

NORTH DAKOTA BOARD OF MEDICINE

NOVEMBER 16, 2018

Call to Order:

Dr. Olson, chair, called the meeting to order at 8:03 a.m., at the Board office in Bismarck. The attendance was as follows:

Investigative Panel A:

Robert Olson, MD	Present
Rup Nagala, MD	Present
Thomas Carver, DO	Present
Genevieve Goven, MD	Present
Robert Sticca, MD, Chair	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.; Mark Hardy, PharmD, North Dakota Board of Pharmacy; Mike Schwab, Pharmacy Association; Ann Leiseth, NDPHP; Missy Henke, MD, NDPHP; Mike Schmidt, MD, NDPHP; Jesse Rue, NDPSC; Kirsten Peterson, MD; Jay Metzger, PA-C; Deb Houdek, PA-C; Adam Peer, AAPA; John Ward, Atty; Shane Wendel, Carrington; Sophie Haug, Grand Forks; and Alan and Sue Wilson.

Minutes: Dr. Goven made a motion to approve the minutes as drafted. Dr. Sticca seconded the motion. The motion was approved unanimously by roll call vote.

Physician Waiver of Interview: Dr. Haug moved to approve the list of physicians eligible for waiver of interview. Dr. Nagala seconded the motion which was passed unanimously by a roll call vote.

Residents Eligible for Waiver: Dr. Houle made a motion to approve the list of residents eligible for waiver of interview. Dr. Haug seconded the motion which passed unanimously by a roll call vote.

Report from Investigative Panel A: Dr. Sticca gave the report from Investigative Panel A. He stated that Panel A had reviewed 26 cases with 21 being dismissed, two with action taken, one was delayed for further review and two stipulations were approved.

Report from Investigative Panel B: Dr. Haug gave the report from Investigative Panel B. He stated that 21 cases were reviewed with nine being dismissed, three with action taken, three letters of concern were issued, two were delayed for further review and four stipulations were approved.

IPA vs Laura Andreson, DO: Dr. Sticca made a motion to approve an Order of Completion for Dr. Andreson as she had completed the terms of her Order. Dr. Haug seconded the motion which then passed unanimously by roll call vote.

IPA vs Kirsten Peterson, MD: Dr. Miller made a motion to approve the stipulation for Dr. Peterson. Dr. Chemiti seconded the motion. The motion was passed by Panel B via roll call vote with Dr. Haug abstaining and all other members of panel B voting in favor of the motion.

Petition of Dr. Kirsten Peterson: Dr. Peterson petitioned the Board to return to work. Dr. Peterson was present to answer any questions the Board may have regarding the petition.

The Board entered **Executive Session** at 8:19 am to speak with Dr. Peterson. Executive Session adjourned at 8:33 am.

Petition of Dr. Peterson Continued: Dr. Solberg made a motion to defer a decision on the petition which was seconded by Dr. Houle and passed by a roll call vote of the Board with Dr. Goven voting no and Dr. Haug and Dr. Chemiti abstaining.

IPA vs. Padmini Nagaraj, MD: Dr. Haug made a motion to approve the stipulation for Dr. Nagaraj which was seconded by Dr. Chemiti and passed unanimously with a roll call vote of Panel B.

IPB vs. Timur Baruti, MD: Dr. Sticca made a motion to approve the stipulation for Dr. Baruti which was seconded by Dr. Goven and passed unanimously by a roll call vote of Panel A.

IPB vs. John Schatteles, MD: Dr. Carver made a motion to approve the stipulation for Dr. Schatteles which was seconded by Dr. Nagala and approved unanimously by a roll call vote of Panel A.

IPB vs. John Amsbury, DO: Ann Reich made a motion to approve the stipulation for Dr. Amsbury which was seconded by Dr. Goven and passed unanimously by a roll call vote of Panel A.

IPB vs Ashton Hedger, PA-C: Ann Reich made a motion to approve the stipulation for PA-C Hedger which was seconded by Dr. Carver and passed unanimously by Panel A.

