



IDAHO STATE BOARD OF MEDICINE

THE REPORT

VOLUME 2008 ISSUE 1 SPRING 2008

Confessions of a Big PhRMA Junkie By Leo S. Harf, M.D.

It all started innocently enough in Med School – a pharmaceutical rep gave me a pen. But then I went on to bigger stuff: like pizza, for the house staff. In residency, the dinner meetings started. By the time I was in practice, the endless parade of drug and device reps dropping off samples, pens, and notepads and bringing in lunch for my office was commonplace. Several years ago, I was asked to join a focus group of what was called “opinion makers.” I was flown to New York City, put up in a nice hotel and paid a \$2000 honorarium. The meeting was on new drugs for the treatment of Macular Degeneration. Towards the end, representatives of a public relations firm gave a lecture on public speaking. Later, I was asked to join the company’s speaker’s bureau. They would pay my expenses plus a \$1000 per talk. I felt honored and important; however, I also felt mildly concerned that I would be a hired gun. Ultimately, I decided not to do it—more out of a lack of time than scruples.

Next, came the clinical trials. For years I’ve been an investigator for various companies engaged in Phase Two clinical studies for prospective drugs. The FDA has ultimately approved some and disapproved others. Regardless, I’ve been paid to cover the practice costs of enrolling, treating and reporting on the patients in the studies. I participated for a variety of reasons. My patients could receive cutting edge treatment before these drugs became available. I received prestige at conferences and among my colleagues. Finally, I could participate again in an academic endeavor—a welcome diversion from day-to-day clinical care.

I was recently in Phoenix having breakfast with 3 physician friends: yes, a golf vacation. Looking through the newspaper, there was an article entitled “Citing Ethics, Some Doctors Are Rejecting Industry Pay”. (1) This prompted a discussion concerning the ethical conflicts inherent when physicians interact with manufacturers of pharmaceuticals and medical devices. The gist of the conversation was: if you always put the best interests of your patients first in those interactions, then you haven’t violated your Hippocratic Oath. Still, having recognized some of the actions mentioned in the article, I was concerned. The article referenced a book by Dr. Jerome Kassirer M.D., professor at Tufts School of Medicine and former editor of the *New England Journal of Medicine*. The title of the book is *On the Take: How Medicine’s Complicity with Big Business Can Endanger Your Health*. (2) Ouch! I read it and really started to sweat, many of the behaviors described my own. Throughout my career, I believed that I could not be influenced—let alone enter into unethical professional behavior because of a free lunch. However, Dr. Kassirer presents considerable and persuasive evidence thru literature review as well as psychological concepts: the obligation of reciprocation, denial and self-deception concerning a conflict of interest.

In 2004, pharmaceutical companies spent more than 21 billion dollars on promoting and marketing their products; 88% was directed at physicians (the remainder was spent on direct to consumer advertising). (3) The fact that industry invests so much money on marketing to physicians clearly speaks to its effectiveness. I now believe many docs can be influenced—at least subconsciously—by these kinds of marketing tactics, myself included.

Lest you think that conflict of interest lies only with the lowly clinician, Dr. Kassirer also implicates medical researchers, authors, editors, and professional organizations. Most recently, JAMA published 2 articles and an editorial “Impugning the Integrity of Medical Science.” (4). In the first paper, Merck & Co. employed ghostwriters to write articles; nonetheless, authorship was often attributed to “academically affiliated investigators who did not always disclose industry financial support.” (5) The second study “shows how Merck may have misrepresented” the risk-benefit profile of Vioxx in clinical trials. (6) The bedrock of the doctor-

(continued on next page)

NOTICE This newsletter is the only information newsletter published by the Idaho Board of Medicine and serves as the Board’s notification of rule changes, policy information, and discipline information provided to all licensees of the Idaho Board of Medicine.

patient relationship is trust. Financial conflicts of interest inevitably will erode such trust. How to proceed? I don't have an answer. Some states have passed laws requiring companies to report gifts to physicians greater than \$25 in value other than samples. But regulation can be simultaneously both heavy-handed and ineffective. Back in 2001 and 2002, both the AMA and the Pharmaceutical Manufacturers Assoc (PhRMA) introduced guidelines allowing "modest gifts and meals." (7) These recommendations have largely been ignored. What do I suggest? First, read Dr. Kassirer's book; then, ask yourself "Do I have a real or perceived financial conflict of interest?" If so, fix it for the good of our profession. Patients should not have to worry about the integrity of their physicians. Primum non nocere.

