

NORTH DAKOTA BOARD OF MEDICINE

July 22, 2016

Call to order:

Dr. Hoerauf, Chair, called the meeting of the North Dakota Board of Medicine to order at 8:00 o'clock, a.m., at the board office in Bismarck.

The following members of Investigative Panel A were in attendance: Ann Reich, Drs. Rob Olson, Rup Nagala, Thomas Carver, Genevieve Goven and Robert Sticca. The following members of Investigative Panel B were in attendance: Drs. Kent Hoerauf, Brendan Miller, Manuel Colón, Sara Solberg, and Vaune Johnson. Dr. William Haug was absent.

The following staff were present: Duane Houdek, Lynette McDonald, Marijo DeMott, and legal counsel Stacy Moldenhauer.

Members of the public present were Courtney Koebele, NDMA; and Dan Hannaher, Sanford Health policy director.

Minutes:

Dr. Goven moved the approval of the minutes of the March, 2016, board meeting, as distributed. Dr. Olson seconded the motion. The motion passed unanimously.

Election of officers:

Dr. Olson moved to re-elect the existing slate of officers. Dr. Colón seconded the motion. The motion passed unanimously. The officers for 2016-2017 are Kent Hoerauf, MD, Chair; Kathleen Larson, PA-C, Vice-Chair; and Genevieve Goven, MD, Treasurer.

Physicians Waiver of interview:

Ms. Larson moved the approval of the presented list of physicians eligible for licensure without interview. Dr. Solberg seconded the motion. The motion passed unanimously.

Special License Waiver of interview:

Dr. Solberg moved the approval of the presented list of Special licensees eligible for licensure without interview. Dr. Colón seconded the motion. The motion passed unanimously.

Residents Waiver of interview:

Dr. Miller moved the approval of the presented list of residents eligible for licensure without interview. Dr. Goven seconded the motion. The motion passed unanimously.

Investigative Panel A report:

Dr. Olson, Chair of Investigative Panel A, reported the panel reviewed 18 cases: Four complaints were authorized, three letters of concern were issued; and 11 cases were dismissed.

Investigative Panel B report:

Ms. Larson, Chair of Investigative Panel B, reported the panel reviewed 14 cases: Two complaints were authorized, four stipulations were approved, one letter of concern was issued, and seven cases were dismissed.

IPA vs. Dan Dalan, MD:

Dr. Dalan petitioned the board to remove the requirement he be enrolled in the NDPHP from his license, and allow him to continue in the NDPHP voluntarily. He cites the impediment the condition presents for employment.

Although his participation in the NDPHP would be voluntary, he would still enter into the standard contract, which provides that failure to comply with the PHP terms would result in a notice of non-compliance being sent to this board for consideration of disciplinary action.

Dr. Goven moved to issue Dr. Dalan an unrestricted license, provided he first enrolls in the NDPHP voluntarily. Dr. Miller seconded the motion. The motion passed 11-1, with Dr. Olson opposed.

IPB vs. Julie Solberg, PA-C:

The board previously approved a stipulation with Ms. Solberg under which her prescribing practices would be evaluated at CPEP, and the board could order compliance with any remedial actions CPEP might recommend.

Ms. Solberg has had that evaluation and the recommendations from CPEP included employment of a preceptor to review all cases in which Ms. Solberg prescribes a controlled substance. The recommended review is to occur every two weeks for the first six months, and then monthly for another year.

The stipulation presented to the board contains Ms. Solberg's agreement to employ a preceptor as described, with reports given to the board.

Dr. Sticca moved approval of the stipulation. Ms. Reich seconded the motion. The motion passed unanimously, with members of IPB who authorized the complaint not voting.

IPB vs. Halbert Miller, MD:

Investigative Panel B authorized a complaint against Dr. Miller for prescribing antipsychotic medications to a personal friend without appropriate documentation.

The stipulation presented suspends Dr. Miller's license for one year and stays that suspension for a period of three years on the conditions that he complete a personal boundaries and prescribing course at Vanderbilt.

Dr. Goven moved to approve the stipulation. Dr. Carver seconded the motion. The motion passed unanimously, with members of IPB who authorized the complaint not voting.

IPB vs. Lewis Meline, MD:

Dr. Meline practices in the state of Washington and held a North Dakota license at the time he committed the violations of having prescribing to two women with whom he had a sexual relationship. Washington imposed a number of conditions on his license, including monitoring his practice and requiring documentation and boundaries courses.

