



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

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Minutes of 05/18/2023

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

The meeting was called to order at 8:35 AM by David McClusky, MD.

Approval of Minutes

A motion was made and seconded to approve the 02/09/2023 minutes. The motion carried.

DIVISION BUSINESS

Legislative Session Overview: Russ Spencer reviewed the following legislation that passed in the 2023 Legislative Session:

H0374: This legislation amends Idaho Code, Section 18-622, to eliminate the trigger provision and change the affirmative defense provisions to exemptions. Additionally, the legislation clarifies the definition of abortion and language regarding the reporting standard for rape and incest exemptions.

H0153: This legislation directs the Idaho Board of Medicine to create a limited license for medical school graduates who have not yet matched with a residency program and designate them as "bridge year physicians." These bridge-year physicians can fill gaps in Idaho's current healthcare provider workforce. This bill establishes license length, eligibility, qualifications, permitted duties, and supervision requirements.

S1094: This legislation would extend a temporary license and registration, usually applied to U.S. Medical School graduates for residency training in Idaho, to experienced International Medical Graduates who are forcibly displaced persons to address the severe doctor shortage while simultaneously putting experienced physicians to work. Dr. Chopski added that at least six other states have implemented similar legislation.

Mr. Spencer presented a new draft rule for a Limited License and draft changes to Rule 243 Temporary Registration to fulfill the requirements of H0153 and S1094. The Board will hold an additional meeting to discuss these rule changes and meet the mandate in both bills. The Board directed staff to provide them with information on how other states have handled international graduates.

Dr. Chopski outlined the following legislation that passed in the 2023 Legislative Session:
H0003: Consistent with the Governor's Licensing Freedom Act, the bill removes an outdated requirement for a licensed physician to obtain supervising physician registration when supervising interns, residents, and other medical personnel. Further, it removes the requirement for filing an obsolete annual report with the Board.

H0004: This bill updates the Idaho Uniform Controlled Substance Act scheduling decisions for 2022. It includes placing synthetic opioids in Schedule I, a medication to treat insomnia in Schedule IV, and an anticonvulsant medication in Schedule V.

H0071: The Vulnerable Child Protective Act would amend the existing state ban on female genital mutilation to also include puberty blockers, cross-sex hormones, and sex reassignment surgeries when administered to children struggling with gender dysphoria.

H0083: This amends the current statute reducing the administrative burden related to the application process. It increases the cap on the number of applications healthcare facilities can submit from 2 to 5. Prioritizing critical access hospitals and rural clinics. The overall goal of the legislation is to address severe healthcare workforce shortages by increasing access to qualified physicians and reducing the burden to apply.

H0162: This legislation expands the ability of Idaho citizens in rural and underserved areas to access health care from providers who are not physically present in a patient's geographical area. The legislation updates the Idaho Telehealth Access Care Act, Title 54, Chapter 57, Idaho Code by changing the term "telehealth" to "virtual care," and clarifies virtual care practice requirements. Dr. Chopski stated that this bill outlines that the venue of care is where the patient is located. Additionally, providers must provide care within their scope of practice and licensure while adhering to all applicable laws and the Idaho standard of care where the patient resides. The Board directed staff to provide additional information to the Board on specific terms and requirements the legislation outlines.

Dr. Chopski briefed the Board on bills H0193 and H0223. In addition, she notified the Board that H0028 did not pass during this session, but the division plans to run a similar bill in the 2024 session.

Col. Ked Wills left the meeting at 9:30 AM.

HPRP Update: Ms. Stuart gave an update on the Health Professionals Recovery Program (HPRP). She informed the Board that, going forward, they will be receiving quarterly reports. Ms. Stuart also stated she will be working with a non-profit, Connection is the Cure, to set up a scholarship fund that will help cover the costs associated with participation in HPRP. Moving forward, she will work with graduates of HPRP to determine how the scholarship can be most impactful to future participants.

Financial Update: The Board reviewed the financial report as of 4/10/2023, and staff addressed the Board's questions.

Honoraria Policy: Mr. Spencer reviewed this policy with the Board.