1. Kolata G. Citing Ethics, Some Doctors Are Rejecting Industry Pay, New York Times, D1. April 15, 2008.
2. Kassirer, JP. On The Take: How Medicine's Complicity with Big Business Can Endanger Your Health. Oxford University Press. 2005
3. Ibid. p. 77
4. DeAngelis CD, Fontanarosa PB. Editorial. JAMA. 2008; 299(15) 1833-1835.
5. Ross JS, Hill KP, Eigelman DS, Krumholz HM. Guest authorship and ghostwriting in publications related to rofecoxib: a case study of industry documents from rofecoxib litigation. JAMA. 2008; 299(15)1800-1812.
6. Psaty BM, Kronmal RA. Reporting mortality findings in trials of rofecoxib for Alzheimer disease or cognitive impairment: a case study based on documents from rofecoxib litigation. JAMA. 2008; 299(15)1813-1817.
7. Kassirer, JP. On The Take: How Medicine's Complicity with Big Business Can Endanger Your Health. Oxford University Press. 2005 p.9

The Board Welcomes New Members

Ralph Sutherlin, DO, Member, Board of Medicine

Julia Bouchard, MD, Member, Committee on Professional Discipline

BOARD ACTIONS

BOARD ACTIONS

PLEASE NOTE

Some physicians have similar names, please verify information by license number on our web site at:

www.bom.state.id.us

Raymond Hooft, MD

M-5477 Meridian

Allegation: Failure to meet community standard of care

Board Action: Stipulation and Order

Michael Harris, MD

M-6846 Rexburg

Board Action: Stipulation and Order Modified

Explanation of terms:

- Stipulation: an agreement, admission, or concession.

Kelly O'Neil, MD
M-10262 California

Board Action-Stipulation and Order for limited practice/fine
- Stipulation and Order: an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.

William McLaughlin, MD
M-5971 Idaho Falls

Allegation: Failure to meet standard of care, prescribing

Board Action: Stipulation and Order
- Suspension: temporary withdrawal of authorization to practice.

Anthony Davis, MD
M-8164 Pocatello

Allegation: Community standard of care, prescribing

Board Action: Letter of Reprimand
- Reprimand: a formal admonishment of conduct or practice.

Daron Scherr, MD
M-7579 Idaho Falls

Board Action: Motion for Enforcement

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
DISCIPLINE SUMMARY											
Lic. Revkd/surmdrd/suspend	6	6	8	1	7	4	5	8	10	9	3
Lic. Denied/Wthld/Wthdrn	0	0	2	0	1	0	2	3	3	3	4
Lic. Rstrct/Lmtd	12	17	19	12	11	12	16	4	6	3	9
Rehab-Alc/drgs	6	7	6	3	4	5	5	2	2	6	1
Hearings, Intrvws	3	11	2	2/4	3/5	1/4	1/5	4/2	7/7	3/7	1/6
Complaints/Investigations	111	110	113	140	142	173	161	184	340/25	393/29	363/25
Rprnmnd/Admntus	15	25	23	14	13	23	26	19	21	26	32
PRELIT. SCREENING											
Hearing Requests	115	130	122	156	178	158	140	110	119	104	102
Number of Defendants	223	207	191	304	348	269	242	196	204	178	175
Hearings Completed					117	221	126	123	114	102	109
Findings											
With Merit	17	29	17	14	23	31	30	33	19	26	27
Without Merit	57	91	69	81	79	165	92	69	78	54	62
Some/Possible Merit	2	11	8	15	15	25	4	6	6	0	7
Claims Wdrwn/dmsd/stld	14	19	14	17	20	32	13	15	11	22	13

