

NORTH DAKOTA BOARD OF MEDICINE

April 22, 2022

Call to Order:

Robert Sticca, MD, chair, called the meeting to order at 8:00 a.m. In attendance:

Robert Sticca, MD, Chair
Rup Nagala, MD, Vice -Chair (via Zoom)
Lacey Armstrong, MD
Thomas Carver, DO (via Zoom)
Catherine Houle, MD
Mandi Johnson, MD
Vaune Johnson
Robert Kemp, MD
Jay Metzger, PA-C
Brenda Miller, MD
Ann Reich
Michael Quast, MD

Absent: Rajendra Potluri, MD

Also present: Sandra DePountis, Executive Director; Lynette McDonald, Deputy Executive Director; Stacy Moldenhauer, Litigation Counsel (present through the discussion on the Operations Manual); and Allyson Hicks, General Counsel (via Zoom).

Guests present: Courtney Koebele, NDMA; Marnie Walth (via Zoom) Dr. Melissa Henke and Ann Leiseth, NDPHP (present through the PHP discussions).

The following was present via Zoom for her interview: Saliyah Ishaq, MD.

Minutes

Dr. Houle moved to approve the January 28, 2022, regular meeting minutes, and March 25, 2022, special meeting minutes, seconded by Ms. V. Johnson. The motion passed unanimously.

Interview for Licensure – Saliah Ishaq, MD

Dr. Ishaq is a board-certified rheumatologist with current licenses in Texas, Montana, and Wisconsin. Dr. Ishaq was asked to interview due to failure to disclose that she was placed on academic probation during postgraduate training and that she failed a USMLE examination. Dr. Houle led the interview of this applicant.

Dr. Ishaq answered questions regarding her failure to properly disclose the probation and failed exam on her application. Dr. Ishaq repeatedly denied failing a USMLE examination, instead claiming it was a FLEX examination. The Board pointed to the transcript directly from the USMLE. The Board cautioned Dr. Ishaq to thoroughly review her background in order to provide appropriate responses on her applications in the future.

Dr. Houle made a motion to approve the license, seconded by Dr. Johnson, motion passed unanimously by roll call vote.

IPA v. Dagoberto Rodriquez, MD

IPA disciplinary action against Dr. Rodriquez for prescribing without a license. A proposed Stipulation was signed requiring Dr. Rodriquez to complete courses in ethics and record keeping and requiring payment of fees. Dr. Houle made a motion to approve the proposed Order, seconded by PA-C Metzger, motion passed unanimously by roll call vote of Panel B members.

IPB. Herbert Jones, MD

IPB disciplinary action against Dr. Jones for violation of a previously issued disciplinary Order, dated March 27, 2020, requiring participation in the NDPHP for five years. Dr. Jones withdrew from the program on or about August 11, 2021. A proposed Stipulation was signed indefinitely suspending Dr. Jones license and requiring payment of fees. Dr. Nagala made a motion to approve the proposed Order, seconded by Dr. Carver, motion passed unanimously by roll call vote of Panel A members.

IPB v. Christina Rostad, MD

Dr. Rostad completed the Board's previous Order requiring courses on record keeping and diabetic care and payment of fees. Dr. Carver made a motion to approve the Order of Completion, seconded by Dr. Houle, motion passed unanimously by roll call vote.

IPB v. Douglas Lowe, II, MD

Dr. Lowe completed the Board's previous Order requiring completion of a violence intervention program and payment of fees. Dr. Houle made a motion to approve the Order of Completion, seconded by Dr. Johnson, motion passed unanimously by roll call vote.

NDPHP Report

Dr. Melissa Henke reported 43 current participants in the NDPHP, 15 are Board ordered, with 8 as primary and 7 as collaborating. 7 cases are pending and 7 have been successfully closed out in the last quarter.

The PHP is requesting approval to close out three participants for program completion: Seth Evert, PA-C, Grant Syverson, MD, and Waqqas Khan, MD. PA-C Evert has not paid his Board ordered fees.

