



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

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**Minutes of 02/08/2024**

<b>Board Members Present:</b>	David McClusky, MD – Chair Guillermo Guzman, MD – Vice Chair Mark Grajcar, DO Jared Morton, MD Thomas Neal, MD Keith Davis, MD Christian Zimmerman, MD Paula Phelps, PA Michele Chadwick, Public Member Paul Anderson, Public Member	<b>Division Staff:</b>	Nicki Chopski, PharmD, Executive Officer Mark Kubinski, General Counsel Stephanie Lotridge, Licensing & Registration Program Manager Berk Fraser, Chief Investigator Mike Celeste, Investigations Supervisor Madyson Crea, Board Support Specialist Susan Villanueva, Board Support Specialist
<b>Board Members Absent:</b>	Col. Ked Wills, ISP Director	<b>Others Present:</b>	Joan Callahan, Board Prosecutor Michele Ebbers, MD – COPD Chair Anne Lawler, FSMB

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 11/09/2023 minutes. The motion carried.

**DIVISION BUSINESS**

**Legislative Update:** Board staff reviewed the current progress of the 2024 legislative session. Dr. Chopski informed the Board their pending rules have passed the House and Senate floors. The Division plans to propose five bills that apply to the Health Professions Bureau, and four apply directly to the Board of Medicine. Dr. Chopski explained H0435, the proposed edits to the Uniform Controlled Substance Act would place six illicit substances in Schedule I. Board staff briefly reviewed H0490, the Division’s criminal background check bill, and the licensure renewal bill, which has not yet been introduced. Dr. Chopski reviewed H0436, which would create the Allied Health Advisory Board. This legislation would consolidate four of the Board of Medicine’s advisory boards into one Board that will continue to report to the Board of Medicine. The legislation aims to create efficiencies and decrease administrative expenditures. Division staff continue to communicate with stakeholders.

Dr. Chopski informed the Board of the following proposed nonagency legislation:

**H0418 Physicians:** This legislation expands Idaho’s bridge year physician program by creating a direct pathway for bridge year physicians to become licensed general practitioners without entering a residency program.

**H0399 Maternal Mortality:** This legislation amends Section 54-2806, Idaho Code, to authorize the Board of Medicine to collect and review data and information concerning maternal mortality in the state of Idaho. The Board of Medicine shall have the power throughout the state to require production of needed information and will provide an annual summary report to the legislature by January 31st of each year. The Board discussed resources that would be needed if this legislation passes.

**Financial Update and Five-Year Projections:** The Board reviewed the five-year financial projections report, and staff addressed questions. Dr. Chopski informed the Board that they have a large cash balance, and the Division is preparing a report for the legislature to address this. The Division plans to recommend to the Governor that Boards with a cash balance exceeding 125% contribute funds from fines to the State's Adult Launch program, which provides scholarships for higher education and trade schools. The Board discussed the possibility of a fee holiday or decreasing license and registration fees. The Board recommended staff consider using funds to assist with CPEP assessments and/or sponsoring a WWAMI residency seat.

## **BOARD BUSINESS**

**Provider Bridge Discussion – Anne Lawler, FSMB Presenter:** Ms. Lawler presented information on Provider Bridge, a resource funded by a Health Resources and Services Administration grant awarded to FSMB. The purpose is to streamline license verification for healthcare professionals providing emergency care during disasters or in underserved areas. The goal of informing the Board of Medicine is to increase visibility and the number of providers registered in the database.

The Board directed staff to include information on Provider Bridge in the newsletter and on the Board website. Additionally, the Board expressed interest in incorporating a link to the Provider Bridge registration in the licensure and renewal processes.

**Zero-Based Regulation (ZBR) Discussion:** Dr. Chopski reviewed the first draft of the combined rule chapters, 24.33.01 and 24.33.03. Staff requested direction from the Board regarding the following draft rule changes:

104. Inactive License: The Board agreed to remove rule 104 because the process to reinstate an inactive license is the same as reinstating a lapsed license.

243. Temporary Registration: Dr. Chopski informed the Board that once the legislature passes a concurrent resolution, this rule will be updated based on the Board's 2023 rulemaking.