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
PHYSICIANS - MD											
Lic Issued	256	255	248	238	264	321	250	227	267	307	352
Lic Renewed	2785	2926	3104	3038	3205	3125	3267	3359	3343	3435	3620
Active	3035	3181	3210	3218	3296	3446	3517	3586	3610	3742	3807
Inactive	142	160	151	156	173	201	213	238	232	202	187
PHYSICIANS - DO											
Lic Issued	22	17	20	18	24	29	20	27	28	47	39
Lic Renewed	125	146	164	181	177	189	205	216	231	254	295
Active	147	163	180	193	193	218	225	243	259	301	324
Inactive	7	5	5	6	8	8	11	14	17	13	10
PHYSICIAN - VOLUTEER											
Lic Issued									1	2	0
Lic Renewed										1	3
Active										3	3
PHYSICIAN ASSISTANTS											
Licensed	31	33	27	53	45	41	51	44	61	60	75
Renewed	98	116	134	159	175	216	239	270	307	354	402
SUPERVISING PHYSICIANS											
Registered	73	64	84	83	73	71	64	13	95	72	113
Renewed	186	169	199	171	275	258	251	286	244	314	368
PHYSICAL THERAPY											
Therapists - Licensed	127	150	86	95	81	86	70	91	89	NA	NA
Therapists - Renewed	697	732	777	794	844	890	929	957	998	NA	NA
Assistants - Licensed	36	42	45	34	38	25	27	27	39	NA	NA
Assistants - Renewed	83	104	181	171	187	213	233	247	262	NA	NA

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007

ATHLETIC TRAINERS

Licensed	18	15	17	10	14	11	14	28	18	20	25	22
Renewed	77	89	92	99	99	118	112	115	121	125	128	128

DIRECTING PHYSICIANS

Registered									27	14	4	8
Renewed										27	38	38

OCCUPATIONAL THERAPY

Therapists - Licensed	56	51	48	24	39	51	33	23	44	45	48	40
Therapists - Renewed	219	222	251	255	257	255	287	306	310	328	349	380
Assistants - Licensed	19	36	28	12	20	25	6	5	12	5	6	8
Assistants - Renewed	38	32	55	64	69	73	97	97	96	105	102	106

RESPIRATORY THERAPISTS

Licensed	66	101	77	57	53	67	73	63	46	58	69	76
Renewed	421	410	462	495	483	470	498	528	553	570	578	610

POLYSOMNOGRAPHY

Technician - Permit Issued									22	0	9	10
Renewed										16	8	13
Technologist - Permit Issued									21	2	8	10
Renewed										21	21	29

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
DIETITIANS												
Licensed	15	27	25	33	19	33	23	24	17	31	40	33
Renewed	222	225	253	255	276	280	295	327	307	302	314	344

Renewal Time Is Here

Again this year a paper renewal form will not be sent unless it is requested in writing.

HAVE YOU PROVIDED ANY ADDRESS OR NAME CHANGES TO THE IDAHO BOARD OF MEDICINE SINCE THE LAST LICENSE RENEWAL??

If you have not, where will your license renewal reminder be sent? Each year more than a few license renewal reminders end up at the old address of a licensee due to lack of notification of an address change.

On this and every newsletter is a change of address form to be used to update your mailing address or you can send the change by email to info@bom.state.id.us. Remember to provide your old address, a telephone number where you can be reached and license number if sending an email.

READ THE QUESTIONS CAREFULLY....

Each year renewals are delayed because the applicant for renewal fails to read all of the questions. Delays in renewal are costly as some payers are not reimbursing for the periods that a license is expired.

Hint: Read the renewal questions carefully, **do NOT mark "no"** to all questions without reading the question.

USE THE ON-LINE RENEWAL...EARLY

Using the on-line renewal not only saves you time, it also allows enough time to address any discrepancies on the renewal form and prevent delays in obtaining your license renewal.

IDAPA 22.01.01.078.02, Rules for Licensure to Practice Board of Medicine & Surgery & Osteopathic Surgery, provides:

Renewal. Each license to practice medicine may be renewed prior to its expiration date by the payment of a renewal fee to the Board and by completion of a renewal form provided by the Board. In order to be eligible for renewal, a licensee must provide a current address to the Board and must notify the Board of any change of address prior to the renewal period. **Licenses not renewed by their expiration date shall be canceled.**

NOT SURE HOW TO RENEW ON-LINE

A step by step guide is available in this newsletter and on the web site. It is quick and easy to renew on line

After June 30, all licenses that are not renewed will incur a reinstatement fee added to the license fee and will be sent a notice of intent to cancel the license. Reinstatements will be available on line until August 1, 2008