BOARD BUSINESS

Licensure Liability Questions: Steve Reames, from the Ada County Medical Society, presented "Reducing Mental Health Stigma for Physicians in Idaho". The Board discussed multiple options on how best to inform licensees of HPRP, emphasize its non-disciplinary nature, and address licensees' hesitancy to seek help. The Board discussed liability questions and possible changes to the renewal form. The Board would like to explore changing a question related to mental health on applications and asked staff to bring data regarding the percentage of licensees who answered "yes" to the current question.

A motion was made and seconded to create a FAQ on the Board of Medicine website regarding HPRP and to examine the licensure liability questions. The motion Carried.

BOM Strategic Plan: Dr. McClusky asked staff to review the documents the Board was provided. Dr. Chopski outlined the differences and overlaps between the Division of Occupational and Professional Licenses (DOPL) strategic plan and the Board of Medicine (BOM) strategic plan. The Board discussed measures that have yet to be completed and requested follow-up on these measures.

A motion was made and seconded to no longer have a separate Board of Medicine strategic plan. Instead, the Board will review and adopt DOPL's strategic plan yearly, with the option to add medicine-specific goals and objectives. The motion carried.

Continuing Education (CE) Audit Discussion: The Board discussed resuming CE audits due to the Division's discretionary enforcement period starting January 2020, which was implemented because of the Covid-19 pandemic. Dr. McClusky requested that CE be a discussion topic in a broader context at a future board meeting.

A motion was made and seconded to resume biennially conducting random audits of at minimum 10% of licensees. Licensees found non-compliant will continue to have ninety (90) days to become compliant. The motion carried.

Election of Board Chair: This topic was tabled and will be revisited at a future meeting.

Appointment to the PA-AC: Following the review of letters of interest, a motion was made and seconded to reappoint Erin Carver, PA, and to appoint Brian Bizik, MS PA-C, to the Physicians Assistant Advisory Committee. Motion carried.

The Board directed staff to preemptively reach out to the Idaho Academy of Physician Assistants for candidates from northern and eastern Idaho to fill upcoming expired terms.

Conference Attendance Reports: The Board reviewed submitted travel reports and discussed attendance at upcoming conferences. A motion was made and seconded to approve upcoming board travel as presented. The motion carried.

Newsletter Article: The Board discussed Dr. Guzman's article, which will be published in the next newsletter, regarding the Prescription Drug Monitoring Program (PDMP Aware). Dr. Davis will write the next article about return to practice, and Dr. Grajcar will write an article regarding the virtual care update. Future article topics will include Mental Health and Physician Burnout, the Opioid Crisis, and DEA Continuing Education (CE) requirements. Additionally, the Board requested that a list of medicine-related legislation passed in the 2023 session be put on the cover of the newsletter. The Board directed staff to create a compilation of previous BOM articles for the Board Members.

Board Training- Discipline Process:

Ms. Dunbar reviewed the administrative complaint and division discipline processes with 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. McClusky, aye; Dr. Guzman, 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

Board Review:

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

- To close 2022-BOM-10052. Motion carried.

Monitor:

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

- To close 2020-PAC-9627. Motion carried.

Dr. McClusky thanked the COPD and the Physician Assistant Advisory Committee for all their hard work.

COPD DISCIPLINE

Prior to any discipline motions being made, Dr. Guzman recused himself on case numbers 2022-BOM-10043 AND 2022-BOM-10002, Dr. Grajcar recused himself on case number 2022-BOM-10021, Dr. McClusky recused himself on case number 2022-BOM-10002.

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

- To close 2022-BOM-10022, 2022-BOM-10043, 2023-BOM-10064, 2022-BOM-10038, 2022-BOM-10049, 2023-BOM-10067, 2022-BOM-10058, 2022-BOM-10035, 2022-BOM-10057, 2022-BOM-10055, 2023-BOM-10065 and all complaints presented.

COPD REVIEW

- To initiate a CAP in 2023-BOM-10063.
- To enter a Stipulation and Order in 2022-BOM-10045, 2022-BOM-10002.
- To offer an informal resolution in case number 2022-BOM-10021.

ALLIED HEALTH DISCIPLINE

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

- To close 2022-PAC-10040 and 2022-PAC-10039.
- To initiate a CAP: 2022-PAC-10051.

Motions carried.

Adjourn

There being no further business, the meeting was adjourned at 2:50 PM.

The next meeting will be held on 08/10/2023.