

NORTH DAKOTA BOARD OF MEDICINE

July 20, 2018

Call to Order:

Dr. Olson, chair, called the meeting to order at 8:00 a.m., at the Board office in Bismarck. The attendance was as follows:

Investigative Panel A:

Robert Olson, MD	Present
Rup Nagala, MD, Chair	Present
Thomas Carver, DO	Present
Genevieve Goven	Present
Robert Sticca, MD	Present
Ann Reich	Present

Investigative Panel B:

Kate Larson, PA-C	Present
Brenda Miller, MD	Present
Cathy Houle, MD	Present
William Haug, Jr., MD, Chair	Present
Gopal Chemiti, MD	Present
Sara Solberg, MD	Present
Vaune Johnson	Present

Staff present: Bonnie Storbakken, executive secretary; Lynette McDonald, deputy executive secretary; Marijo DeMott, recording secretary; and legal counsel Stacy Moldenhauer.

Guests present: Courtney Koebele, representing the North Dakota Medical Assn.; Jay Metzger, PA-C, Deb Houdek, PA-C, and Cheryl Ulven, PA-C, representing the North Dakota Physician Assistants; Dr. John Hagan; Barrie March, MD and Ann Leiseth representing the NDPHP; Mark Hardy, PharmD and Katie Mastel representing the ND Board of Pharmacy; and attorney, John Ward.

Minutes:

Dr. Goven made note of a correction needed on page four. Dr. Goven moved to approve the minutes of the March 2018, meeting with a correction to page four indicating that Ann Reich seconded the motion rather than approved the motion. Dr. Solberg seconded the motion. The motion passed unanimously.

Physician Waiver of Interview:

Dr. Carver moved to approve the waivers of the interview for the physician licensure applicants as presented. Dr. Nagala seconded the motion. The motion passed unanimously.

Residents Eligible for Waiver of Interview:

Dr. Nagala moved to approve the waivers of the interview for the resident licensure applicants as presented. Dr. Goven seconded the motion. The motion passed unanimously.

Investigative Panel A report:

Dr. Nagala, Chair, reported that Investigative Panel A reviewed 21 cases: 14 were dismissed, one letter of concern was issued, one stipulation was approved, one amended letter of concern was issued, and one case was referred for further review. Three cases were referred for action, one for quality of care issues, one for habitual use of alcohol and one for unethical/unprofessional conduct.

Investigative Panel B report:

Dr. Haug, Chair, reported Investigative Panel B reviewed 20 cases: 12 were dismissed, two letters of concern were issued, one stipulation was approved, and one non-practice agreement was approved. Four cases were referred for action, one for quality of care issues, one for habitual use of alcohol, one for action taken in another state, and one for unethical/unprofessional conduct.

Matter of Lorraine Tangen, MD:

The Board reviewed the second and final report regarding Dr. Tangen's practice. No Board action was taken.

Email from Dr. Gomez:

The Board discussed the email from Dr. Gomez. The bulk of the discussion was that this was within the scope of practice. The Board discussed that the PA should review the record and feel comfortable seeing the patient but that the scenario presented by Dr. Gomez is seen as within the normal scope of practice.

Investigative Panel A vs Saurav Pokharel, MD:

Dr. Solberg moved to approve the Stipulation to settle the Complaint authorized by Panel A against Dr. Pokharel. Dr. Houle seconded the motion which was passed unanimously by the members of Panel B.

Investigative Panel B vs. Jantey Carey, MD:

Dr. Sticca made a motion to approve the Stipulation entered to settle the Complaint authorized by Panel B. Dr. Chemiti seconded the motion and it was unanimously approved by Panel A.

Status of Previous Board Actions:

John Reynolds, MD:

Dr. Goven moved to approve an Order of Completion for Dr. Reynolds as he has completed all requirements of the Board Order entered on March 23, 2018. The motion was seconded by Dr. Haug and passed unanimously by the Board.

Matthew Bickel, PA-C:

Dr. Haug made a motion to approve an Order of Completion for PA-C Bickel as he has completed the terms of the Order entered in March 24, 2017. The motion was seconded by Dr. Nagala and passed unanimously by the Board.

Jeremy Alderfer, MD:

Bonnie provided the Board with the most recent communication from Dr. Alderfer. This matter will be reviewed again in November.

Tri-Regulator Position Statement on Opioid Prescribing/Dispensing:

The Board was presented with a statement that was drafted by the Tri-Regulator Group which includes Executive Secretaries of the North Dakota Pharmacy Board, the North Dakota Board of Nursing and the North Dakota Board of Medicine. The Board discussed the statement and how to educate others about the statement. Dr. Solberg made a motion to approve the statement which was seconded by Dr. Miller and unanimously approved by the Board. The Board directed Bonnie add the statement to the website and include the statement within an email blast.

Mark Hardy, PharmD:

Mark Hardy was present at the meeting at request of the Board to discuss EHR/PDMP questions. No Board action was taken.

Bill Draft for Sports Team Licensure:

Courtney Koebele from NDMA presented a bill draft for physicians traveling to North Dakota for a sports event. No Board action was taken.

National Transportation Safety Board Statement:

The Board was provided with communications from the National Transportation Safety Board regarding the need to publish their statement to follow the recommendations made to the state of North Dakota. Dr. Goven made a motion to approve publishing the statement on our website which was seconded by Dr. Haug and unanimously approved by the Board.