079. Continuing Medical Education (CME) Required: The Board discussed the unnecessary administrative burden of requiring CME for licensees who are board certified. The maintenance of board certification already requires completion of high-quality CME. However, some licensees are not board certified, and the Board discussed the need for CME for these licensees and directed staff to draft language to reflect this.

162. Duties of Collaborating Physicians: Dr. Chopski asked the Board if it would like to keep the rule as it had recently been added for clarification as a result of recent Physician Assistant statute changes. The Board agreed the rule should remain.

164.02. Duties and Responsibilities of Supervision Physicians: This rule was discussed and the Board directed staff to retain the current language.

300. Discipline: The Board discussed removing rules duplicative of statute. Staff requested the Board consider if there are any rules the Board currently doesn't have that may be needed.

**Continuing Education (CE) Audit Findings Report:** Mr. Fraser informed the Board that four hundred audit letters were mailed on 10/18/2023. Of the four hundred, two hundred ninety-five licensees responded. Seven respondents were non-compliant, and the Board directed staff on how to manage the seven respondents. Additionally, staff was directed to send a second notification of non-

compliance to the one hundred and five unresponsive licensees and allow for 21 days to respond prior to taking further action.

**Board Appointments:** Following the review of a letter of support, a motion was made and seconded to reappoint Pamela Howland to the Dietetic Licensure Board. The motion carried.

**Conference Attendance Reports and Requests:** Dr. Guzman summarized his USMLE advisory board meeting attendance. He noted there was significant discussion concerning alternative licensure pathways at the USMLE advisory meeting. The Board discussed attendance at upcoming conferences. A motion was made and seconded to support upcoming board travel as presented. The motion carried.

**Continuing Education (CE) Options for Discipline:** Dr. Chopski reviewed the compiled available CE course list. The Board discussed the intensity of specific options listed and requested staff update some CE options' classifications. A motion was made and seconded to move forward with the options presented with discussed amendments and continue to add CE options as additional resources are identified. The motion carried.

**Newsletter Article:** Staff informed the Board of 2024 newsletter article deadlines. The Board agreed the newsletter article no longer needs to be an agenda item as enough article topics have already been determined for 2024.

## **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; Dr. Davis, aye; Ms. Chadwick, aye; Mr. Anderson, aye; Ms. Phelps, aye; and Dr. Zimmerman, aye. The motion carried.

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

## **BOARD DISCIPLINE**

Prior to any discipline motions being made, Dr. McClusky recused himself on case number 2023-BOM-10137; Dr. Neal recused himself on case number 2023-BOM-10129; Dr. Guzman recused himself on case number 2023-BOM-10111; and Ms. Phelps recused herself on case number 2023-PAC-10088.

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

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

- To approve requests for case numbers 363, 2018-PAC-9218, and PAC-2016-785.
- To terminate the Stipulation & Order with conditions discussed in executive session and authorize an agreement in lieu of discipline for case number 2020-PAC9639.

### **Monitor:**

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

- To notify of completion and close case numbers 2022-BOM-10060 and 2023-BOM-10156
- The motions carried.

## **DISCIPLINE**

### **COPD Review**

Motions were made and seconded to take the following actions:

- To send a letter of concern for case number 2023-BOM-10133.
- To close cases 2023-BOM-10119, 2023-BOM-10137, 2023-BOM-10115, 2023-BOM-10108, 2023-BOM-10111, 2023-BOM-10117, 2023-BOM-10109, 2023-BOM-10114, 2023-BOM-10121, 2023-BOM-10113, 2023-BOM-10125, 2023-BOM-10101, 2023-BOM-10138, 2023-BOM-10129, 2023-BOM-10116, 2023-BOM-10130, and 2023-BOM-10131 as recommended.
- To accept COPD recommendations for case numbers 2023-BOM-10126 and 2023-BOM-10141.
- To close case numbers 2023-BOM-10104, 2023-BOM-10128, 2023-BOM-10146 with a letter of concern
- To close case numbers 2023-BOM-10112 and 2023-BOM-10120.

The motions carried.

### **Allied Health Discipline**

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

- To close case numbers 2023-PAC-10088 and 2023-PAC-10134.

The motion carried.

### **Adjourn**

There being no further business, the meeting was adjourned at 3:45 PM.

The next meeting will be held on 05/09/2024.