

**Idaho State Board of Medicine**  
Division of Occupational and Professional Licenses  
Location: 11341 W. Chinden Blvd., Bldg. 4  
Boise, ID 83714

**Board Meeting Minutes- August 12, 2022**

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

**BOARD MEMBERS ABSENT:** Keith Davis, M.D.

**DIVISION STAFF:** Nicki Chopski, Executive Officer  
Katie Stuart, Board Support Program Manager  
Stephanie Lotridge, Licensing and Registration Program Manager  
Yvonne Dunbar, General Counsel  
Lea Kear, Legal Counsel  
Berk Fraser, Chief Investigator  
Mike Celeste, Investigations Supervisor  
Frutoso Gonzalez, Investigator  
Helen Kuo, Investigator  
Jason Weaver, Investigator  
Tyler Graves, Investigator  
William Long, Investigations Support Specialist  
Susan Villanueva, Board Support Specialist  
Susan Cassell, Board Support Specialist

**OTHER ATTENDEES:** Josh Scholer, DFM  
Megan Larrondo, Deputy Attorney General  
Joan Callahan, Prosecution Counsel  
Members of the Public

**Convened:** Dr. McClusky called the meeting to order at 8:10 AM MT. Following the roll call, a quorum was established.

**Approval of Minutes:** Ms. Chadwick moved to approve the minutes for May 12, 2022, as written. Dr. Guzman seconded. Motion carried.

**DIVISION BUSINESS**

**BUILDING 4**

Dr. Chopski welcomed the Board to their first meeting at the Division of Occupational and Professional Licenses' (DOPL) new building on the Chinden Campus.

**INTERNATIONAL MEDICAL GRADUATES (IMG)**

Dr. Chopski informed the Board that they have a seat at the table for the IMG Exploration Work Group along with stakeholders like the Idaho Medical Association (IMA). The work group has held two meetings and will be meeting monthly. There is no proposed legislation yet, but this workgroup is exploring options to expedite the Residency and examination process for displaced graduates of foreign medical schools who hold valid licenses and had practiced in other

countries before relocating. These residencies are in addition to the residency positions filled by graduates of American medical schools and will have separate funding. The Board will be able to review the proposed language as it is developed, and Dr. Chopski will provide regular meeting updates.

### **FINANCIAL UPDATE**

There is no formal financial report today. DOPL finance continues to work on allocating expenses accurately.

A motion had previously been made to increase the stipend for the pre-litigation attorneys and members, as only the chair is currently being compensated. Ms. Dunbar stated that it is difficult to find lay members to serve on the panel and that physicians are not compensated for their time, as it is their duty to serve in that capacity as a licensee. After considerable discussion, the Board would like to be respectful of the panel members' time and agreed that the finance department should explore budgetary options. Dr. Chopski will provide an update at future meetings.

### **LEGISLATIVE UPDATE**

Dr. Chopski introduced Ms. Kear and stated that there has been a legislative idea submitted to update the practice act, as well as a broad discipline process to cover the entirety of DOPL. Several legislative ideas pertaining to DOPL have been submitted, some are approved, and some are currently under review for the 2023 Legislative Session.

Ms. Kear reviewed a draft bill that will clean up and streamline language that required physicians to hold a separate registration to be a supervisor. This is consistent with statute changes that occurred in the last legislative session. This language affects supervisor registration, not the collaboration with physician assistants. Dr. Chopski stated that this concept has received a positive response and that she appreciates the feedback.

Dr. Chopski informed the Board that they will undergo the Zero-Based Regulation (ZBR) process for the 2024 legislative session, which is a full repeal and replacement of the Administrative Rules for the Board of Medicine. The Board asked about rulemaking outside of the ZBR cycle. Dr. Chopski explained that there is a process for rulemaking that falls under a narrow list of valid reasons addressed in the Executive Order.

### **NATUROPATHY UPDATE**

Dr. Chopski informed the Board that she would be meeting with the Governor's office and had not yet been notified of appointments to the Board of Naturopathic Health Care. At this time, there are no draft rules to review, but the process could move quickly once there are appointments due to the deadlines for the legislative session if rules are to be approved in 2023. The Board is welcome to contact Dr. Chopski for feedback on any proposed language or with any ideas.

### **BOARD MEETING EVALUATIONS**

Dr. Chopski stated that DOPL will be piloting a post-meeting evaluation form, based on the process from the Board of Nursing. This is an optional survey but input from Board members is valuable to ensure that members have a chance to have a formal feedback process.

### **BOARD BUSINESS**

#### **MEDICAL RESIDENT LICENSURE**

Dr. Chopski informed the Board that licensure staff is trained to refer to the statutes and rules when they have a question. If concerns persist it will go for a legal review. Ms. Dunbar presented her legal analysis to the board. Historically licenses had been issued after completion of Residency Year 1, rather than after completion of Residency as stated in the statute. There was a robust discussion of possible solutions in the short and long term. In the short term, Dr. Chopski stated that the Board staff could use enforcement discretion with Board approval, while a long-term solution is sought by legislative change.

Dr. Cunagin made a motion to allow staff discretion on medical resident licensure. Dr. Grajcar seconded. Motion carried.

Dr. Cunagin made a motion to allow staff to draft language for posting in the Administrative Rules Bulletin to continue issuing licenses after Residency Year 1. Dr. Grajcar seconded. Motion carried.

