

PUBLIC SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
May 4 – 5, 2009

Board Meeting
Synergy Business Park
The Kingstree Building
110 Centerview Dr., Room 108
Columbia, South Carolina

MEETING CALLED TO ORDER

Dr. Louis E. Costa, II, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:00 A.M., on Monday, May 4, 2009, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Costa announced the meeting was being held in accordance with the Freedom of Information Act by notice emailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the Board's website and on the bulletin boards located at both of the main entrances of the Kingstree Building where the Board office is located.

Board members present for this meeting were:

Dr. Louis E. Costa, II, President, of Charleston
Dr. Stephen R. Gardner, Vice-President, of Greenville
Dr. Satish M. Prabhu, Secretary, of Columbia
Dr. David deHoll, of Iva
Dr. James L. Hubbard, of Rock Hill
Mrs. Jackie D. Black, of Columbia
Dr. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston
Dr. Timothy Kowalski, of Columbia

Members of the S.C. Department of Labor, Licensing and Regulation (LLR) staff participating at various times in the meeting included:

Adrienne Youmans, Director

S.C. Board of Medical Examiners

Bruce F. Duke, Board Administrator
Melissa Fulton, Administrative Assistant

Office of General Counsel

Lynne Rogers, General Counsel
Sheridon Spoon, Deputy General Counsel
Patrick Hanks, Assistant General Counsel
Paula Magargle, Assistant General Counsel

Professional and Occupational Licensing (POL) Division

Shirley Robinson, Hearing Counsel
James Saxon, Hearing Counsel

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM FEBRUARY 2009 BOARD MEETING:

The Board reviewed the minutes and entertained all corrections and deletions to be made on the February 2009 minutes. A motion was made to approve the Minutes. Dr. Gardner seconded the motion and it was unanimously passed.

Adrienne Youmans, Director for LLR presented to the Board a budget overview. She also approved for the Board to have a offsite retreat in the future. Ms. Youmans also approved the purchase of full Adobe Acrobat for all Board members laptops.

FINAL ORDER HEARINGS

A motion was made and passed for the Board to go into Executive Session to conduct Final Order Hearings. Each hearing was held in Executive Session, and a transcript of each hearing, as well as the Board's Final Order, are on file at the Board Office. No votes were made or actions taken while the Board was in Executive Session. **A motion was made and passed to return to Public Session and the Board voted on the following sanctions after each Final Order Hearing:**

John D. Siddens, D.O.
2008-216
Final Order Hearing

A motion was made as follows:

Public Reprimand

Suspension stayed upon meeting the following conditions

- **Payment of fine of \$5,000.00**
- **Payment of court costs \$1850.00**
- **Enrollment to a program recommended by Dr. Abel with ongoing monitoring and reporting to the Board.**

Motion was seconded by Dr. Kowalski. All in favor except dissenting votes from Dr. Prabhu and Ms. Black.

Motion Carries.

2005-38
Final Order Hearing

A motion was made as follows:

Dismissal

Motion was seconded Dr. Ball. All in favor except dissenting votes from Dr. Prabhu and Dr. deHoll.

Motion Carries.

John E. King, M.D.
2004-363
Final Order Hearing

A motion was made as follows:

Public Reprimand
Suspension stayed upon meeting the following conditions

- **Payment of court cost \$847.49 within 30 days**
- **Respondent provide documentation of all CME done within the last licensing cycle.**
- **Respondent to complete SPEX exam.**

All in Favor.

Motion Carries.

Nicholas S. Chastain, R.C.P.
2005-31
Final Order Hearing

A motion was made as follows:

- **Revocation**

Motion was seconded by Dr. deHoll. All in Favor.

Motion Carries.

Office of General Counsel Report – Lynne Rogers

A motion was made and passed for the Board to go into Executive Session to review the General Counsel reports. No votes were made or actions taken while the Board was in Executive Session.

Dismissals

A motion was made that was seconded by Dr. deHoll and unanimously passed to approve the following cases with the exception of case #14, Case 14 needs to be sent for an expert review.

Cases 1 through 38

LETTERS OF CAUTION

A motion was made that was seconded by Dr. Costa and unanimously passed to issue a Letter of Caution in the following cases:

Cases 37 through 46

FORMAL COMPLAINTS

A motion was made that was seconded by Dr. Costa and unanimously passed to authorize the issuance of a Formal Complaint pursuant to the recommendation of LLR's General Counsel that there is sufficient evidence to warrant formal proceeding in the following cases:

Cases 39 through 43

CASES ON APPEAL

In Executive Session, the Board reviewed the cases that are now on appeal and received specific briefings from Mrs. Rogers.

COMPLIANCE REPORT

The Board received as information a list of monitoring cases that have been determined as being non-compliant. The Office of General Counsel is currently working on these cases to bring them up-to-date.

LICENSEES BEING MONITORED

The Board received as information a list of all the licensees currently being monitored by the Board.

John H. Dewitt, M.D.
2008-244
Final Order Hearing

A motion was made as follows:

Public Reprimand

Suspension is stayed upon satisfaction of the conditions set for by the continuing treatment with Dr. Abel and Dr. Gullick or other program approved by the Board that includes staff surveillance, quarterly reports and polygraph testing.

- **Payment of fine \$5000.00 plus court cost of \$1629.76 to be paid within one year.**
- **Respondent provide documentation of all CME done within the last licensing cycle.**
- **Respondent to complete SPEX exam.**

All in Favor.

Motion Carries.

Dr. Dodge

Presentation on Anesthesiologist Assistants

Dr. Dodge made a presentation on behalf of the Anesthesiologist's Assistant Committee requesting AA's to be allowed to do internship in SC hospitals without being licensed in S.C.

