his probation as they want him to be successful.**

Dr. Gulso thanked the Board.

**An appointment was made for Dr. Gulso to meet again July 17, 2013.**

#### **DISCUSSION ITEMS:**

Legislative Update

Ms. Taxin briefly reviewed the following Legislative Bills:

HB 48  
HB 51  
HB 120  
HB 135  
HB 375  
SB 77  
SB 214  
SB 270

**Ms. Daly explained a Bill went before the**

**Legislature in 2003 regarding the use of Podiatric Assistants but did not pass.**

**Dr. Ridge asked if a medical assistant, MA, is allowed to do nail care.**

Ms. Taxin stated the Podiatry Law does not specifically address MA's although the practice has been to use them. She stated the MA must be under the supervision of the Podiatrist, have knowledge and training.

**Ms. Daly suggested they also check their malpractice insurance to be sure there is nothing prohibiting the use of a MA. She stated she will continue to monitor the Legislation and report to Ms. Taxin if something comes up regarding Podiatry MA's. She stated she will also contact the UMA regarding including Physician Assistants.**

Ms. Taxin recommended Ms. Daly also contact Bob Bunnell of the Utah Physician Assistant Association.

She stated when the required 4 hours of CE on prescription drugs goes into effect and is available she believes an email or letter will be sent out. She stated ½ hour will count for the Division Prescribing tutorial and examination.

Ms. Taxin stated Tramadol was added to the controlled substance list.

**The Board thanked Ms. Taxin for the information.**

Ms. Taxin informed the Board of the electronic prescribing bill that passed last year and stated the Division put through Rules that address the issues. She reminded the Board that they must give their patients a choice of an electronic prescription or a hand written prescription. She stated the packet has a website Dr. Ramsey, DO, provided regarding free programs to be compliant with this requirement.

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

Review Board Survey Regarding Online  
Disciplinary Documents and Make a  
Recommendation

Following a review of the letter and information, Dr. Flegal made a motion to recommend number 1: "We believe disciplinary documents posted on DOPL's website should only be found through a search someone performs within DOPL's website. General internet searches shouldn't be allowed to display or embed disciplinary documents as a search result."

Dr. Ridge seconded the motion.

**The Board vote was unanimous.**

Podiatrists Desiring Endorsement

Ms. Taxin explained she received an inquiry regarding licensure in Utah from a licensed Podiatrist who has practiced many years in good standing in another State but has not completed the required 12 month residency and PM Lexis. Ms. Taxin read the Podiatric Physician Practice Act licensure requirements, 58-5a-302, and the endorsement requirements, 58-5a-305. She asked if the Board is of the opinion that some who has been licensed in good standing for many years should be considered for licensing.

**Mr. Perry then read the DOPL umbrella act for endorsement, 58-1-302, which states if the requirements were substantially equal to those of this state at the time of licensure, they would meet the endorsement requirements for licensure.**

**Following discussion, the Board determined if requirements for any applicant are substantially equal to those of Utah when they originally applied for licensure they would meet the requirements of endorsement and the application should be considered for approval but individually evaluated.**

FAQ's on Website

Ms. Taxin stated if there is something specific to Podiatry the Board may let her know and she will put it on the website.

**The Board reviewed the FAQ's information listed on the DOPL website with no requests for additional information.**

**Ms. Daly stated her phone number is listed on the DOPL Podiatry website and she refers callers to**

**the DOPL website and DOPL.**

2013 Board Meeting Schedule

The Board noted the following dates for the remainder 2013 Board meeting schedule: July 17 and October 2, 2013.

**CORRESPONDENCE:**

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.

**NEXT MEETING SCHEDULED FOR:**

July 17, 2013

**ADJOURN:**

The time is 12:05 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.*

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson, Utah Podiatric Physician Licensing Board

April 17, 2013  
Date Approved

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

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