RENEWAL INSTRUCTIONS

Note improvements have been made to the process based on feedback from last year

1. Go to www.bom.state.id.us.
2. Click on “License Renewal Link” (in red).
3. Click on the “New Users start here” button.
4. Enter your first and last name, phone number, email address, confirm email address, and create a user name.
5. Click “Sign Up” button. An email from Access Idaho, containing your user name and password, should be received within 5 minutes of registering. If not, call Access Idaho at (208) 332-0102.
6. Click on “I have the password >>>”.
7. Enter the User name created earlier and password provided by Access Idaho (easiest if you copy and paste from your email).
8. Click “Log In” button.
9. Create new password. Please create a password that will be easy for you to remember and write it down. Password must be at least 8 characters long and contain at least 1 capital letter and 1 number.
10. Click “Continue >>>” button.
11. Under “Renew Your Own License”, click the “License Renewal” link.
12. Select your License Type.
13. Enter the number portion only of your license.
14. Enter PIN.
15. Click “Renew License >>>” button.
16. Read the questions carefully and answer renewal questions. (MD, DO, & PA licensees-IDACARE is part of the Patient Freedom of Information Law. You can check your information at www.idacare.org to see if it is current. If it is, check “Yes” on your renewal. If it is not, log in using the “Update Your IDACARE Profile” link on the Board of Medicine web site. Please read the “Read Me First” section regarding logging in to your IDACARE Profile. Once updated, you can check “Yes” on your licensure renewal application.)
17. Click “My responses to the above are true >>>” button.
18. Verify that your address and phone number are correct.
19. Click on “Change this address” link or “These addresses are correct. Continue with renewal >>>” button.
20. Review questions and address information.
21. Accept offer of an institution to pay for your renewal or click “Continue” link to continue to the payment section.
22. Choose 1 or 2 year renewal (if option is available).
23. Click on “Voucher for Mail-in Payment” button to pay by check/money order or “Proceed with online payment” button to pay by credit card.
24. If paying by voucher, the license will not be renewed until the payment is received.

If institution offering to pay for a group or individual by voucher:

1. Go to www.bom.state.id.us.
2. Click on “License Renewal Link” (in red).
3. Click on the “New Users start here” button.
4. Enter your first and last name, phone number, email address, confirm email address, and create a user name.
5. Click “Sign Up” button. An email from Access Idaho, containing your user name and password, should be received within 5 minutes of registering. If not, call Access Idaho at (208) 332-0102.
6. Click on “I have the password >>>”.
7. Enter the User name created earlier and password provided by Access Idaho (easiest if you copy and paste from your email).
8. Click “Log In” button.
9. Create new password. Please create a password that will be easy for you to remember and write it down
Password must be at least 8 characters long and contain at least 1 capital letter and 1 number.
10. Click “Continue >>>” button.
11. Under “Set Up Group Renewal”, click the “Group Purchase” link.
12. Search for a licensee.
13. Check box next to licensee you wish to offer to pay for.
14. Click “Offer to pay for selected licensees”.
15. Click on “Add more licenses”
16. Search for next licensee.
17. Remind licensees to log-on to the renewal site and complete the on line renewal. They will be notified of your offer to pay for renewal. As licensees accept your offer to pay, you will receive emails from Access Idaho.
18. Once all the licensees have accepted, you will be given a total due and a voucher number.
19. Please include voucher number with your check or money order.
20. The licenses will not be renewed until the payment is received.

A SPECIAL NOTE OF THANKS

The Idaho Board of Medicine has many occasions where they seek the advice and services of consultants to assist in the investigative, disciplinary, or disabled physician evaluation processes of the Board. Without the time, expertise, and professionalism of these individuals the Board would not be able to carry out its mission of public protection. The Board extends its appreciation to:

SCOTT MAGNUSON, MD

KERILYN ERLAND, MD

JEFFREY BERLANT, MD

DAVID ALLEN, MD

ERIC MAIER, MD

CARL VANCE, MD

W. TERRY GIPSON, MD

ROBERT HODSON, DO

BOARD REPRESENTATIVES

A special thanks to those physicians who represent the Idaho Board of Medicine on the following committees and commissions

SCOTT FRENCH, MD, -ADVANCED PRACTICE NURSING COMMITTEE

KEITH DAVIS, MD, -ADVANCED PRACTICE NURSING COMMITTEE

CURTIS SANDY, MD, -EMS PHYSICIAN COMMISSION

PRE-LITIGATION

The Board of Medicine wishes to thank the many physicians, hospital administrators, and public members who assist in the pre-litigation process. Without the generous contribution of your time and talents, the pre-litigation hearing process could not exist.

AND SPEAKING OF PRE-LITIGATION

The Board is tasked with the responsibility of assigning physician panelists to serve on pre-litigation panels and there are those physicians who give willingly of their time and talents to the process and those who consistently refuse. Since the physicians and hospitals are beneficiaries of the pre-litigation process it is difficult to understand when asked to serve why some step up and others retreat. While the Board wishes to continue to just encourage physicians to participate in the process when requested, the reality is that, as authorized in Idaho Code, the Board may need to look at making service a requirement.

