



*Public Protection
through fair and
impartial application
and enforcement of
practice acts*



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Idaho State Board of Medicine

THE REPORT

Fall 2020

Message From the Board

Don't be THAT Doc!

By: Julia Bouchard, MD, Board Member

In 2019, the Idaho Legislature passed an updated version of the Medical Practice Act. The revised Act includes language pertaining to disruptive physician behavior, making such behavior subject to discipline by the Idaho State Board of Medicine.

The mandate of the Board is to protect the citizens of Idaho. Disruptive physicians create an unsafe environment for patients and other health care professionals.

The term disruptive physician has been around for at least twenty years. The AMA and the Joint Commission on Accreditation of Healthcare Organizations as well as hospital organizations have associated disruptive physician behavior with a hostile workplace environment. Intimidating and disruptive behaviors can foster medical error, contribute to poor patient satisfaction and to preventable adverse outcomes.¹ These behaviors can increase the cost of care and cause qualified clinicians, managers and staff to seek new positions.²

Disruptive physician behavior describes a pattern of behaviors that negatively impact others in the healthcare workplace.²

Common behaviors include inappropriate anger, resentment, words and actions. These can be demeaning or offensive and directed toward another person or entity (often a hospital).

There can be inappropriate responses to patient and staff requests; sometimes these are belittling. The behavior may be abusive, sexual or nonverbal conduct that harms or intimidates others such that the quality of care or patient safety may be compromised. Such physicians often have a history of acting out, slamming doors, throwing charts, etc. They may go through periods of time where they don't communicate with staff or colleagues because they find communicating too annoying.

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We all know practitioners who fit this category. Many share certain traits: highly skilled, intelligent, hard-working, high-achieving, persevering. Other shared traits: Arrogant, intimidating, controlling, inflexible, self-centered, entitled, blame others, create upset, viewed as difficult by others, lack of self-awareness, vindictive and litigious.³

Disruptive behavior is not an occasional bad day or unusual reaction. It is a pattern of behavior. Physicians today must be able to function as part of the larger health care delivery system. We are important team members and must function as part of the team. Disruptive behaviors can have a devastating and widespread impact on the health care system. A single physician can create a hostile workplace environment. Demoralization of staff and lawsuits are not uncommon.³

Disruptive physicians often have contributing psychiatric diagnoses such as narcissistic, passive-aggressive or borderline personality disorders. Pure disruptive behavior is tied to need for power and control, often manifested in intimidating behavior.⁴

We can look at the Medical Practice Act as a type of conduct code. When the Board has complaints about a physician, it may take an in-depth investigation or multiple complaints before it's clear that disruptive behavior is the root cause. Corrective action plans may include psychiatric evaluation, ongoing counseling, and monitoring.

The Idaho Board of Medicine aims to promote physician health and wellbeing while protecting the citizens of Idaho.

So please, don't be THAT Doc!

¹ Jones. Managing Disruptive Behavior by Patients and Physicians: a Responsibility of the Dialysis Facility medical Director Clin J Am Soc Nephrol. 2015 Aug 7; 10 (8): 1470-1475

² Moles. When Behavior Disrupts the Physician-Healer MedGenMed. 2006; 8 (1): 87

³ Reynolds NT. Disruptive physician behavior: use and misuse of the label. Journal of Medical Regulation. 2012; 98 (1): 8-19

⁴ Joint Commission Behaviors that undermine a culture of Safety. Joint Commission Sentinel Event Alert. 2008; issue 40

Board of Medicine Joins the Idaho Division of Professional Licensing

By: Irina Voyce, Management Assistant

The Board of Medicine is now under the Idaho Division of Occupational and Professional Licensing (IDOPL). IDOPL is responsible for administering licenses to dozens of professions and businesses in Idaho. In Summer 2021, the Board will move to the State of Idaho Chinden Campus. All state licensing boards will be in the same location to enhance customer service, streamline for efficiency, and create consistency among licensing agencies.

During the 2020 legislative session, House Bill 318 changed the Idaho Bureau of Occupational Licensing (IBOL) to IDOPL. In June 2020, Governor Brad Little issued Executive Order 2020-10 to shrink the size of government by consolidating 11 separate agencies into IDOPL.