Dr. McClusky opened the floor to public comment. Ted Epperly, from Full Circle Health, spoke in support of the solution voted upon by the Board; Full Circle Health offers five residency training sites for approximately 100 Family Medicine

residents and 6 pediatric fellowships. Public comment was given regarding the impact the loss of medical residents would have on rural emergency departments and clinics, contributing to staffing shortages and increasing burnout on medical personnel, in addition to reducing training and experience for residents.

### **COMPLAINTS/DISCIPLINE OUTCOMES AND GRANT OPPORTUNITY DISCUSSION**

Ms. Chadwick identified a FSMB grant opportunity of interest related to complaints and discipline data. Dr. Chopski indicated that DOPL can submit a general letter of intent to increase data analysis. DOPL Health Professions has a data analyst on staff that may be able to provide the grant-defined analysis depending on workload. The Board would support the submission of a letter of intent to start the grant process.

### **COACHING TRAINING UPDATE**

Dr. Chopski stated that she has met with Dr. Cunagin but has no specific update at this time. Will continue to work on this topic and report back to the Board in the future with more information.

### **NEWSLETTER ARTICLE**

The Board discussed who would contribute to upcoming newsletters. Ms. Chadwick has completed an article and Dr. Morton has ideas and will submit an article soon. Dr. Morton and Dr. McClusky will discuss options and ideas, any Board member is welcome to consult Dr. Chopski with ideas and topics. Dr. Cunagin and Dr. Grajcar will also work on options.

### **FSMB TRAVEL REVIEW**

Dr. Chopski was a first-time attendee and appreciated the sessions on burnout and the opportunity to network with other state boards. Dr. Guzman enjoyed the social aspect with attendees and vendors and found it helpful to hear about the bigger issues in other states. Dr. Grajcar found the sessions on misinformation and disinformation especially helpful. Ms. Chadwick highlighted these sessions as well and will disseminate the materials she obtained on the FSMB website. Dr. Kuo spoke about the opportunity to assist students, especially students concerned with past criminal history or substance use disorders, and the licensing process with outreach and mentoring while in medical school.

### **BOARD TRAINING**

Ms. Kear provided a PowerPoint presentation on Open Meeting Laws and encouraged the Board to utilize the manual and videos available on the Attorney General's website for further information or to call DOPL if questions arise.

### **APPOINTMENT TO THE NATUROPATHIC MEDICAL BOARD (NMB) – LETTER OF INTEREST**

The Board reviewed the letters of interest from Cory Szybala and Kelsey Jae. Ms. Chadwick moved to reappoint both NMB members. Dr. Grajcar seconded. Motion carried.

### **APPOINTMENT TO THE COMMITTEE ON PROFESSIONAL DISCIPLINE (COPD)**

The Board reviewed the letters of interest from Heidi Bird and Dr. Kathleen Sutherland. Dr. Guzman moved to appoint both candidates to the COPD. Dr. Cunagin seconded. Motion carried.

### **APPOINTMENT TO THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE (PAAC)**

The Board reviewed the letter of interest from Valentin Garcia. Dr. Morton moved to reappoint Mr. Garcia. Ms. Phelps seconded. Motion carried. The Board is waiting on the submission of an additional letter of interest.

### **EXECUTIVE SESSION**

Dr. Cunagin moved, and Ms. Chadwick seconded, to enter Executive Session pursuant to I.C. § 74-206(1)(f) and I.C. § 74-206(1)(d). Following a roll call vote, the motion carried unanimously. The Board entered Executive Session at 10:26 AM.

Ms. Chadwick moved to exit Executive Session at 3:46 PM. Mr. Anderson seconded. Motion carried unanimously.

### **APPEARANCE**

Dr. Morton moved to grant licensure without restrictions in case BOMA-10848. Dr. Cunagin seconded. Motion carried.

### **COPD DISCIPLINE**

Prior to any motions being made, Dr. Guzman recused on 2022-BOM-9948 and Mr. Anderson recused on NJCO-14610. Ms. Phelps made a motion and Dr. Grajcar seconded the following actions:

To close: 2022-BOM-9992, 2022-BOM-9963, 2022-BOM-9959, 2022-BOM-9946, 2022-BOM-9965, 2022-BOM-9966, 2022-BOM-9975, 2022-BOM-9953, 2022-BOM-9958, 2022-BOM-9993, 2021-BOM-9939, 2021-BOM-9938, 2022-BOM-9952, 2022-BOM-9957, 2022-BOM-9954, 2022-BOM-9977, 2022-BOM-9967, 2022-BOM-9984, 2022-BOM-9948, 2022-BOM-9962, 2022-BOM-9978, 2022-BOM-9985, 2022-BOM-9964, 2022-BOM-9956, 2022-BOM-9955, 2022-BOM-9970, and all non-jurisdictional cases.

Letter of concern: 2022-BOM-9929, 2022-BOM-9974, 2022-BOM-9960, 2022-BOM-9973, 2022-BOM-9969.

Corrective action plan: 2022-BOM-9968, 2016-BOM-773.

More information is needed for 2022-BOM-9982. Motion carried

#### **ALLIED HEALTH DISCIPLINE**

Dr. Cunagin made a motion and Dr. Grajcar seconded the following actions:

2022-PAC-9950 – Stipulation and Order

2022-PAC-9942 – corrective action plan. Motion carried

Dr. Guzman made a motion and Dr. Grajcar seconded to request more information on case 329. Motion carried.

#### **CONSENT AGENDA**

Ms. Chadwick made a motion to accept the consent agenda. Ms. Phelps seconded. Motion carried.

#### **ADJOURN**

There being no further business, the meeting was adjourned by general consent at 3:51 PM on 8/12/2022.

The next Idaho Board of Medicine meeting will be held on 11/10/2022.