



State of Idaho
Division of Occupational and Professional Licenses
Board of Medicine

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Minutes of 11/09/2023

Board Members Present:	David McClusky, MD, Chair Guillermo Guzman, MD, Vice Chair Mark Grajcar, DO Jared Morton, MD Thomas Neal, MD Paula Phelps, PA Michele Chadwick, Public Member Paul Anderson, Public Member Christian Zimmerman, MD Col. Ked Wills, ISP Director	Division Staff:	Nicki Chopski, PharmD, Executive Officer Russ Spencer, General Counsel Stephanie Lotridge, Licensing & Registration Program Manager Katie Stuart, Administration Bureau Chief Berk Fraser, Chief Investigator Mike Celeste, Investigations Supervisor Madyson Crea, Board Support Specialist
Board Members Absent:	Keith Davis, MD	Others Present:	Josh Scholer, DFM Joan Callahan, Board Prosecutor Michele Ebbers, MD – COPD Chair

The meeting was called to order at 8:30 AM by Guillermo Guzman, MD.

Approval of Minutes

A motion was made and seconded to approve the 08/10/2023 minutes. The motion carried.

DIVISION BUSINESS

Health Professionals Recovery Program Update: Ms. Stuart informed the Board that the Physician HPRP Advisory Committee has met twice under the Division since transitioning from the IMA. Their next meeting will be in January. Staff will continue to promote the program and increase awareness of what it offers. Ms. Stuart addressed the Board's questions.

Executive Agency Legislative Ideas: Board staff reviewed seven legislative ideas the Division plans to move forward in the 2024 session. Five apply to the Health Professions, and four apply directly to the Board of Medicine. Dr. Chopski reviewed the proposed edits to the Uniform Controlled Substance Act, which is an annual bill administered by the Board of Pharmacy. This would place six illicit substances in Schedule I. The proposed fingerprinting bill would not directly affect the Board of Medicine but would align board processes. A proposed licensure renewal bill would transition all professional licenses to renew every two years on the licensee's birthdate.

Dr. Chopski presented information on the proposed Allied Health Advisory Board, which would consolidate four of the Board of Medicine's advisory boards into one. This new Board would continue to report to the Board of Medicine. Division staff have started and will continue to communicate with stakeholders. The purpose of this idea is to create efficiencies and decrease administrative expenditures.

Board Training – Discipline Process: Mr. Spencer reviewed the Division’s disciplinary process, including, administrative complaints, hearings, temporary and emergency license suspensions.

BOARD BUSINESS

Adoption of Pending Rules IDAPA 24.33.01: Following review of the public hearing minutes, a motion was made and seconded to adopt as pending the proposed rule chapter of the Board of Medicine, IDAPA 24.33.01. The vote was: Dr. McClusky, aye; Dr. Guzman, aye; Dr. Grajcar, aye; Dr. Morton, aye; Dr. Neal, aye; Ms. Chadwick, aye; Mr. Anderson, aye; Ms. Phelps, aye; Col. Wills, aye and Dr. Zimmerman, aye. The motion carried.

Licensing Liability & Attestation Review: Board staff reviewed the draft licensure liability attestation, and the Board provided feedback. There were suggestions regarding the order of the attestation and the language used such as moving the mental health information to earlier in the document. A motion was made and seconded to approve the attestation and liability questions with discussed changes. The motion carried.

Committee and Board Appointments: Following the review of a letter of interest and CV, a motion was made and seconded to reappoint Dr. Ebbers to the Committee on Professional Discipline. The motion carried. Following the review of two letters of interest, a motion was made and seconded to appoint Stuart P. Young, RRT, to the Respiratory Therapy Licensure Board. The motion carried.

BOM Strategic Plan Follow-up: The Board reviewed the results from the survey sent out to those on the Board mailing list. Board staff received 1060 responses, and 97% indicated they were licensees. Their responses indicated the preferred method to receive information is email, and notably, 2% specifically called out texts as preferred. The most helpful information from the Board is legislative updates, followed by quarterly newsletters and DEA updates. Nearly half of licensee respondents indicated they were familiar with the HPRP. The Board expressed interest in doing an annual survey and adding new survey questions.