Dr. Kemp made a motion to issue an Order of Completion for PA-C Evert upon receipt of payment for outstanding fees, seconded by Ms. A. Reich, motion passed unanimously by roll call vote.

Dr. Houle made a motion to issue an Order of Completion for Dr. Syverson, seconded by Dr. Armstrong, motion passed unanimously by roll call vote.

Dr. Miller made a motion to issue an Order of Completion for Dr. Khan, seconded by Dr. Johnson, motion passed unanimously by roll call vote.

Petition to Amend Order – John Schatteles, MD

Dr. Schatteles, in an Order dated November 16, 2018, was required to participate in the PHP for one to five years and pay fees. Fees have been paid and Dr. Schatteles is requesting release from the PHP program. The PHP provided a letter outlining Dr. Schatteles' involvement

in the PHP program and his compliance. When asked, Dr. Henke opined she did not have any issues with closing out Dr. Schatteles with the NDPHP. Dr. Carver therefore made a motion to issue an Order of Completion to Dr. Schatteles, seconded by Dr. Armstrong, motion passed unanimously by roll call vote.

PHP Financials

At the last meeting in which the Board reviewed the PHP financial statements, additional information was requested, specifically, the PHP's 990 tax form. PHP's 990 form for 2020 was provided and reviewed. The Board had additional questions about the profit and loss statements. Ms. A. Leiseth answered questions clarifying that the PHP has two profit and loss statements, one reflecting funds from the NDBOM and another reflecting funds from participant fees and grants. The Board requested one profit and loss statement in order to have a complete picture of the financial position of the NDPHP. Ms. V. Johnson volunteered to be the point of contact to obtain additional information from the PHP to be brought forward at the next meeting.

PHP Committee Update (Drs. Armstrong [chair], Houle, and Carver)

Dr. Armstrong motioned to approve the Committee's March 9, 2022, and April 11, 2022, meeting minutes, seconded by Dr. Houle. Motion passed unanimously by Committee members.

Dr. Armstrong provided an overview of the PHP Committee meetings, including discussions involving the PHP distilling its policies and procedures into writing, which is required by law and the contract. The Committee listened to concerns from members of the PHP Board of Directors feeling that the Board was attempting to micromanage the day-to-day operations of the PHP. The Committee explained its reasoning for wanting the policies and procedures in place, including providing clarification for potential participants on what they can expect when contacting the PHP. Dr. Armstrong reiterated that it would be important to have PHP members at these discussions in order to collaborate and avoid any miscommunications. The Committee will continue to meet with PHP to implement policies and hope to have drafts presented at the next Board meeting.

Draft Operations Manual

The Board reviewed a proposed draft of its Operations Manual implementing CME policies discussed at the last meeting.

Dr. Houle made a motion to approve the Operations Manual, seconded by Dr. Dr. Miller. The motion passed unanimously by roll call vote.

Physician Approval of License and Waiver of Interview

Dr. Nagala moved to approve the one hundred and sixteen (116) licenses and waivers of interview for physician applicants, which included five (5) cases with derogatory information and one (1) administrative license, as presented, seconded by Dr. Quast. The motion passed unanimously by a roll call vote.

Physician Assistant Approval of License and Waivers of Interview

PA-C Metzger motioned to approve the licensure and waiver of interview for the fourteen (14) physician assistants, as presented, seconded by Dr. Houle. The motion passed unanimously by a roll call vote.

Genetic Counselor Waivers of Interview

PA-C Metzger motioned to approve the licensure and waiver of interviews for the fourteen (14) genetic counselors, as presented, seconded by Dr. Johnson. The motion passed unanimously by a roll call vote.

IMLC License Granted

Seven (7) Letters of Qualification for State of Principal Licensure and one-hundred and twelve (112) non-principal licenses were issued under the Compact. Deputy Director McDonald gave an update that – to date – 1,083 IMLC license have been issued in North Dakota which includes 101 LOQs and 982 NSPLs. Deputy Director McDonald also gave an update that a total of 37 states/territories have now joined the compact.