Calendar of Board of Medicine Meetings for 2008

June 6, 2008

September 12, 2008*

December 12, 2008

*Meeting scheduled for Sandpoint

DEPLOYED?

IF YOU ARE DEPLOYED PLEASE PROVIDE A COPY OF YOUR MILITARY ORDERS FOR DEPLOYMENT AND A COPY OF THE ORDERS RETURNING TO THE U.S. OR RELIEVING YOU FROM ACTIVE DUTY WHEN YOU RETURN. UPON RECEIPT OF THE ORDERS THE BOARD WILL MAINTAIN YOUR LICENSE IN ACTIVE, CURRENT STATUS WHILE DEPLOYED AND WAIVE ALL LICENSE FEES FOR UP TO 6 MONTHS AFTER YOUR RETURN.

IDAHO STATE BOARD OF MEDICINE

Stephen R. Marano, MD, Chairman

David McClusky, II, MD, Vice Chairman

Matt Ellsworth, Public Member

Leo Harf, MD, Member

Laura McGeorge, MD, Member

Joyce McRoberts, Public Member

Michael G. Melendez, MD, Member

Jerry Russell, Director, Idaho State Police

Ralph Sutherlin, DO, Member

MD Member Vacant

COMMITTEE ON PROFESSIONAL DISCIPLINE

A.C. Jones, III, MD, Chairman

Julia Bouchard, MD, Member

Mike Johnson, Public Member

Bruce Miewald, MD, Member

Wendell Wells, MD, Member

Allied Health Board Meetings

Meetings are held in the Board office unless otherwise noted.

The **Board of Athletic Trainers** meeting to be announced.

The **Dietetic Licensure Board** meeting is scheduled for **October 7, 2008 at 11:00 a.m.**

The **Occupational Therapy Licensure Board** meeting is scheduled for **October 24, 2008 at 9:30 a.m.**

The **Respiratory Therapy Licensure Board** meeting is scheduled for **September 18, 2008 at 9:30 a.m.**

The **Physician Assistant Advisory Committee** meeting is scheduled for **August 8, 2008 at 9:00 a.m.**

Please note if you are submitting a response to a Board inquiry or a completed application, the completed material must be received in the Board office at least 20 days before the scheduled meeting date. Materials not received in that time frame will be added to the next regularly scheduled meeting agenda.

BOARD STAFF

Nancy Kerr, Executive Director

Mary Leonard, Associate Director

Cathleen Morgan, Board Attorney

Beverly Kendrick, Quality Assurance Specialist

Cynthia Michalik, Quality Assurance Specialist

Janet Whelan, Quality Assurance Specialist

Gloria Pedersen, Prelitigation Manager

Darlene Parrott, Compliance Monitor

Terri Solt, Physician Licensing Manager

Jodi Adcock, Allied Health Licensing Manager

Mary McCulley, Finance

Jennifer Winn, PA Licensing-PreLitigation

Stephen Tyrer, Investigative Assistant

Robie Harano, Receptionist

IDAHO STATE BOARD OF
MEDICINE

1755 Westgate Drive Suite 140
PO Box 83720
Boise, Idaho 83720-0058

Phone: 208-327-7000
Fax: 208-327-7005
E-mail: info@bom.idaho.gov

VISIT OUR WEB SITE AT
www.bom.state.id.us

FAIR AND IMPARTIAL APPLICATION AND
ENFORCEMENT OF THE PRACTICE ACTS

CHANGE OF ADDRESS EACH YEAR OF NUMBER OF LICENSE RENEWAL APPLICATIONS GO ASTRAY BECAUSE THE ADDRESS ON FILE WITH THE BOARD IS INCORRECT. AS A RESULT, LICENSES PEOPLE WISH TO MAINTAIN ARE CANCELLED AND HAVE TO BE REINSTATED. PLEASE COMPLETE AND RETURN THIS FORM IF YOUR ADDRESS CHANGES.

ID License No. _____

Name _____
(LAST) (FIRST) (MIDDLE INITIAL)

Former Address: _____
(STREET)

(CITY) (STATE) (ZIP)

New Address: _____
(STREET)

(CITY) (STATE) (ZIP)

Phone (_____) _____ Date change becomes effective: _____