The stipulation presented to the board suspends Dr. Meline's license for one year, and stays that suspension for a period of four years on the condition he maintain compliance with the Washington order. It also requires Dr. Meline to seek the board's approval before he is able to practice in the state.

Ms. Reich moved to approve the stipulation. Dr. Carver seconded the motion. The motion passed unanimously, with members of IPB who authorized the complaint not voting.

IPB vs. Thomas Mausbach, MD:

The board entered into an agreement with Dr. Mausbach on April 11, 2016, under which he agreed to cease practicing medicine pending the board's investigation of a complaint filed against him.

On July 18, 2016, Investigative Panel B issued a complaint against Dr. Mausbach for sending a text message to a person not involved with the care of his patient, who he did not name, in which he commented on his patient's genitalia. Other grounds for discipline in the complaint were that Dr. Mausbach gave an investigative panel of the board false or incomplete information.

The stipulation presented to the board provides that Dr. Mausbach's license will be suspended indefinitely. The stipulation does not contemplate a return to medical practice.

Dr. Olson moved to approve the stipulation. Dr. Goven seconded the motion. The motion passed unanimously, with members of IPB who authorized the complaint not voting.

Matter of Radomysl Twardowski, MD:

Mr. Houdek provided the board with a letter from Dr. Twardowski which addressed a matter that came before the board in 2007 and resulted in no action being taken. No action with regard to the letter was required.

Pharmacy Collaborative agreement (renewal):

Dr. Goven reviewed a pharmacy collaborative agreement submitted for renewal. It looked to be in order. Dr. Solberg moved to approve the agreement. Ms. Larson seconded the motion. The motion passed unanimously.

PDMP rule:

At the March, 2016, meeting of the board, a working group presented a draft PDMP rule. The CDC guidelines on prescribing opioids had just come out, and the board decided to postpone action on the draft rule until the guidelines could be reviewed.

Dr. Colón noted that the CDC guidelines call for PDMP reviews every three months and our draft rule requires a review annually. Dr. Colón moved we amend the draft rule to require a review semi-annually, which would make the rule the same as that passed by the board of nursing, and with our additional requirements for reviews based on certain events, would be in substantial agreement with the CDC guidelines.

Dr. Solberg seconded the motion.

As part of the discussion, the board discussed certain barriers to use of the PDMP, including the physician verification process and the short response time required by the email notification process.

Limitations of the PDMP were also noted, especially those obtained from other states, which may not provide data for the time requested.

Dr. Goven noted only 26% of physicians use the PDMP, and the rule is necessary.

The relevance of the PDMP to post-surgical acute pain prescribing was had, with the conclusion that the PDMP had useful application in those instances, for example, learning that other prescriptions for opioids were being filled elsewhere.

Following the discussion, the board approved the motion unanimously.

NDPHP report:

Tammy King and Dr. Barrie March presented the NDPHP report. They are seeing an increase in referrals. Currently, they have 30 participants, with no positive tests reported during the period, and three successful program completions since the last meeting.

They are now seeing medical students after the board allowed its funds to be used in that manner, and have had one student enroll in the program.

Interstate compact:

Mr. Houdek provided a brief update on the interstate medical licensing compact. 17 states now have the compact or will shortly, with a few more scheduled to consider it in 2017.

Mr. Houdek reported that the rules establishing how the compact will actually function and be funded have not been passed, but may be in October.

He requested a legislative workgroup of the board be established to act on any legislative issues that might arise, including compact issues. Drs. Hoerauf, Miller, Olson and Goven agreed to serve in that capacity.

Courtney Koebele noted that a \$250,000 grant fund has been established for states seeking to implement the compact.

FSMB annual meeting report/Regional pain clinics:

Dr. Hoerauf reviewed the 2016 FSMB annual meeting in a written report given to board members.

He also reviewed his idea for regional pain clinics, based on the work that was done in North Dakota establishing regional trauma centers. He noted this provides for a desirable collaboration between primary care providers and specialists, and create a more seamless system for complicated chronic pain management.

The board discussed reaching out with this idea to the State Health Department, the NDMA and institutions to gauge reception of this idea.

Mr. Houdek noted this project may be beyond the staff capabilities of the board, but we could certainly educate and help facilitate its development.

Office Matters:

Mr. Houdek reported that his looking at retiring after the 2017 legislative session, and requested that a search committee be established to find a successor. Drs. Olson, Hoerauf, Sticca and Nagala volunteered to be on the committee.

Adjournment:

Dr. Sticca moved to adjourn. Dr. Colón seconded the motion, which passed unanimously.

Dr. Hoerauf adjourned the meeting at 11:44 o'clock a.m.