

Idaho State Board of Medicine

Division of Occupational and Professional Licenses
Location: 1199 W. Shoreline Lane, Boise, ID. 83704

Board Meeting Minutes- May 12, 2022

BOARD MEMBERS PRESENT: David McClusky M.D.- Chair
Guillermo Guzman M.D.
Paula Phelps P.A.
Catherine Cunagin, M.D.
Mark Grajcar D.O.
Michele Chadwick, Public Member
Jared Morton, M.D.
Ked Wills, ISP Director
Paul Anderson, Public Member

BOARD MEMBERS ABSENT: Keith Davis M.D.

DIVISION STAFF: Nicki Chopski, Executive Officer (EO)
Yvonne Dunbar, General Counsel
Stephanie Lotridge, Licensing & Registration Program
Manager
Mike Celeste, Investigations Supervisor
Keith Aamodt, Investigator
Helen Kuo, Investigator
Frutoso Gonzalez, Investigator
Jason Weaver, Investigator
Bob McLaughlin, Public Information Officer
Jan Arrasmith, Education & Practice Specialist
Felicia Kruck, Management Assistant
Pam Rebolo, Board Support Supervisor
Susan Villanueva, Board Support Specialist
Matthew Post, Investigations Support
Jess Solis, Investigations Support
Linda Brown, Financial Officer

OTHER ATTENDEES: William Miller, MD, COPD Chair
Joan Callahan, Board Prosecutor
Jamie Neill, Idaho Medical Association
Brett Baerlocher, PharmD Intern

Convened:

Dr. McClusky called the meeting to order at 8:02 AM MT.

After roll call, a quorum was established. Introductions were made and the Board welcomed a new public member, Paul Anderson. Dr. Chopski introduced herself and the present Division staff.

Dr. Grajcar moved to approve the minutes for February 10, 2022, as written. Ms. Phelps seconded. Motion carried

DIVISION BUSINESS

Dr. Chopski outlined the upcoming move to Building 4. The moving plan involves employees in the Chinden campus to begin moving on June 17, with the majority of agencies moving on the Juneteenth weekend, with moving to conclude by the first week of July.

Dr. Chopski stood for questions on the Legislative update that was provided to the board. Several board members asked for additional information on bill S1330. This legislation created the Idaho Board of Naturopathic Healthcare, a structure to voluntarily license and regulate licensed naturopathic doctors. Importantly, this legislation does not mandate licensure for any individual. She stated that this bill was run as non-agency legislation and there was no appropriation included for this Board. Of note, there was no formal opposition by the associations to this bill during the committee hearings. The Division requested to be included in the negotiations but was not consulted on the bill. Dr. Chopski stated the Governor has yet to appoint board members and the Division Administrator continues to work with the Governor's Office on implementation plans for this new board. Board members asked several questions and shared their concerns. Dr. Chopski will continue to track and monitor the progress and report updates to the Board.

Dr. Chopski addressed questions from the Board about H0612, the expungement bill that allows an Idaho licensing authority to consider and grant a request for the expungement of disciplinary action previously imposed on a person's occupational license.

The Bureau is working on a legislative idea for an overarching discipline bill. Dr. Chopski provided a list of items for review and discussion. She then reviewed title 54-1814, Grounds for Medical Discipline with the Board. She stated that they will review and make changes to the statute. It is felt that portions of the statutes are overarching while other portions are more specific to the practice of medicine and may need to be retained within the Idaho Medical Practice Act. The board suggested forming a workgroup to work on this draft. Legislative ideas are due by June 24, 2022.

Dr. Chopski reviewed the financial report. The document describes the allocation method to address costs to the Board, as well as how direct costs are figured. She stated that there are many factors of determination, such as the size of the board and how many licensees or registrants the board has. Dr. Chopski also gave an update on the Luma implementation. She stated that due to the complexities of the program, it may be delayed. Linda Brown answered a question Dr. McClusky had about the Board's cash balance.

Dr. Chopski provided an update on the status of the pre-lit stipend, which is currently set at a \$1000.00 reimbursement for the panel chair. It has been discussed at prior Board meetings to have this fee increased to \$1500.00 per panel. While the Board's cash balance could support the increase, there is no appropriation for the increased expenditure. Linda Brown indicated the upcoming budget deadline is in August. This was tabled for further discussion at the next board meeting by general consent.

BOARD BUSINESS

Dr. Chopski provided the follow-up analysis related to the last meeting's PRN report, Dr. Guzman stated that he liked the report but was unsure how best to use the information to impact change in the program. Dr. Chopski stated that she meets with the Idaho Medical Association (IMA), which coordinates the recovery program, regularly and she will share the analysis with them.

Dr. Chopski stated that she investigated several options for coaching and mentoring, such as CPEP, FSMB, PACE, and Tiller & Hewett. She continues to explore available solutions and that it may need to be 'homegrown', matching a mentor with a mentee. The expense associated with such programs has not yet been determined. Staff will also explore what other states are doing.

