

M I N U T E S
Committee on Professional Discipline
Friday, March 4, 2016

PARTICIPATING:

The Committee on Professional Discipline (Committee) meeting was called to order by Chairman Laura McGeorge, M.D., Boise, at 8:03 a.m. on Friday, March 4, 2016, at the Holiday Inn Express, Boise, Idaho. Present were Committee on Professional Discipline members, William Cone, M.D., Moscow; Barry Bennett, M.D., Idaho Falls; and William Ganz, M.D., Coeur d'Alene. Public member Fran Symms arrived later. Staff attending were Anne Lawler, Executive Director; Mary Leonard, Associate Director; Connie Pyles, Quality Assurance Specialist; Frutoso Gonzalez, Quality Assurance Specialist; Amber Oatman, Quality Assurance Specialist; Darlene Parrott, Compliance Monitor; and Jean Uranga, Attorney for the Board.

At 10:13 a.m. Board of Medicine (Board) members joined the meeting: Robert Ward, M.D., Twin Falls; Kathleen Sutherland, M.D., Boise; Joseph Williams, M.D., Meridian; Erich Garland, M.D., Idaho Falls; Christopher Peine, D.O., Eagle; Steven Malek, M.D., Coeur d'Alene; Col. Ralph Powell, Meridian; Michelle Chadwick, public member, Emmett; and Erwin Sonnenberg, public member, Boise.

MINUTES:

The minutes of the Friday, December 4, 2015, meeting were approved as written.
(McGeorge/Unanimous)

COMMITTEE ACTIONS/RECOMMENDATIONS:

Motion to go into Executive Session at 8:03 a.m. in accordance with Idaho Code §74-206 (1)(d) to consider records exempt from public disclosure and §74-206 (1)(f) to communicate with legal counsel to discuss legal options for pending litigation. (Motion Bennett/Affirmed Ganz, Cone and McGeorge)

In Executive Session, the Committee acted to approve the Amended Agenda. (Cone/Unanimous)

The Committee met with three Respondents, two accompanied by attorneys, pursuant to scheduled appearances.

In addition, the Committee met via telephone conference with its advisory attorney to discuss responding to an offer of settlement in a case being appealed to the District Court. (Jean Uranga left the room.)

At 12:12 p.m. the Committee acted to leave Executive Session and go into Open Session.
(Bennett/Unanimous)

In Open Session, the Committee voted on the matters considered during Executive Session.
(Bennett/Unanimous) The recommendations made to the Board of Medicine were as follows:

Case No. BOM-2011-537 – The Committee acted to recommend that each party’s attorney propose language to amend a portion of the Board’s Final Order in possible settlement of the matter, but that the requirements of the Final Order will stand. (Bennett/Unanimous)

Case No. BOM-2014-723 - The Committee acted to recommend further review of records and voluntary completion of medical record keeping course. (Cone/Unanimous).

Case No. BOM-2015-748 - The Committee acted to recommend closure pending completion of one year of voluntary counseling and upon receipt of respondent’s and counselor’s letter to the Board reporting compliance. (Bennett/Unanimous) (McGeorge recused and left the room)

Case No. BOM-2015-733 - The Committee acted to recommend completion of an evaluation by the Center for Personalized Education for Physicians (CPEP) with follow up as indicated, or if respondent doesn’t comply, to initiate formal proceedings. (Bennett/Unanimous)

Case No. 7850 - The Committee acted to recommend closure. (Bennett/Unanimous)

Case No. 7847 - The Committee acted to recommend further investigation and review of medical records. (Cone/Unanimous)

Case No. 7819 - The Committee acted to recommend closure. (Cone/Unanimous)

Case No. 7835 - The Committee acted to recommend closure with a public reprimand and completion of a Board-approved boundaries course. (McGeorge/Unanimous)

Case No. 7836 - The Committee acted to recommend closure with a confidential Letter of Concern. (Bennett/Unanimous)

Case No. MON-156 - The Committee acted to recommend approval of a request for termination of a Stipulation and Order. (Cone/Unanimous)

Case No. 7834 - The Committee acted to recommend closure with a Stipulation and Order for completion of a boundaries course. (Cone/Unanimous)

Case No. MON-234 - The Committee acted to recommend denial of a request for modification of a Stipulation and Order. (Bennett/Unanimous)

Case No. BOM-2014-694 - The Committee acted to recommend closure with an amended Letter of Concern regarding supervision of physician assistants, and acknowledging completion of a pain management course in compliance with the Board’s prior recommendation. The previously imposed requirement to reimburse the Board’s costs and fees was removed. (Ganz/Unanimous)

Case No. BOM-2014-695 - The Committee acted to recommend closure with a confidential Letter of Concern. (Bennett/Unanimous)

Case No. 7822 - The Committee acted to recommend further investigation and record reviews. (Cone/Unanimous)

Case No. 7852 - The Committee acted to recommend a Stipulation and Order for completion of a substance abuse evaluation, with follow up as indicated. (Ganz/Unanimous)

Case No. 7842 - The Committee acted to recommend closure with a confidential Letter of Concern. (Bennett/Unanimous)

Case No. MON-146 - The Committee acted to recommend approval of a request for termination of a Stipulation and Order. (Bennett/Unanimous)

Case No. 7774 - The Committee acted to recommend closure with a confidential Letter of Concern. (Bennett/Unanimous)

Case No. 7765 - The Committee acted to recommend closure with a Stipulation and Order restricting practice and requiring completion of a pain management course, with a follow up record review. (Bennett/Unanimous)

Case No. 7820 - The Committee acted to recommend a CPEP evaluation with follow up as indicated, and practice restrictions until completed. (Bennett/Unanimous)

The Committee acted to recommend that the following cases be closed by consent motion: 7813, 7821, 7830, 7831, 7837, 7844, 7853, 7854, 7855, 7857, 7858, 7859, 7860, 7863, 7866, 7867, 7868, 7869, 7870 (Powell recused), 7875, and BOM-2015-702. (Bennett/Unanimous)

The Committee reviewed follow-up information presented in Case Nos. BOM-2015-705, MON-195, BOM-2015-753, BOM-2015-751, BOM-2015-747, MON-219, BOM-2015-750, MON-251, 7436, BOM-2015-725, BOM-2015-749, 7534, BOM-2003-343, BOM-2015-737 and BOM-2014-701.

The Committee reviewed three reports of non-compliance with the Patient Freedom of Information Act and recommended institution of the fine as required by Idaho Code §54-4603 (6) (a) in each case. (Bennett/Unanimous)

The Committee reviewed monitor reviews on Case Nos. MON-248 and MON-164, as well as the Stipulation and Order Compliance Report. This was for information only; no 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 Laura McGeorge, M.D., adjourned the meeting at 12:13 p.m. on Friday, March 4, 2016.