



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

**BRAD LITTLE**  
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**Minutes of 05/09/2024**

<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	<b>Division Staff:</b>	Nicki Chopski, PharmD, Executive Officer Russ Spencer, 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>	Paul Anderson, Public Member Col. Ked Wills, ISP Director	<b>Others Present:</b>	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 02/08/2024 minutes. The motion carried.

**DIVISION BUSINESS**

**Legislative Update:** Dr. Chopski informed the Board of the following agency legislation that passed this legislative session:

H0436 Allied Health Advisory Board: The purpose of this legislation is to restructure the regulated practice of dietetics, athletic training, respiratory therapy, and naturopathic medicine advisory boards into a single allied health advisory board to decrease costs and provide more efficient governance. This bill will go into effect 7/1/2024.

H0505 Licensure Renewals: The purpose of this legislation is to update all licensure renewals under the Division of Occupational and Professional Licenses from annual renewals to at least a biennial renewal cycle, with an expiration date at the licensee's birthdate. This will allow for consistency in renewal cycles throughout the Division. This bill will go into effect 7/1/2024 and the Division has until 7/1/2028 to fully implement changes.

H0490 Criminal Background Checks: This bill allows the division administrator, unless otherwise prohibited by law or rule, to conduct fingerprint criminal background checks as a requirement for licensure and registration, revises language concerning fingerprinting to align the procedures employed by the various boards and commissions governed by the division of occupational and professional licenses, and simplifies the fingerprinting process for applicants. This bill passed and will go into effect 7/1/2024.

H0435 Uniform Controlled Substances: This bill updates Schedule I of the Idaho Controlled Substance Act with the addition of certain synthetic stimulants and opioids that are not approved for medical use and are not formulated or available for clinical use. This bill passed and is in effect as of 3/11/2024.

Dr. Chopski informed the Board of the following nonagency legislation that passed this legislative session:

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 the composition of this committee and requested staff reach out to the previous maternal mortality review committee chair.

H0542 International Physicians: This bill expands Idaho's licensure program for internationally trained physicians. It creates a pathway to licensure for high-quality, international physicians who have attended a recognized medical school and have already completed a residency or other post-graduate training. To qualify, physicians must have a job offer from an Idaho healthcare provider and must have practiced abroad or have experience in the U.S. medical system. After three years of successful practice under a provisional license, an international physician will be eligible to apply for a full license.

Dr. Chopski also informed the Board of the following nonagency legislation that passed this session: H0417 State Agencies, Cash Payment, H0518 Medicaid Fraud Unit, H0705 Occupational Licensing Reform relating to continuing education, S1234 Contraception, S1247 Crisis Response Holds and S1429 Occupational Licensing.

**Financial Update:** The Board reviewed the financial report, and staff addressed questions. Dr. Chopski informed the Board that they have a large cash balance; however, the Maternal Mortality Review Committee will likely deplete this.

**Licensing System Update:** Staff informed the Board of the current progress of the new licensing system.

**Board Training – Open Meeting Law:** Mr. Spencer presented information on open meeting law requirements.

## **BOARD BUSINESS**

**Zero-Based Regulation (ZBR) Discussion:** Dr. Chopski reviewed the third 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:

100.02. Application Expiration: The Board agreed to strike this rule as it is duplicative of Idaho Code § 67-2604(1)(m).

101.03. Reinstatement: The Board agreed to strike this rule as it is duplicative of Idaho Code § 67-2614(7).

101.04. Reapplication: The Board agreed to strike this rule as it is duplicative of Idaho Code § 67-2614(8)(a).

102.02 Character: The Board agreed to strike this rule as it is not a current licensure process.

102.03 Residence: The Board agreed to strike this rule as it is duplicative of rule 100.04 and will be maintained in general qualifications to apply to all licensees.

104. Inactive License: The Board discussed this rule as it relates to title protection. Staff explained that the new licensing system will still allow for an inactive license status; however, there will no longer be a fee to maintain this status.

051.01. International Medical Graduate: The Board discussed and approved language to allow for an exemption for international physicians in alignment with House Bill 542.

243.01. Eligibility: The Board reviewed draft language to include mini fellowship as eligible for temporary registration. Staff was directed to review application processing times to address this concern.

079. Continuing Medical Education (CME) Required: The Board approved draft language to exempt licensees who maintain National Board Certification from the requirement to complete CME.

04. Penalties for Noncompliance: The Board agreed to strike this rule as it is duplicative of Idaho Code §§ 54-1806A & 54-1814(10).