IDOPL is organized into three sections; Building, Construction & Real Estate, Occupational Licenses, and Health Professions. The Board of Medicine is in the Health Professions section, along with the Boards of Dentistry, Nursing, Pharmacy, Veterinary Medicine, Optometry, and Podiatry, among others.

Governor Little appointed Russ Barron to lead the new Division. Russ is also currently the Executive Director for the Board of Nursing. Board of Pharmacy Director, Nicki Chopski, is the section chief for Health Professions. Anne Lawler will remain Executive Director of the Board of Medicine.

The move will create additional efficiencies with a central office, the consolidation of IT, enhanced collaboration among our licensing team, medical investigators, and administrative staff. We will keep you updated as we move through this transition and work to enhance our services to our licensees.

The Board of Medicine 2020 Renewal Season is Open!

By: Phyllis Tambling, Licensing Manager



We understand this is an unusual time for licensing. We typically don't renew during this time of year, and we hope you are all staying safe amid the pandemic. The delay in renewing your licenses was an attempt by the Board of Medicine (BOM) to allow you to focus on the pandemic, your patients and your practice. It was a difficult Spring for the Board as we wrestled with telecommuting and trying to do a job that wasn't originally designed to be done remotely. We thank you for your patience as we have been answering your questions. We have been experiencing a higher than normal volume of renewal inquiries, both by phone and email, in addition to our normal office business licensing seven different professions.

The Board would like to provide some highlights of the renewal season so far and hopefully can answer some of your questions along the way.

Renewals went live online on September 10, 2020. We mailed and emailed renewal notices to all licensees. Unfortunately, we included those licenses that don't expire until 6/30/21, and that caused some confusion for which we apologize. We will hold the current renewal period open until 10/31/20. After that date, renewals will close and anyone not renewed will need to request to reinstate their license and will be charged the standard reinstatement fee for their profession.

RENEWAL STATISTICS AS OF MONDAY SEPTEMBER 29, 2020

Number of renewal notices sent	8713
Total count of renewals processed	3922 45%
Total count of renewals not yet renewed	4791 55%

CURRENT ISSUES TO BE AWARE OF:

We experienced the following issues and are continuing to work on resolving each one:

- Online payments have frozen at times, looping licensee back to the beginning – try clearing your cache and cookies and try again – this has worked for many folks.
- Supervising designees are now displaying when renewing your supervising license. If you experience any problems you may check your supervised personnel by using the Board's online License verification link on our website.
- Renewal receipts still seem to be elusive in some instances. Please look for the "Receipt" page after you have added your credit card information and click "Pay Now." We have received some incorrect payments. If you overpaid, please be patient, we will investigate & communicate with you.

Notable inquiries received by the Board:

- Safari browser incompatibility – this is an Apple security issue that will not be resolved without Apple making a change to their security options. Please select another browser as others are working. If Safari is your only browser, the Board has an option for paper renewals. We must receive a written request for the paper renewal. Please note there is an additional \$20 charge to renew manually which is not being waived by the Board.
- If your license expires on June 30, 2021 and you received a renewal notice, there is no action for you to take at this time. We apologize for any confusion caused by this notice.

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- Failure to verify the accuracy of answers to renewal questions completed by a third party on your behalf (staff member credentialing agency, etc.) is not a defense against potential discipline for inaccuracies or misrepresentation on your renewal application.
- Trouble renewing your SPHY registration? It is done in the same way you renew your license, just be sure to use the SPHY designation instead of the "M" or "O". There is no cost to renew your supervising registration.
- The Board recommends you change your address prior to renewing your license--please use the "Address Change" link on the renewal page.
- Military Renewal Fee exemption – please note that requesting to have your renewal fees waived may have an impact on your practicing privileges. You may want to discuss this with your supervisor.
- Please do not send the same email to multiple emails and/or voicemails. We are dealing with a high volume of inquiries and have designated staff to respond. Sending to multiple email addresses creates further work and may contribute to a delay in our response.