Eligibility Issue – Ashraf Shalaby, MD: Lynette gave a summary to the Board regarding the eligibility issue for Dr. Shalaby. The Board discussed Dr. Shalaby's training and length of practice and the fact that there was a no history of Board actions or malpractice. Dr. Carver made a motion to approve

Dr. Shalaby's eligibility for licensure under 50-02-02-01 which was seconded by Dr. Nagala and approved unanimously by a roll call vote.

Eligibility Issue – Michael Knoll, DDS, MD: Lynette gave a summary to the Board regarding the eligibility issue for Dr. Knoll. The Board discussed Dr. Knoll's certification and training and length of practice and the fact that there was no history of Board actions or malpractice. Kate Larson, PA-C made a motion to approve Dr. Knoll's eligibility for licensure under 50-02-02-01 which was seconded by Dr. Carver and approved unanimously by a roll call vote.

PA National Spokesperson on Proposed PA Statute Change: Adam Peer from AAPA appeared before the Board and provided a draft of proposed amendments to the proposed PA Legislative changes that had been reviewed by the Board. The changes were made in response to some of the feedback they had received from various stakeholders. The changes were to require a two-year supervisory period after graduation, a prohibition on independent clinic ownership, removal of rule amendments and the addition of language to ensure fees can be assessed to PA's who are disciplined. Dr. Sticca made a motion to support the legislative changes as discussed with the described amendments which was seconded by Dr. Goven and passed unanimously by a roll call vote of the board.

FSMB Presentation: Mike Dugan, Sr. VP of Operations and Scott Steingard, DO, chair elect, of the FSMB provided a presentation to the Board giving an overview of the FSMB and discussing the Interstate Medical Licensure Compact.

Interview – Uzoamaka Nwoye, MD: Dr. Nwoye was asked to interview before the Board on her application for licensure. The interview was conducted by Dr. Sticca. Dr. Sticca made a motion to approve Dr. Nwoye's application for licensure which was seconded by Dr. Haug and approved unanimously by the Board via a roll call vote.

Interview – John Rosenthal, MD: Dr. Rosenthal was asked to interview with the Board regarding his application for licensure. Dr. Rosenthal was present at the Board office for the interview. Dr. Haug led the interview of Dr. Rosenthal. Dr. Haug made a motion to approve Dr. Rosenthal's application for licensure which was seconded by Dr. Solberg and approved unanimously by a roll call vote of the Board.

Interview – Nyree Padilla, MD: Dr. Padilla was asked to interview with the Board regarding her application for licensure. Dr. Houle led the interview for the Board. Dr. Chemiti made a motion to approve Dr. Padilla's application for licensure which was seconded by Dr. Nagala and approved unanimously by a roll call vote of the Board.

ND PHP Report: Missy Henke, MD introduced herself to the Board as the new Medical Director for the NDPHP. She reported to the Board that Ann Leiseth was the current interim executive director of the NDPHP. Together Ann and Missy provided a report to the Board regarding the current status of the NDPHP. They reported that there are currently 30 participants in the NDPHP with 10 being Board ordered and 20 being voluntary participants.

Petition of the NDPHP to Release Dr. Gerardo Lantoria: This petition was carried over from the July Board meeting. Dr. Goven made a motion to grant the petition to release Dr. Lantoria from NDPHP participation which was seconded by Dr. Haug and passed unanimously by a roll call vote of the board.

NDPHP Agreement: The Board reviewed changes to the last draft of the agreement that were proposed by the NDPHP Board. Dr. Nagala made a motion to approve the language with the addition of a statement that says, “review in 2021 unless the report described above shows changes that the Board feels should be addressed prior”. Dr. Houle seconded the motion which was approved unanimously by a roll call vote of the board.

State Investment Board Presentation: Darren Schultz, Deputy CIO gave a brief presentation to the Board regarding their current investments. Mr. Schultz agreed to take a look at changes we could make to the portfolio that would assist the Board with the costs of the NDPHP.