Application and Renewal Question Changes:

The Board reviewed the application and renewal application changes made to the physician licensure process. The Board also reviewed all the remaining unchanged applications

and renewals as well as proposed changes that were in line with the changes made to the physician application and renewal process. Additionally, the Board discussed recommendations made by the FSMB regarding the look back period for questions relating to mental health and substance abuse. Dr. Goven made a motion to adopt the proposed changes on all applications and renewals with one change which is to limit the questions on the initial application having to do with impairment to two years rather than five years. Dr. Nagala seconded the motion and the motion was unanimously passed by the Board.

Board Interview:

The Board interviewed Michael Knitter, MD for licensure. The interview was led by Dr. Solberg and Dr. Carver. Dr. Haug made a motion to approve his application for licensure which was seconded by Dr. Miller and passed unanimously by the Board.

UND Geriatrics Fellowship:

The Board was presented with a question regarding the ability to extend a residency license for participation in a fellowship program. Dr. Donald Jurivich, the UND Geriatrics program director, indicated in his letter that the fellowship is considered an extension of their residency training program and the ACGME also considers these fellows as residents. Dr. Olson made a motion to allow the Board to extend the residency training license for participation in a fellowship program. The motion was seconded by Dr. Solberg and passed unanimously by the Board.

Sanford Dialysis Collaborative Agreement:

Ann Reich provided an overview of the agreement that was being presented for the Board's review and possible approval. Dr. Nagala made a motion to approve the agreement which was seconded by Dr. Haug and passed unanimously by the Board.

FSMB Annual Meeting Report and FSPHP Meeting:

The Board was provided with the annual report from the FSMB. The Board was informed that Dr. Nagala has been selected as a member of the FSMB Audit Committee. Dr.

Goven provided comments from the meeting. Dr. Olson provided notes and comments related to the FSPHP meeting. Bonnie encouraged members who have not had the opportunity to attend to consider doing so next year. No Board action was taken.

NDPHP Agreement:

The Board was provided an update of the status of the negotiations on the agreement drafting. The Board discussed some of the requested changes and communicated some thoughts on the matter, but no action was taken. The Board agreed that Bonnie, Stacy and the PHP committee would continue to work on the agreement and bring it back to the November meeting.

NDPHP Report:

Ann Leiseth and Dr. Barrie March presented the NDPHP report to the Board and answered questions from the Board. The Board was presented with a petition to release Dr. Lantoria from the program. The Board chose not to make a motion on this petition but rather asked that it be discussed again in November after there has been at least one full year of monitoring. The Board was also presented a letter reporting non-compliance regarding Dr. Philip Ditmanson. No action was taken as Dr. Ditmanson does not hold an active ND license.

Election of Officers:

The Board was reminded who the current officers are and of members who would be interested and willing to serve as officers. Vaune Johnson made a motion to keep the current slate of officers for one more year which was seconded by Dr. Miller. The motion was passed unanimously with both Dr. Olson and Dr. Nagala abstaining.

Office Matters:**Interviews by Skype:**

The Board was informed that a request was made to appear by skype for an interview with the Board. The Board agreed this should be done only upon request on a case by case basis.

State Investment Board:

Dr. Nagala provided an overview of the current portfolio. The Board requested that the SIB be invited to the next meeting of the Board to discuss the overall portfolio.

Legislative Committee:

Bonnie asked for three to four volunteers to be part of a Legislative Committee for the upcoming Legislative session. Kate Larson, PA-C, Brenda Miller, MD and Genevieve Goven, MD all volunteered to part of the committee.

Policy Committee:

Bonnie provided drafts of the current policies and procedures to the Policy Committee and stated she would be working with Lynette to schedule a meeting before the November Board Meeting.

Real Estate Matters:

Bonnie updated the Board on the spaces she and Lynette have looked at and asked the Board for authority to decide on whether to renew the current lease or to secure new space. The Board agreed that the Board staff should have authority to decide. Dr. Nagala remains the liaison for the staff to discuss the options as things develop.

Strategic Planning Committee:

Bonnie asked for a few volunteers to be part of a strategic planning committee to sit down and see how things are working and if there are things that could or should be changed.

Vaune Johnson, Dr. Haug and Dr. Solberg all volunteered to be a part of the committee.

Debt Collection:

Bonnie provided a debt collection policy that states all unpaid debt over 120 days old shall be turned over to collection unless the staff has worked out a payment arrangement.

Unfinished Business:

Surgical Assistants:

Bonnie stated that she had reached out to the ND Hospital Association after the last meeting to see if they were wanting this issue addressed. The feedback she received was that it was not an issue that the Association's members were concerned with. No Board action was taken.

VA/IHS Facilities and Supervising Physicians:

Kate Larson PA-C had done some reaching out to see what the requirements were in the VA system in ND. Ultimately it appears that the questions remain unanswered. Although some facilities insist on a ND License, the bylaws are not as strict. No action was taken on this issue at this time.

PA Discussion:

Kate Larson, PA-C, Deb Houdek, PA-C, Cheryl Ulven, PA-C and Dr. John Hagan all provided input on the topic of PAs and their association seeking to make some changes regarding their supervision requirements. They will continue to work within their association and update the Board at the November meeting with potential legislation.

Dr. Haug moved to adjourn the meeting. Dr. Olson seconded the motion. The motion passed unanimously.

Dr. Olson adjourned the meeting at 12:04 p.m.