Next steps:

- **Deadline for renewal is Saturday 10/31/2020.**
- The Board will email renewal reminders in October to licensees who have not yet renewed.
- If you take no action during this renewal period, your license will be CANCELLED and you will receive an Intent to Cancel notice.
- If you do not wish to renew, the Board requests you send a "Cancel by Request" written notification to licensing@bom.idaho.gov

Please note that the Board of Medicine will be moving to email notification only after the June 30, 2021 renewal cycle ends. We will mail and email the 2021 renewal notices, but that will be the last paper mailing. Please update your contact information on our website with your best email address for official Board communication.

We will resume our normal renewal season in 2021 with renewal notices going out in April of 2021.

If your expiration date is June 30, 2021, please disregard this notice. Approved renewal applications will be updated online within 1-2 business days. Licenses/permits not renewed by **October 31, 2020** will be assessed a reinstatement fee and cancelled.

Please Note: If you select **Check/Money Order**, print your receipt and mail it with your payment **or** give to the individual paying for the renewal. An invoice will not be mailed.

Renewals paid by check/money order are **not complete** until payment is received. Partial payments for group vouchers will be returned to sender.

Please include license number on check/money order and mail with receipt to:

Idaho Board of Medicine
PO Box 83720
Boise ID 83720-0058

For licensees unable to renew on-line, request a paper renewal form by mail, email, or fax. An additional processing fee of \$20.00 will be added to your renewal if a paper form is required.

Questions or problems? Email our Licensing Staff: licensing@bom.idaho.gov

Helpful links for online renewals:

- [Fall 2020 Renewal Information](#)
- [Address Change](#)
- [Online Renewal Log-In](#)
- [Group Voucher Renewal Instructions](#)
- [Group Voucher Log-In](#)

If you are active military and requesting a renewal fee waiver, please email the Board of Medicine: info@bom.idaho.gov

Mandatory PDMP Check Begins 10/1/2020

By: Irina Voyce, Management Assistant

Starting on October 1, 2020, prescribers will be required to check the Prescription Drug Monitoring Program (PDMP). During the 2020 Legislative Session, the Idaho legislature passed, and Idaho Governor Brad Little signed Senate Bill 1348, now [Idaho Code Section 37-2722\(f\)](#) requiring all prescribers to review the previous 12 months patient history in the PDMP prior to issuing a prescription for an opioid analgesic or benzodiazepine listed in schedules II-IV for outpatient use.

The Idaho Board of Pharmacy initiated statewide Gateway integration to put PDMP access in the EHRs. Providers and healthcare facilities have expressed satisfaction with the ease and convenience of being able to access the PDMP in this way. There is no charge to providers or facilities to connect. Interfaces are already built for 130 hospital, pharmacy and clinic software programs.

Idaho Code § 7-1416 (f)

Prior to issuing to a patient a prescription for outpatient use for an opioid analgesic or benzodiazepine listed in schedule II, III, or IV, the prescriber or the prescriber's delegate shall review the patient's prescription drug history for the preceding twelve (12) months from the prescription drug monitoring program and evaluate the data for indicators of prescription drug diversion or misuse. This review is not required:

- (1) For patients:
 - (i) Receiving treatment in an inpatient setting;
 - (ii) At the scene of an emergency or in an ambulance;
 - (iii) In hospice care; or
 - (iv) In a skilled nursing home care facility; or
- (2) For a prescription in a quantity intended to last no more than three (3) days.

If you have questions about the Gateway integration contact Teresa Anderson at Teresa.anderson@bop.idaho.gov. Questions relating to mandatory checking can be sent to the IDOPL Health Professions Section Chief and Board of Pharmacy Executive Director, Nicki Chopski at Nicki.chopski@bop.idaho.gov.



For additional information visit the [Board of Pharmacy Idaho PDMP webpage](#).

Many providers are interested in learning more on using the PDMP. The CDC offers a web-based training opportunity through a CME course on using the PDMP and applying the CDC's guidelines for prescribing opioids. Visit the CDC website to learn more and register for the [Using the Prescription Drug Monitoring Program to Promote Patient Safety in Opioid Prescribing and Dispensing](#) course.

Physicians Struggling with Suicide: Self-Care to Better Serve Patients

By: Irina Voyce, Management Assistant

The coronavirus pandemic is intensifying mental health issues among physicians and healthcare providers. Medical professionals are conditioned to work long hours under stress and often push aside fatigue and emotional strain to care for their patients and families.