Zero-Based Regulation (ZBR) Discussion: Dr. Chopski reviewed executive order 2020-01, which requires administrative rule review by all state regulatory bodies. The goal of ZBR is to ensure right touch regulation by reviewing rules for unnecessary regulatory burdens and costly, ineffective, or outdated requirements. This is an initial discussion as the Board will go through the rulemaking process in 2024 to go before the 2025 legislative session. The plan is to combine the two rule chapters, 24.33.01 and 24.33.03, into one chapter during this process. Mr. Spencer reviewed suggested changes, including striking rule language that is duplicative of statute. He further assured the Board that all of their rules are based on appropriate statutory authority.

Five Year Review of Board Actions: Board staff presented the results of the five year review of Board actions. The analysis was done from January 2018 through December 2022. Over the five years, only 1.1% of cases analyzed related to Virtual Care. No trends were noted in the data presented.

Conference Attendance Reports: The Board discussed attendance at upcoming conferences. The Board supported upcoming board travel as presented.

Newsletter Article: Staff discussed the upcoming newsletter which will include an article on virtual care written by Dr. Grajcar. The Board discussed new ideas for newsletter topics. Dr. Davis will author the next article about returning to practice. Ms. Phelps restated she would like to write about Provider Well-Being. Dr. McClusky would like to do an article on Artificial Intelligence after the January FSMB meeting.

Election of Board Officers: Following discussion, a motion was made and seconded to elect Dr. McClusky as Board Chair until July 1, 2025, when the next election will be held. The motion carried.

EXECUTIVE SESSION

A motion was made and seconded to enter Executive Session pursuant to Idaho Code § 74-206(1)(f) to discuss pending litigation with legal counsel and Idaho Code § 74-206(1)(d) to consider records related to a licensee's ability to retain a license, which is exempt from public disclosure. The vote was: Dr. McClusky, aye; Dr. Guzman, aye; Dr. Grajcar, aye; Dr. Morton, aye; Dr. Neal, aye; Ms. Chadwick, aye; Mr. Anderson, aye; Ms. Phelps, aye; Col. Wills, aye and Dr. Zimmerman, aye. The motion carried.

A motion was made and seconded to exit the Executive Session. The motion carried.

BOARD DISCIPLINE

Prior to any discipline motions being made, Dr. Guzman recused himself on case numbers 2023-BOM-10048, 2023-BOM-10096, and 2023-BOM-10105.

Termination and Modification Request:

A motion was made and seconded to take the following action:

- To terminate the orders for case numbers 312 and 2021-BOM-9802

Monitor:

A motion was made and seconded to take the following action:

- To notify of completion for case number 2022-BOM-10048 and modify the corrective action plan for case number 362.

The motions carried.

DISCIPLINE

COPD REVIEW

A motion was made and seconded to take the following actions:

- To send a letter of concern for case numbers 2023-BOM-10096 and 2023-BOM-10098.
- To close cases 2023-BOM-10100, 2022-BOM-10081, 2023-BOM-10074, 2023-BOM-10106, 2023-BOM-10075, 2022-BOM-10099, 2023-BOM-10097, 2023-BOM-10095, 2023-BOM-10105, 2023-BOM-10107, 2023-BOM-10092, and 2023-BOM-10102 as recommended.

The motions carried.

ALLIED HEALTH DISCIPLINE

A motion was made and seconded to take the following actions:

- To initiate an agreement in lieu of discipline for case number 2023-ATH-10093 and
- To close 2023-PAC-10084, 2023-PAC-10082 and 2023-PAC-10070.

The motions carried.

Adjourn

There being no further business, the meeting was adjourned at 4:40 PM.

The next meeting will be held on 02/08/2024.