



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

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Minutes of 11/14/2024

Board Members Present:	David McClusky, MD – Chair Guillermo Guzman, MD – Vice Chair Jared Morton, MD Thomas Neal, MD Christian Zimmerman, MD Paula Phelps, PA Col. William Gardiner, ISP Director Paul Anderson, Public Member Michele Chadwick, Public Member	Division Staff:	Nicki Chopski, Executive Officer Russ Spencer, General Counsel Berk Fraser, Chief Investigator Orin Duffin, Health Professions Program Director Candace Villarreal, Board Support Specialist
Board Members Absent:	Keith Davis, MD Mark Grajcar, DO	Others Present:	Joan Callahan, Board Prosecutor

The meeting was called to order at 8:33 AM by David McClusky, MD.

Approval of Minutes

A motion was made and seconded to approve the 08/22/2024 minutes with the discussed updates. The motion carried.

Introductions: Col. William Gardiner, ISP Director, was welcomed as the newest board member.

DIVISION BUSINESS

Financial Update: Dr. Chopski presented the financial report for the first quarter of the fiscal year and encouraged questions from the Board members. She emphasized the legislature's concern regarding elevated cash balances and underscored the expectation that the Board will make substantial progress in addressing the ongoing accumulation of surplus revenue, during the fee reduction agenda item.

Strategic Plan and Performance Review (PMR) Report: Dr. Chopski presented the 2024 Strategic Plan for the Division of Occupational and Professional Licenses, along with the PMR report that provided insights into licensing and disciplinary activities.

Maternal Mortality Review Committee (MMRC): Mr. Duffin, Executive Officer for the Committee, provided an update on the establishment of the MMRC. He indicated that the committee selection process has been finalized, and the inaugural meeting is scheduled for next week.

Respectful Workplace Training: The Board watched a video presentation from the Idaho Department of Human Resources.

BOARD BUSINESS

Appointments and Recommendations: Under Idaho Code § 54-2320, the Idaho Board of Medicine recommends the psychiatrist members of the Prescribing Psychologists Advisory Panel. After thorough consideration of the qualifications of Abhilash K. Desai, M.D., F.A.P.A., a motion was made and seconded to recommend him for appointment to the Idaho Board of Psychologist Examiners. The motion carried.

The Board reviewed the appointment of Mr. David Atkins, DMSc, PA-C, LPC, to the Physician Assistant Advisory Committee (PA-AC). A motion was made and seconded for the appointment of Mr. Atkins. The motion carried.

The Board reviewed the appointment of Dr. Sandy Curtis to the Idaho Emergency Medical Services Commission (EMSC). A motion was made and seconded to appoint Dr. Curtis. The motion carried.

Fee Reduction Discussion: Dr. Chopski briefed the Board on the expectation to review and implement fee reductions, as well as to demonstrate significant progress toward achieving the 125% goal established by the Idaho legislature. The Board engaged in a discussion regarding these recommendations. Subsequently, a motion was made and seconded to reduce fees by 20%. The motion carried.

Delegated Authority: Following a discussion by the Board, a motion was made and seconded to grant Division staff a continuation of delegated authority as previously approved for the upcoming year. The motion carried.

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

Newsletter Article: The Board engaged in a discussion regarding upcoming newsletters. The Board explored potential future topics, due dates, and designated specific articles for individual Board members.

Elections Discussion: The Board engaged in a discussion regarding upcoming elections, including the terms of service and eligibility criteria for potential candidates. As a result of this discussion, interested Board members were encouraged to inform Dr. Chopski of their interest in the vice-chair position by 2/1/2025.

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. Morton, aye; Dr. Neal, aye; Dr. Zimmerman, aye; Ms. Phelps, aye; Col. Gardiner, aye; Mr. Anderson, aye; Ms. Chadwick, aye; and Dr. McClusky, aye. The motion carried.

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

BOARD DISCIPLINE

Dr. Guzman recused himself from one (1) case closure monitoring request and on case numbers 1312253 and 1164720.

Col. Gardiner recused himself on one (1) case closure monitoring request.

Expungement: Following the review of the expungement request, pursuant to Idaho Code § 67-9413, a motion was made and seconded to grant the request for expungement of case number BOM-2007-77. The motion carried.

Case Closure Monitoring: Following the review and discussion of the nine (9) case closure monitoring requests, a motion was made and seconded to recommend the Board of Medicine stop monitoring the two (2) retired licensee case numbers 1292011 and 1471143. The motion carried.

A motion was made and seconded to recommend the Board of Medicine table the remaining seven (7) monitoring cases pending additional information and further review. The motion carried.

Discipline:

COPD Close Recommend: A motion was made and seconded for the Board of Medicine to accept the recommendations of the Committee on Professional Discipline (COPD) and close case numbers 1169500;1179236;1214752;1258114;1293501;1308721;1312253;1319311;1396479;1455803;1515446 and 1526350. The motion carried.

BOM Review/Investigations: A motion was made and seconded that the Board of Medicine enter into an agreement in lieu of discipline regarding case number 1164720. The motion carried.

A motion was made and seconded to recommend that the Board of Medicine send a letter of concern regarding case number: 1169086. The motion carried.

CME Cases/No Response:

A motion was made and seconded that the Board of Medicine enter into an agreement in lieu of discipline regarding case numbers 1319497; 1319498; 1324281; 1324282; 1328191; 1328192; 1328760; 1328761; 1328762; 1329755; 1333277; 1334854; 1338916; 1338917;1339108; 1339109 and 1342106. The motion carried.

CME Cases/Not Compliant:

A motion was made and seconded that the Board of Medicine enter into an agreement in lieu of discipline regarding case numbers 1329839 and 1334855. The motion carried.

Urgent/Interstate Medical Licensure Compact (IMLC): Per a report from the IMLC operations manager the Alabama Board of Medical Examiners entered a 90-day suspension regarding an Idaho licensee. The suspension was in response to an earlier suspension filed by the Maryland Board of Physicians. Under Idaho Code § 54-1852(4), a motion was made and seconded to direct legal counsel to draft a 90-day order of suspension and open an investigation. The motion carried.

Urgent/Disabled Physician Act (DPA): Following discussion, per Idaho Code § 54-1832; a motion was made and seconded to direct legal counsel to draft a notice of hearing requiring the licensed physician to submit to an evaluation at the expense of the licensee. The Licensee must provide the evaluation results to the Board. In the event the evaluation is not completed or does not arrive by the 2/27/2025 Board meeting, the Board may choose to suspend the license. The motion carried.

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

Adjourn

There being no further business, the meeting was adjourned at 1:13 PM.

The next meeting will be held on 02/27/2025.