



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

**BRAD LITTLE**  
Governor  
**RUSSELL BARRON**  
Administrator

11341 W Chinden Blvd.  
P.O. Box 83720  
Boise, ID 83720-0063  
(208) 334-3233  
dopl.idaho.gov

**Minutes of 11/10/2022**

<b>Board Members Present:</b>	David McClusky, MD-Chair Guillermo Guzman, MD Catherine Cunagin, MD Paula Phelps, PA Mark Grajcar, MD Jared Morton, MD Thomas Neal, MD Michele Chadwick Public Member Paul Anderson, Public Member	<b>Division Staff:</b>	Nicki Chopski, PharmD, Executive Officer Stephanie Lotridge, Licensing & Registration Program Manager Katie Stuart, Board Services Program Manager Jan Arrasmith, RT, Education and Practice Specialist Mike Celeste, Investigations Supervisor Frutoso Gonzalez, Investigator Helen Kuo, Investigator Jason Weaver, Investigator Tyler Graves, Investigator Susan Villanueva, Board Support Specialist Yvonne Dunbar, General Counsel
<b>Board Member Absent:</b>	Keith Davis, MD Col. Ked Wills, Director of ISP	<b>Others Present:</b>	Joan Callahan, Prosecutorial Counsel Michele Ebbers, MD Brian Church, Deputy Attorney General

The meeting was called to order at 8:33 AM by Dr. McClusky.

**Approval of Minutes**

A motion to approve 08/12/2022 minutes was made and seconded. The motion carried unanimously. After further review, it was determined that the minutes for 8/12/22 were incorrect. A motion was made and seconded to rescind the prior vote to accept the minutes. A new motion was made and seconded to accept the minutes with amendments. Motion carried.

**DIVISION BUSINESS**

**Financial Update:** The Board reviewed the financial report and Dr. Chopski stood for questions.

**Prelitigation Stipend Follow-up:** Dr. Chopski explained why no increase to fees paid to the prelitigation panel members will be pursued at this time.

**International Medical Graduates (IMG) Update:** Dr. Chopski explained why IMG committee meetings have been paused and will be revisited at a later date.

**BOARD BUSINESS**

**Omnibus Rules Chapter 24.33.01:** After an initial motion, second, and vote to pass the proposed chapter to pending, the Board motioned, seconded, and voted to revisit the matter. Following additional consideration and discussion, a motion was made and seconded to move Omnibus Rules Chapter 24.33.01 from proposed to pending with an edit to include “or internship” into the draft. Motion carried.

It was noted that the proposed language had been shared and there was no opposition from IMA or other stakeholders regarding the proposed edits to the rule chapter. There were no public comments received after it ran in the October bulletin. The pending rules will run in the December Bulletin.

**Zero-Based Regulations (ZBR):** Dr. Chopski summarized the ZBR packet materials. She then stated the Board of Medicine ZBR schedule has been delayed a year and will start in the fall of 2023 and will be presented to the 2025 Legislature.

**Board Training- Discipline Process/Malpractice Discussion:** Ms. Dunbar and the Board discussed the current COPD and Board review of non-jurisdictional cases and suggested future training the COPD related to its role in investigations.

Ms. Dunbar and the Board discussed National Practitioners Data Bank (NPDB) notifications for malpractice cases and reasons the Board will not utilize these reports to open disciplinary complaints.

**Conference Attendance Reports:** Dr. Guzman provided a summary of the USMLE meeting he attended. Dr. Chopski attended the Tri-Regulators Symposium and summarized the lectures.

**Election Vice Chair:** After an initial review of eligibility criteria and the tradition of the Board to elect a vice-chair that serves for two years and then ascends to chair, a motion was made and seconded to elect Dr. Guzman as the next vice-chair. Motion carried. The transition of the Board Chair will be in the spring.

**Reappointment to the Dietetic Board:** Subsequent to receipt of a letter of support, a motion was made and seconded to reappoint Sue Linja to her second four-year term on the Dietetic Board. Motion carried.

**IMLC Commissioner Vacancy:** Dr. Grajcar is no longer able to serve as a commissioner to the Interstate Medical Licensure Compact. The Board will discuss filling this vacancy at its next meeting.

**Newsletter Article:** Dr. Morton has completed his article for the upcoming newsletter. Dr. Guzman said he would write the next article, and Dr. Cunagin volunteered to write the article after that.

The approved minutes of the Allied Health Boards and some articles of interest that were included in the packet were acknowledged by the Board.

### **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. Guzman, aye, Dr. Cunagin, aye, Ms. Phelps, aye, Dr. Grajcar, aye, Dr. Morton, aye, Dr. Neal, aye, Ms. Chadwick, aye, Mr. Anderson, aye. Motion carried.

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

### **BOARD DISCIPLINE**

#### **Termination and Modification:**

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

- To terminate the Stipulation and Order for 2020-PAC-9600/338;
- To grant the request to amend the Stipulation and Order for 2009-PAC-6498/215;
- To grant early graduation from PRN Program for case number: 2020-BOM-9645/337.

The motion carried.

#### **Monitor:**

A motion was made and seconded to send a letter of concern: 2015-BOM-7747/329. The motion carried.

### **COPD DISCIPLINE**

Prior to any motions being made, Dr. Morton recused himself on 2022-BOM-10020.

Motions were made and seconded to take the following actions:

- To deny a request to modify the previously offered Corrective Action Plan (CAP) for case number:
  - 2019-BOM-9467;
- To accept the COPD's Recommendation to Close: 2022-BOM-10006, 2022-BOM-10005, 2022-BOM-9990, 2022-BOM-9976, 2022-BOM-9998, 2022-BOM-10001, 2022-BOM-9972, 2022-BOM-9980, 2022-BOM-9971, 2021-BOM-9930, 2022-BOM-10000, 2022-BOM-9997, 2021-BOM-10008, 2022-BOM-9989, 2022-BOM-9979, and all non-jurisdictional cases, unless excepted;
- To send a letter of concern: 2022-BOM-9926, 2022-BOM-9983, 2022-BOM-9908, 2022-BOM-10020;
- To initiate a CAP: 2022-BOM-9982, 2022-BOM-9842;
- To open for investigation: NJ CO- 14627.

Motions carried.

#### **ALLIED HEALTH DISCIPLINE**

Motions were made and seconded to take the following actions:

- To accept the PAAC's Recommendation to Close: 2022-PAC-9991, 2022-PAC-9981, 2021-PAC-9801, and 2022-PAC-9994;
- To send a letter of concern: 2022-PAC-9995;
- To initiate a CAP: 2021-PAC-9885;
- To enter a Stipulation and Order: 2022-PAC-9950.

Motions carried.

#### **ADJOURN**

There being no further business, the meeting was adjourned at 3:49 PM.

The next meeting will be held on 2/9/2022.