Upcoming Legislation Discussion: The Board discussed the telemedicine rule and the committee’s suggestion that if the Board wished to pass the rule that they do so through the legislative session.

Dr. Miller made a motion to have Bonnie submit an agency bill for telemedicine and use the final draft that was submitted to the Legislative Rules Committee. Dr. Haug seconded the motion which passed unanimously by a roll call vote of the Board with Dr. Nagala and Kate Larson, PA-C absent and not voting.

The Board also discussed the Interstate Medical Licensure Compact that had been discussed during the presentation of the FSMB. The Board discussed the potential of legislation being introduced in ND to join the compact. Dr. Sticca made a motion for the Board to support the Compact if legislation is introduced which was seconded by Dr. Chemiti and passed unanimously by a roll call vote of the Board with Dr. Nagala and Kate Larson, PA-C absent and not voting.

Pharmacy Collaborative Agreements: Ann Reich gave some background on each of the agreements before the Board for consideration. Mark Hardy, PharmD and Shane Wendel from Carrington were there to answer questions of the Board as needed both provided statements to the Board regarding the agreements before the Board.

Dr. Solberg made a motion to approve the Golden Acres Manor pharmacy collaborative agreement which was seconded by Dr. Houle and unanimously passed by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Ann Reich made a motion to approve the collaborative agreements for CHI St. Alexius in Carrington which was seconded by Dr. Goven. The motion failed with Dr. Goven, Dr. Olson and Ann Reich voting yes, Dr. Carver, Dr. Miller, Dr. Houle, Dr. Solberg, Dr. Chemiti and Vaune Johnson voting no and Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

The Board was asked if all the agreements Between CHI St. Alexius in Carrington and in New Rockford failed to pass. At that time the Board took up consideration of the last three protocols listed in the agreements with CHI in Carrington and New Rockford which included renal dose adjustment,

tobacco cessation and Therapeutic Interchange. Dr. Houle made a motion to separate out the last three agreements for tobacco cessation, renal dose protocol, and therapeutic interchange and deny the first three CPA which was seconded by Dr. Goven and approved unanimously by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Feedback was given to Shane Wendel regarding the agreements for hypertension, influenza protocol and strep protocol which failed to pass. The Board stated that for hypertension typically baseline labs are done, and more than one blood pressure reading is done before starting medication. The Board stated that for influenza protocol typically there is consideration of the CDC protocol for treating influenza. The Board stated that there is a certain number of false positives that happen with strep testing which can be caught by having them cultured in the lab to ensure that any false positives are caught.

Ann Reich made a motion to approve the collaborative agreement for the Lutheran Home in New Rockford. The motion was seconded by Dr. Houle and passed unanimously by a roll call vote of the board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Dr. Goven made a motion to approve the collaborative agreements for Jamestown Regional and Sanford Diabetes. The motion was seconded by Dr. Solberg and passed unanimously by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Dr. Solberg made a motion to table the decision on the Thrifty White/Plains Medical Clinic collaborative agreement to allow them time to incorporate proposed amendments discussed at the meeting. The motion was seconded by Dr. Goven and approved unanimously by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Policy Recommendations and Discussion: The Board reviewed proposed policy amendments drafted by Bonnie. Dr. Miller made a motion to approve the proposed policy amendments. Dr. Solberg seconded the motion which was passed unanimously by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Audit Report: The Board reviewed the draft audit report from 2017. No action was taken.

Proposed 2018 Budget: The Board was given two budget proposals for review; one with a 2% increase for the executive secretary and one with a three percent increase for the executive secretary. Dr. Chemiti made a motion to approve the budget allowing for a three percent increase for the executive secretary. The motion was seconded by Dr. Goven and passed unanimously by a roll call vote of the Board with Dr. Nagala, Dr. Haug, Dr. Sticca and Kate Larson, PA-C absent and not voting.

Dr. Solberg made a motion to adjourn the meeting at 1:56 pm which was seconded by Dr. Houle and passed unanimously.