164. Supervising Physicians of Medical Personnel: The Board discussed this rule as it relates to medical spas, Botulinum Toxin, IV hydration, and compounding GLP1s. The Board requested staff to draft clarifying language. Additionally, the Board requested an ad hoc Committee be created with members from the Board of Medicine, Nursing, Pharmacy, and others to address public safety concerns surrounding these practices.

100.01 Fees: The Board approved stating fees for a Provisional License and a Limited License for Bridge Year Physicians as authorized in statute.

**Zero-Based Regulation Rulemaking Allied Health Boards:** The Board was informed that two public comment meetings were held and no public comment was received on the draft rule chapters.

Following review of the draft rule chapter 24.33.02, a motion was made and seconded to adopt the Rules for the Licensure of Physician Assistants as proposed. The motion carried.

Following review of the draft rule chapter 24.33.04, a motion was made and seconded to adopt the Rules for the Licensure of Naturopathic Medical Doctors as proposed. The motion carried.

Following review of the draft rule chapter 24.33.05, a motion was made and seconded to adopt the Rules for the Licensure of Athletic Trainers to Practice in Idaho as proposed. The motion carried.

Following review of the draft rule chapter 24.33.06, a motion was made and seconded to adopt the Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho as proposed. The motion carried.

Following review of the draft rule chapter 24.33.07, a motion was made and seconded to adopt the Rules for the Licensure of Dietitians as proposed. The motion carried.

**Delegated Authority:** After reviewing the draft delegated authority document, a motion was made and seconded to authorize staff delegated authority as presented. The motion carried.

**Board Appointments:** Following the review of letters of interest, a motion was made and seconded to reappoint Drs. Cooper and Curtis to the Committee on Professional Discipline. The motion carried.

The following appointments were made to the Allied Health Advisory Board. A motion was made and seconded to appoint:

Michele Jarvis, as public member, for a term of one (1) year.

Tim Seward, RRT, and Cory Szybala, NMD, each for a term of two (2) years.

Tara Erbele, MD, for a term of three (3) years.

Kimberly Young, LD, and Robb Hruska, RRT, PSG, each for a term of four (4) years.

Dave Hammons, AT, for a term of five (5) years.

The motion carried.

**Conference Attendance Reports and Requests:** The Board discussed attendance at upcoming conferences. A motion was made and seconded to support upcoming board travel as presented. The motion carried.

### **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; 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. Guzman recused himself on case numbers 2023-BOM-10158, 2023-BOM-10154, and 2023-PAC-10155. Dr. Neal recused himself on case numbers 2023-BOM-10171 and 2023-BOM-10110. Ms. Phelps recused herself on case number 2023-BOM-10162.

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

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

- To terminate the Stipulation & Order for case number 319.

The motion carried.

### **DISCIPLINE**

#### **COPD Review**

Motions were made and seconded to take the following actions:

- To send a letter of concern for case numbers 2023-BOM-10163, 2023-BOM-10173, 2023-BOM-10140, and 2023-BOM-10149.
- To close cases 2023-BOM-10147, 2023-BOM-10161, 2023-BOM-10166, 2023-BOM-10167, 2023-BOM-10168, 2023-BOM-10181, 2023-BOM-10153, 2023-BOM-10174, 2023-BOM-10151, 2023-BOM-10162, 2023-BOM-10089, 2023-BOM-10157, 2023-BOM-10182, 2023-BOM-10158, and 2023-BOM-10171 as recommended.
- To accept COPD recommendations for case numbers 2023-BOM-10169, 2023-BOM-10170, 2023-BOM-10110, 2023-BOM-10165, and 2023-BOM-10183.
- To close case numbers 2023-BOM-10154 and 2023-BOM-10179 with a letter of concern
- To enter into an agreement in lieu of discipline for case number 2023-BOM-10136.
- To enter into a stipulation and order for case numbers 2023-BOM-10177, 2023-BOM-10139, and 2023-BOM-10145.

The motions carried.

### **Allied Health Discipline**

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

- To accept PAAC recommendations for case numbers 2023-PAC-10159, 2023-PAC-10176, 2023-PAC-10152, and 2024-PAC-10180
- To close case number 2023-PAC-10155 with a letter of concern.
- To accept NMB recommendations for case number 2023-NMB-10135

The motions carried.

A motion was made and seconded to authorize the Board Prosecutor to file an administrative complaint should any of the negotiations expire or be rejected. The motion carried.

### **Adjourn**

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

The next meeting will be held on 05/22/2024.