

Idaho State Board of Medicine
Telephone Conference
March 28, 2016

Board of Medicine Chairman Robert Ward, MD, Twin Falls, called the Board of Medicine meeting to order at 5:05 p.m. on Monday, March 28, 2016. Present on the call were Board of Medicine Vice Chairman Kathleen Sutherland, MD, Boise; and members Steven Malek, MD, Coeur d'Alene; Michele Chadwick, Public Member, Emmett; Erich Garland, MD, Idaho Falls; Chris Peine, DO, Eagle; Colonel Ralph Powell, Meridian; and Joseph Williams, MD, Boise. Committee on Professional Discipline members present were Chair Laura McGeorge, MD, Boise, and William Cone, MD, Moscow. Also present on the call was Jean Uranga, Board counsel. Staff members present at the Board of Medicine office were Anne Lawler, executive director; Mary Leonard, associate director; Connie Pyles, quality assurance specialist; Frutoso Gonzalez, quality assurance specialist; and Amber Oatman, quality assurance specialist.

The Board members acted to amend the meeting Agenda to delete the Committee on Professional Discipline portion of the agenda as there was no quorum of the group to convene and conduct a meeting. (Sutherland/Unanimous)

In accordance with Idaho Code § 74-206 (1) (f),* the Board acted to go into Executive Session at 5:06 p.m. to consult with legal counsel on pending or potential litigation. (Motion-Garland/Affirmed by Powell, Williams, Malek, Chadwick, Peine, Sutherland, and Ward)

In Executive Session, the Board members consulted with counsel regarding potential litigation relating to pending discipline cases.

The Board acted to leave Executive Session at 5:20 p.m. (Garland/Unanimous)

The Board acted to approve the following Motion:

In the past, occasionally the Idaho State Board of Medicine has disciplined physicians for aiding and abetting the unlicensed practice of medicine by working for unlicensed entities or persons, sometimes known as the "corporate practice of medicine doctrine." The Idaho State Board of Medicine hereby formally disavows and rejects the "corporate practice of medicine doctrine."

The Idaho State Board of Medicine will not discipline physicians or physician assistants solely because they practice medicine in association with or for unlicensed entities or persons.

Based upon the foregoing, the investigation in Case No. BOM-2015-746 shall be closed and the attorney for the physician shall be notified.

Further, the Stipulation and Order in Case No. BOM-2013-681 shall be voided and the Board shall refund costs and fees paid.

(Malek/Unanimous)

Chairman Robert Ward, MD, adjourned the Board meeting at 5:27 p.m.

*§ 74-206. Executive sessions -- When authorized. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;