Dr. Chopski updated the Board concerning her follow-up discussion with the Idaho Prosecuting Attorneys Association regarding prosecution for unlicensed practice. Dr. Chopski stated that our investigative team would prepare their case, and work with the board's prosecutor to turn the case over to the Prosecuting Attorney's office for the county where the offense occurred. Col. Wills indicated Idaho State Police could assist the board with the authority needed to move the case forward. The staff will continue to work with the Board prosecution counsel on retaining these types of cases in-house or outsourcing them.

The Board discussed the quarterly newsletter. Ms. Chadwick is working on her article for the upcoming quarterly publication. Dr. Morton volunteered to write the next quarterly article.

The Board discussed the two open positions on the Respiratory Therapy Board. Dr. Grajcar moved to appoint Lisa Taylor, RT/PSG and Robb Hruska, RT/PSG to the Respiratory Therapy Board. Dr. Guzman seconded. Motion carried.

Dr. Chopski stated that the Bureau's legal team will be presenting the Board with a brief training at upcoming meetings as a standing agenda item on a variety of topics. The presentation at this meeting was regarding the upcoming election.

No discussion or action was taken on the Consent Agenda, as these reports were for information only

PUBLIC COMMENT

Jamie Neil, Idaho Medical Association (IMA), commented and shared concerns about the Naturopathic Healthcare bill.

EXECUTIVE SESSION

Ms. Chadwick moved, and Dr. Cunagin seconded, to enter Executive Session pursuant to Idaho Code § 74-206(1)(d) to consider records involving an inquiry into a person's fitness to retain a license which is exempt from public disclosure pursuant to Idaho Code § 74-106(9). Following the roll call vote, the motion carried unanimously. The Board entered Executive Session at 10:41 AM.

Ms. Chadwick moved to exit executive session at 4:22 PM. Dr. Guzman seconded. Motion carried unanimously.

APPEARANCES

Dr. Guzman moved to grant licensure without restrictions in case number BOMA-10363.
Dr. Morton seconded. Motion carried.

Dr. Cunagin moved to deny licensure per 54-1814 in case number BOMA-9980. Ms. Chadwick seconded. Motion carried.

Dr. Cunagin moved to grant licensure with contingencies in case number BOMA-9198. Dr. Guzman seconded. Motion carried.

ALLIED HEALTH DISCIPLINE

Dr. Cunigan moved to send a Stipulation & Order with terms as discussed in the executive session to case number 2021-ATH-9901. Ms. Chadwick seconded. Motion carried.

BOARD DISCIPLINE

Ms. Phelps moved to amend the monitoring requirements, to one year of quarterly reports in case #349. Dr. Cunagin seconded. Motion Carried

Ms. Phelps moved to send a letter of concern in cases #326/#327. Ms. Chadwick seconded. Motion carried.

COPD DISCIPLINE

Dr. Guzman moved to send a letter of concern to case number 2022-BOM-9941. Dr. Cunagin seconded. Motion carried.

Ms. Phelps moved to send a letter of concern and close case number 2021-BOM-9921. Ms. Chadwick seconded. Motion carried.

Ms. Phelps moved

- to accept the recommendation to close the following cases:

2021-BOM-9940, 2021-BOM-9943, 2021-BOM-9935, 2021-BOM-9947, 2022-BOM-9945, 2021-BOM-9927, 2021-BOM-9932 (Dr. Grajcar recused), 2021-BOM-9797, 2021-BOM-9827, 2021-BOM-9925, 2020-BOM-9620, 2021-BOM-9920.

NJ CO - 14501, NJ CO - 14504, NJ CO - 14505, NJ CO - 14507, NJ CO - 14508, NJ CO - 14510, NJ CO - 14513, NJ CO - 14520, NJ CO - 14521, NJ CO - 14522, NJ CO - 14523, NJ CO - 14524, NJ CO - 14525, NJ CO - 14527, NJ CO - 14529, NJ CO - 14531, NJ CO - 14532, NJ CO - 14535, NJ CO - 14536, NJ CO - 14540, NJ CO - 14541, NJ CO - 14543, NJ CO - 14544, NJ CO - 14546 (Ms. Chadwick recused), NJ CO - 14548, NJ CO - 14549, NJ CO - 14552, NJ CO - 14553, NJ CO - 14555, NJ CO - 14560, NJ CO - 14561, NJ CO - 14564, NJ CO - 14530.

-to open the following case numbers:

NJ CO - 14538, NJ CO - 14542, NJ CO - 14545.

-noting the following case numbers were presented for the Board's information only: 2022-BOM-9949, #287, and #348, and further

-to revoke licensure in case number 2022-BOM-9951, and further

-to send confidential letters of concern for case number 2021-BOM-9937 (Dr. Guzman recused), 2021-BOM-9889; 2021-BOM-9793.

-to refer for further investigation, case number 2021-PAC-9885.

Dr. Cunagin seconded. Motion carried.

Dr. Cunagin moved to send a letter of concern to case number 2021-PAC-9931. Dr. Grajcar seconded. Motion carried.

Dr. Cunagin moved in case number 2022-PAC-9942, to temporarily suspend licensure pending further investigation. Dr. Guzman seconded. Motion carries.

ADJOURN

There being no further business, the meeting was adjourned by general consent at 4:40 PM MT on 5/12/22.

The next Idaho Board of Medicine meeting will be on 8/12/2022 at 8:00 AM MT.