Dr. Nagala also gave an update on the FSMB through his role as a member of the Nominating Committee. Drs. Nagala, Sticca, and Johnson will be joining Director DePountis and Deputy Director McDonald at the FSMB conference next week.

Investigative Panel A report

Dr. Carver, Chair, reported that Investigative Panel A reviewed a total of twenty-two (22) cases: one (1) stipulation was approved, two (2) cases were referred for formal disciplinary action, three (3) confidential Letters of Concern were authorized, two (2) cases were tabled for further review, all other cases dismissed or no action taken.

Investigative Panel B report

Dr. Houle, Chair, reported that Investigative Panel B reviewed a total of twenty-one (21) cases: one (1) stipulation was approved, two (2) cases were referred for formal disciplinary action, three (3) confidential Letters of Concern were authorized, three (3) cases were tabled for further review, all other cases dismissed or no action taken.

COMMITTEE REPORTS

Budget Committee (Ms. V. Johnson [chair], Dr. Kemp, PA-C Metzger)

Ms. V. Johnson motioned to approve the Committee's March 1, 2022, meeting minutes, seconded by Dr. Kemp. Motion passed unanimously by Committee members.

At the last meeting, the Board requested the Committee review its financials and provide any recommendations for fee adjustments. The Committee reviewed its reserves, 2021 year-end balances, and the 2020 audit to determine unrestricted net position. The Committee also reviewed fees from other states. Based on the information available, the Committee did not recommend any fee changes at this time. Ms. V. Johnson provided information on wanting a certain amount in reserves for any litigation and other potentially unforeseen expenses, and the Committee did not feel that this amount has been reached, but the Board should continue to review this on a yearly basis.

The Board considered whether fees could be utilized to provide education for licensees or other resources to medical students or the public. This would require a law change and will be taken under advisement for the Laws, Rules, Legislative Committee to consider in its upcoming review of the Century Code.

IT Committee (Dr. Nagala [chair], Dr. Johnson, Ms. A. Reich).

Dr. Johnson motioned to approve the Committee's March 22, 2022, meeting minutes, seconded by Dr. Nagala. Motion passed unanimously by Committee members.

The Committee received the Cyber Security Assessment report at its last meeting which identified various vulnerabilities throughout the Board's IT systems. The Committee is recommending the Board continue with its relationships with current vendors, and work with them to address the issues. A contract needs to be negotiated with Albertsons that should hopefully be available at the next Board meeting to review and approve. Ms. A. Reich made a motion to continue with the current vendors and update the systems and start negotiations with Albertson's for a contract, seconded by Dr. Miller, motion passed unanimously by roll call vote.

Laws/Rules/Legislative Committee (Drs. Miller [chair], Sticca, Quast).

Dr. Sticca made a motion to approve the Committee's April 1, 2022, meeting minutes, seconded by Dr. Miller. Motion passed unanimously by Committee members.

Draft changes to Title 50 of the North Dakota Administrative Code were provided, reviewed, and discussed. PA-C Metzger had one change in the PA section recognizing that PAs working in correctional, state, or federal facilities do not need to petition the Board for approval of practice. Dr. Houle made a motion to approve the amendments to N.D.A.C. Title 50 incorporating those proposed by PA-C Metzger, seconded by Dr. Nagala, motion passed by roll call vote with PA-C Metzger voting no and all others voting yes.

Election of Officers

Current Board Officers: Dr. Sticca – Chair, Dr. Nagala – Vice-Chair, and Ms. V. Johnson – Treasurer. The Officers were willing to remain in their respective roles for another year. Dr. Miller made a motion electing the officers to their designated roles for another year, seconded by PA-C Metzger, motion passed unanimously by roll call vote.

Office Matters

CHRI Training. Internal CHRI office policies were reviewed by the Board.

Board Member Terms. Drs. Carver and Miller terms expire July 31, 2022, so this will be their last in-person meeting. The Board expressed gratitude for the eight years Drs. Carver and Miller served. Their valuable insight and expertise will be greatly missed!

The meeting was adjourned at 10:04 a.m.



Robert Sticca, MD
Chair



Sandra DePountis
Executive Director