Approximately 300 to 400 physicians take their lives each year, the suicide rate among physicians is double that of the general population and the highest of any profession at 28 to 40 per 100,000. The suicide rate of the general population is 12.3 per 100,000. For physicians, high stress and long hours can exacerbate depression and other mental health issues.¹

Physicians who took their lives were less likely to be receiving care for their mental health compared to nonphysicians.² Some providers worry getting help may jeopardize their license or their colleagues may find out. Generally, the Board of Medicine does not revoke licenses or discipline providers who are seeking treatment. It is important for physicians to be mindful of their mental health and practice self-care to better serve their patients and families. The wellness resources listed below are confidential, most are free or can be accessed through the behavioral health benefits of an insurance provider. In addition, the AMA offers CME opportunities to learn more

Wellness resources:

- [Physician Vitality Program \(PVP\)](#) – The Ada County Medical Society (ACMS) temporarily expanded their Physician Vitality Program (PVP) statewide for IMA members in Idaho including PAs and NPs.
- [Idaho Coronavirus Counseling Assistance](#) – Connecting medical professionals, first responders, and other frontline professionals with counseling services. More information on next page, see page #6.
- [Headspace App](#) – Free access to guided meditation for frontline healthcare workers.
- [Idaho Suicide Prevention Hotline](#) – Call (208) 398-4357
- [National Suicide Prevention Hotline](#) – Call 1 (800) 273-TALK (8255)

CME opportunities from the AMA:

- [Identifying and Responding to Suicide Risk](#) - Educates physicians, residents, and medical students on identifying and responding to suicide risk.
- [Physician Suicide and Support: Identify At-Risk Physicians and Facilitate Access to Appropriate Care](#) - Provides tools to help prevent physician distress and reduce the risk of suicide.
- [Assessment of Risk Factors for Suicide Among US Health Care Professionals](#) – Identifying risk factors and warning signs for suicide to create an environment of support and physician wellness.



¹ Russell Copelan MD. Physician Suicide Needs Assessment – Analysis-based prevention is key. MedPage Today. 2020 Feb 14. <https://www.medpagetoday.com/blogs/suicide-watch/84905>

² Gold, K. J., Sen, A., & Schwenk, T. L. (2013). Details on suicide among US physicians: Data from the National Violent Death Reporting System. General Hospital Psychiatry, 35(1), 45-49. doi:10.1016/j.genhosppsych.2012.08.005

**Help is Waiting.
Call (208) 398-4357**

You don't have to be suicidal to call. If you or a loved one need to talk, call us now. Someone is always there for you on the other end of the line.

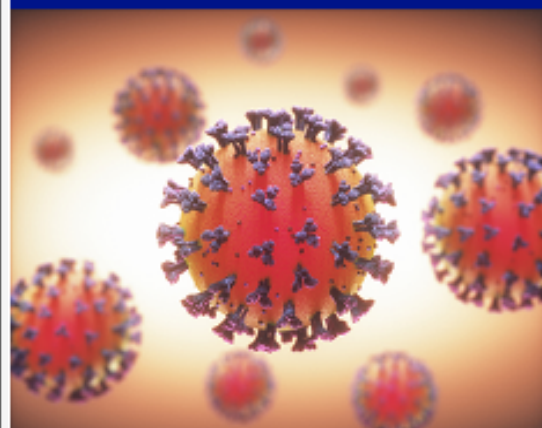
Coronavirus Counseling Assistance for Frontline Workers

866-536-0239



About

Idaho recognizes that the stress of responding to the COVID-19 outbreak put you — medical professionals, first responders, and other frontline professionals — at an increased risk for experiencing secondary traumatic stress reactions. The stress of the crisis may affect your mental health and your relationships. Support is being offered to you through the Coronavirus Counseling Assistance for Frontline Workers program.



Types of Services

Screening and Benefit Navigation

A toll-free hotline offering access to benefit navigators who will guide you in any behavioral health benefits you may have access to through your current benefits, and provide referrals to behavioral health resources. Screening and navigation services include:

- 24 hour, 7-day-a-week access to telephonic crisis counselors.
- Screening and benefit navigation 8am to 6pm (8am to 5pm Friday) Mountain Time.
- Coaching on how to access benefits and recommendations on available services in any region of the state.