Board decided to take matter under advisement.

Shea E. McManus, M.D.
Applicant for Licensure

A motion was made to grant petitioner license pending:

- **Continue RPP for 5 years**
- **Interview still needed.**

Seconded by Dr. Kowalski.

All in favor.

Motion Carries.

Adjourn

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A motion was made and passed to return to Public Session and the Board voted on the following sanctions after each Final Order Hearing:

2006-165

Final Order Hearing

A motion was made as follows:

Private Reprimand

- **Payment of court cost in the amount of \$1328.60**
- **Respondent take a course in anger management within 6 months.**

Motion seconded by Dr. Prabhu.

All in Favor.

Motion Carries.

2006-3

Request to be released from Terms and Conditions

A motion was made as follows:

Respondent released from terms and conditions pending:

- **Board's receipt of the March 2009 report in addition to the two missing signature from the previous reports.**

Motion was seconded by Dr. Kowalski.

All in Favor.

Motion Carries.

James R. Poliquin, M.D.
Applicant for Licensure

A motion was made as follows:

- **Licensee granted license pending interview with Board member.**

Motioned seconded by Dr. Prabhu

All in Favor.

Motion Carries.

Robert Earl Windsor, Jr., M.D.
Applicant for Licensure

A motion was made as follows:

- **Licensee granted license pending interview with Board member.**

Motioned seconded by Dr. deHoll

All in Favor.

Motion Carries.

2003-245
Request to be released from Terms and Conditions

A motion was made as follows:

Respondent released from terms and conditions

Motion was seconded by Dr. Ball.

All in Favor.

Motion Carries.

2003-245

Request to be released from Terms and Conditions

A motion was made as follows:

Respondent released from terms and conditions

Motion was seconded by Dr. deHoll.

All in Favor.

Motion Carries.

P.A. Committee Recommendations:

The recommendations from the P.A. Committee were approved in addition to the following.

Keith Wiley pending emergency protocol to be submitted.

Board approved allowing phone interview when changing from one supervisor to another (that has supervised before) in the same practice and with the same or similar scope of practice.

Board reiterated the need for the OJT list to be placed on the web.

Motion was seconded by Dr. Kowalski.

All in favor.

Motion Carries.

Andrew Annand, D.O.

2007-228

Final Order Hearing

A motion was made as follows:

Public Reprimand

- **The Board accepts the Memorandum of Agreement.**
- **Suspension lifted upon payment of \$700.00 court cost to be paid within 12 months.**
- **Respondent to continue participation with RPP or a program approved by RPP if he were to leave the state, for a minimum of five years.**

Motion seconded by Dr. Kowalski.

All in Favor.

Motion Carries.

2005-238

Final Order Hearing

A motion was made as follows:

Private Reprimand

- **The Board accepts the Memorandum of Agreement.**
- **Respondent to pay court costs in the amount of \$1,337.00**

Motion seconded by Dr. Kowalski.

All in Favor.

Adjourn

FINAL ORDER HEARINGS

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Shannon C. Webb, M.D.
2009-34
Final Order Hearing

A motion was made as follows:

Public Reprimand

- **The Board accepts the Memorandum of Agreement.**
- **Respondent to pay a fine in the amount of \$5,000.00 and court costs of \$1965.00**
- **Suspension stayed upon enrollment in a program for boundary issues and approved by the Board.**
- **Respondent must continue enrollment with RPP for a period of not less than five years**
- **Respondent must continue follow-up with psychiatric care and quarterly reports must be sent to the Board.**

Motion seconded by Dr. Kowalski.

Opposed Dr. Costa.

The majority in Favor.
Motion Carries.

Steven A. Matzinger, M.D.
2007-15
Final Order Hearing

A motion was made as follows:

Public Reprimand

- **The Board accepts the Memorandum of Agreement.**
- **Respondent to pay a fine in the amount of \$5,000.00 and court costs of 776.45**
- **Enrollment in a program for disruptive physician course and approved by the Board. Course needs to be completed within 6 months.**

- Respondent must continue enrollment with RPP for a period of not less than five years
- Respondent must continue follow-up with psychiatric care and quarterly reports must be sent to the Board.

Motion seconded by Dr. Ball.

All in favor.

Motion Carries.

Michael E. Kuglitsch, M.D.
Applicant for Licensure

A motion was made as follows:

- Licensee needs to provide additional documentation

Motion seconded by Dr. Prabhu.

All in Favor.

Motion Carries.

Adjourned

The Board adjourned at 6:00p.m.

Board Committees

(A) Committee Reports

1. Legislative Impact Committee – *Costa, Gardner, Prabhu, Black*
2. Medical Practice Advisory Committee – (meeting only when needed) *Prabhu, Gardner, Black*
3. Recovering Professional Program Advisory Committee - *Prabhu*
4. Office Based Surgery Ad Hoc Committee – *Costa, Prabhu,*
5. Editorial Committee – *Costa, Prabhu, Gardner*
6. Executive Committee – *Costa, Prabhu, Gardner, Sheridan Spoon, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee - *Prabhu, Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee –*Prabhu, Sheridan Spoon, Andrew Savage, Esquire*
9. Medical Practice Act (MPA) Revision Committee- *All Board members*
10. Physician Delegation of Permanent Cosmetic Application Ad hoc Committee –*Costa*
11. Athletic Trainers Committee – *Gardner*
12. Continuing Medical Education Committee – *Hubbard,*

Bruce F. Duke
Board Administrator

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/maf