

M I N U T E S  
Committee on Professional Discipline  
Friday, June 6, 2014

PARTICIPATING:

The Committee on Professional Discipline (Committee) meeting was called to order by Chairman Julia Bouchard, M.D., Boise, at 8:03 a.m. on Friday, June 6, 2014, at the Holiday Inn Express, Boise, Idaho. Present were Committee on Professional Discipline members; David A. McClusky, II, M.D., Twin Falls; Stephen Marano, M.D., Idaho Falls, and William Cone, M.D., Moscow and Frances Symms, Public Member, Boise. Staff attending were Nancy Kerr, Executive Director, Mary Leonard, Associate Director; Cathleen Morgan, Board Counsel; Connie Pyles, Quality Assurance Specialist; Cynthia Michalik, Quality Assurance Specialist; Janet Whelan, Quality Assurance Specialist; Darlene Parrott, Compliance Monitor and Jean Uranga, Attorney for the Board.

At 9:18 a.m. Board of Medicine (Board) members joined the meeting: Barry Bennett, M.D., Idaho Falls, Robert Ward, M.D., Twin Falls; Joseph Williams, M.D., Meridian; William Ganz, M.D., Coeur d'Alene; Kathleen Sutherland, M.D., Boise; John Brown, M.D., Moscow; Christopher Peine, DO, Eagle; Trudy Jackson, public member, Emmett, and Joyce McRoberts, public member, Meridian.

MINUTES:

The minutes of the Friday, March 7, 2014, meeting were approved as written. (Marano/Unanimous)

COMMITTEE ACTIONS/RECOMMENDATIONS:

Motion to go into Executive Session at 8:04 a.m. in accordance with Idaho Code §67-2345 (1)(d) to consider records exempt from public disclosure. (Motion Cone/Affirmed Bouchard, McClusky, Symms and Marano.)

In Executive Session, the Committee met with two Respondents each accompanied by attorneys, pursuant to scheduled appearances. Upon their departure, the Committee also considered the results of investigations and information presented in each discipline case.

At 11:08 a.m. the Committee acted to leave Executive Session and go into Open Session. (Marano/Unanimous)

In Open Session, the Committee voted on the matters considered during Executive Session and made recommendations to the Board of Medicine as follows:

Case No. BOM-2013-627 - The Committee acted to recommend a Stipulation and Order for an evaluation by The Center for

Personalized Education for Physicians (CPEP), with compliance with recommendations made, if any. (Marano/Unanimous)

Case No. BOM-2014-648 - The Committee acted to recommend maintaining the Stipulation and Order previously offered, and to institute formal proceedings if licensee fails to comply. (Cone/Unanimous, Marano recused.)

Case No. 7408 - The Committee acted to recommend closure with a Stipulation and Order for completion of a record keeping course and a restriction on outpatient pain management prescriptions. (Cone/Unanimous)

Case No. 7392 - The Committee acted to recommend requesting surrender of medical license; in the alternative an examination by a Disabled Physician Panel if licensee fails to comply. (Cone/Unanimous)

Case No. 7240 and 7359 - The Committee acted to recommend requesting surrender of medical license; in the alternative institution of formal proceedings if licensee fails to comply. (Marano/Unanimous)

Case No. BOM-2014-657 - The Committee acted to recommend closure with no revision to the action previously taken by the Board. (Cone/Unanimous)

Case No. 7426 - The Committee acted to recommend closure. (Cone/Unanimous)

Case No. BOM-2014-645 - The Committee acted to recommend denial of a request for reconsideration of a previously entered Board Order. (McClusky/Unanimous)

Case No. MON-222 - The Committee acted to recommend acceptance of alternate documentation of completion of a Board ordered ethics course. (Cone/Unanimous)

Case No. 7390 - The Committee acted to recommend further investigation with a consultant review of medical records. (Cone/Unanimous)

Case No. BOM-2013-640 - The Committee acted to recommend reoffering a Stipulation and Order to restrict practice to designated specialty only. (McClusky/Unanimous. Bennett recused)

Case No. 7418 - The Committee acted to recommend closure. (McClusky/Unanimous)

Case No. MON-186 - The Committee acted to recommend approval of a request for termination of a Stipulation and Order. (Cone/Unanimous)

Case No. 7453 - The Committee acted to recommend closure with a confidential Letter of Concern. (Cone/Unanimous)

Case No. 7429 - The Committee acted to recommend closure with a confidential Letter of Concern with staff follow-up. (Cone/Unanimous)

Case No. 7434 - The Committee acted to recommend closure. (Cone/Unanimous)

Case No. MON-127 - The Committee acted to recommend approval of a request for termination of a Stipulation and Order. (Cone/Unanimous)

Case No. 7486 - The Committee acted to recommend closure. (Marano/Unanimous)

Case No. BOM-2013-634 - The Committee acted to recommend closure with a confidential Letter of Reprimand. (Cone/Unanimous)

Case No. 7428 - The Committee acted to recommend a Stipulation and Order for a pain management course with a follow up medical record review. (Cone/Unanimous)

Case No. 7404 - The Committee acted to recommend a public Letter of Reprimand. (Cone/Unanimous)

Case No. BOM-2012-590 - The Committee acted to recommend requesting surrender of medical license; in the alternative institution of formal proceedings if licensee fails to comply. (Cone/Unanimous)

Case No. 7469 - The Committee acted to recommend further investigation and subpoena of medical records. (Cone/Unanimous)

Case No. 7239 - The Committee acted to recommend a Stipulation and Order for a pain management course and a limitation on prescriptions. (Cone/Unanimous)

Case No. 7443 - The Committee acted to recommend a confidential Letter of Concern. (Cone/Unanimous)

In contested Case No. BOM-2013-621 (2013-BOM-7137) - The Committee acted to recommend revocation of license. (Cone/Unanimous)

The Committee acted to recommend that the following cases be closed by consent motion: 7415, 7416, 7420, 7421, 7422, 7423, 7424, 7425, 7431, 7432, 7433, 7436, 7440, 7447, 7448, 7449, 7454, 7455, 7457, 7460, 7461, 7463, 7466, 7468 and 7477. (Cone/Unanimous)

The Committee reviewed compliance with the Patient Freedom of Information Act and recommended institution of the fine as required by Idaho Code §54-4603 (6) (a). (Cone/Unanimous)

The Committee reviewed follow-up information presented in Case Nos. BOM-2008-163, BOM-2014-654, MON-133, BOM-2014-646, 6575, BOM-2014-655, 7346, BOM-2014-652, MON-185, 7407, MON-93, MON-126, 7406, 6756, BOM-2014-644, MON-141 and BOM-2014-651.

The Committee reviewed the Stipulation and Order Compliance Report. No further action was recommended.

The Committee reviewed the reports of matters that were determined to be outside of the Board's jurisdiction. No further action was recommended.

**ADJOURNMENT:**

Committee Chairman Julia Bouchard, M.D., adjourned the meeting at 11:08 a.m. on Friday, June 6, 2014.