5-Session Professional Assistance Program

For individuals who do not have access to behavioral health services through their current benefits, or who have significant financial or access barriers to those benefits, this program offers up to five sessions of confidential assessment and brief solution-focused problem intervention provided by licensed, professional counselors. Sessions are offered via telehealth services or, when appropriate given social distancing measures, face-to-face. Sessions can be individual, couples, or family counseling. In addition to five counseling sessions, the program offers participants:

- A national, licensed, and credentialed provider network for appropriate access to urgent and non-urgent care.
- Beyond program visits, referral to additional behavioral health services and community resources based on the client's needs, recommended treatment, and financial means.
- Substance use expertise and referrals for treatment of chemical dependency and other addictions.
- Online lifestyle tools and resources including legal, financial and identity theft information, calculators, tip sheets, and webinars.



IDAHO DEPARTMENT OF
HEALTH & WELFARE
DIVISION OF BEHAVIORAL HEALTH

Board Actions

Explanation of Terms

The following are non-reportable, non-disciplinary actions:

- **Letter of Concern:** non-disciplinary letter issued for a minor violation the Board feels my pose a risk to public safety.
- **Corrective Action Plan:** confidential, non-reportable practice remediation.
- **Fine:** a fee imposed for failure to provide accurate information on renewal.

The following are reportable disciplinary actions:

- **Stipulation and Order (S&O):** an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.
- **Public Reprimand:** a formal admonishment of conduct or practice.
- **Suspension:** temporary withdrawal of authorization to practice.
- **Revocation:** cancellation of the authorization to practice.
- **Administrative Complaint:** occurs when a licensee refuses to sign a recommended stipulation. Commences formal administrative disciplinary hearing process.

Davis, John (Jack) K, D.O. (O-112), Anthony, NM

In 2016, licensee pled guilty to one felony count of interstate communication of a threat of bodily injury under 18 U.S.C. § 875(c). He failed to respond to the Board's offer of a Stipulation and Order to revoke his license. His license was subsequently revoked.

Duque, John, M.D. (M-14720), Deerfield Beach, FL

Licensee failed to remain in compliance with Idaho law regarding the provision of telehealth by failing to establish a provider-patient relationship prior to prescribing controlled substances. He was publicly reprimanded and ordered to pay a fine of \$1000.00.

Guilfoyle, Mark, D.O. (0-0993), Jefferson, NH

Licensee was found by the State of New Hampshire Medical Board to have failed to detect evidence of breast cancer in a number of patients. Licensee was issued a Board order to voluntarily cease his reading and interpretation of mammograms for as long as he is licensed in the state of New Hampshire. The Idaho Medical Board issued a reciprocal Board order.

Lovin, Jeffrey, M.D. (M-5645), Del Mar, CA

Licensee falsely attested on a license renewal application to not having been subject to informal or formal proceedings by the federal government or any branch of the military, licensing board, hospital, healthcare organization, agency or professional association to revoke, suspend, restrict or limit a professional license/registration/permit. Was ordered to pay a \$500 fine.

Pratoomratana, Patrice, L.R.T. (LRT-1182), Pocatello, ID

Licensee violated the terms of a Board issued Stipulation and Order and falsely attested on license-renewal application that she had not been arrested, cited, charged with, or convicted of, a felony or misdemeanor other than minor traffic violations, regardless of the outcome since last renewal. Her license was revoked.

Vanbuskirk, Thomas, L.R.T (LRT-301), Garden City, ID

Licensee falsely attested on a license renewal application to not having been arrested, cited, charged with, or convicted of, a felony or misdemeanor other than minor traffic violations, regardless of the outcome since last renewal. Was ordered to pay a \$500 fine.

Wurster, Carl, M.D. (M-4925), Boise, ID

Licensee pled guilty to felony possession of a controlled substance. His license was suspended pending the outcome of his current criminal proceedings.

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The following licensees had prior Stipulated Orders that were terminated by the Board:

Lu, Kang, M.D. (M-11662), Crestview, FL

Sena, Gary, P.A. (PA-146), Rexburg, ID

Tambakis-Odom, Constance, M.D. (M-14518), Wilmington, NC

Thorpe, Tyson, P.A. (PA-1423), Coeur D'Alene, ID



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