

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
February 2 - 4, 2015

Board Meeting
Synergy Business Park
The Kingstree Building
110 Centerview Dr., Room 108
Columbia, South Carolina 29210

MEETING CALLED TO ORDER

Dr. Stephen Gardner, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:30 A.M., on Monday, February 2, 2015, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Gardner announced the meeting was being held in accordance with the Freedom of Information Act by notice emailed to *The State* newspaper, The 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. Stephen Gardner, of Greenville, President
Dr. Jeff Welsh, of Columbia, Vice President
Dr. Robert Turner, of Florence, Secretary
Dr. Jim Chow, of Columbia
Dr. James Hubbard, of Rock Hill
Dr. Mike Vasovski, of Aiken
Dr. Anne Cook, of Anderson
Dr. Daniel Saad, of Greer
Dr. Stephen Schabel, of Charleston

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

S.C. Board of Medical Examiners

Sheridon Spoon, Board Administrator
April Koon, Administrative Coordinator
Brenda Eason, Administrative Assistant
Laura McDaniels, Administrative Assistant
Connie Flanery, Administrative Assistant
Kathy Burgess, Administrative Assistant
Latonia Jones, Administrative Assistant
Debra Wade, Administrative Assistant

Office of Disciplinary Counsel

Patrick Hanks, Office of Disciplinary Counsel
Megan Flannery, Assistant Disciplinary Counsel
Prentiss Shealey, Assistant Disciplinary Counsel

Office of Advice Counsel

Darra Coleman, Chief Advice Counsel
Wick Stuart, Advice Counsel

REVIEW/APPROVAL OF AGENDA

The agenda for this meeting was reviewed and approved.

REVIEW AND APPROVAL OF THE NOVEMBER 3 -4, 2014 MEETING MINUTES

After considering recommendations, additions, deletions and corrections, a motion was made to approve the November 3-4, 2014 minutes by Dr. Hubbard and seconded by Dr. Cook. The motion and the minutes were unanimously passed.

TELEMEDICINE DISCUSSION PRESENTATION FROM WALMART

Travis Dayhuff, Attorney with Nelson Mullins, represented Dr. Daniel Stein, Director of Medical and Clinical Services for Walmart, Dr. James McElligott, Director of Telehealth for MUSC and Steve Cashman, CEO of HealthSpot as they presented their telemedicine model to the Board for approval.

After a lengthy discussion, Dr. Turner made a motion to have the Walmart group submit their standard of care protocols to include the following; prescriptions for legend drugs; potential selection criteria for panel members to participate; how they would deal with recurrent episodic care outside the medical home; how they would make specialty referrals. Once these protocols are in place, the Executive Committee of the Board may review and approve without further appearance. Motion was seconded by Dr. Saad.

All in favor

Motion carries

LEGISLATIVE UPDATE

Holly Beeson, LLR Office of Communications and Government Affairs updated the Board on bills that impact the Medical Board.

Dr. Hubbard had concerns dealing with birthing centers in his area that have had deaths. Dr. Turner made a motion for Dr. Hubbard and Dr. Gardner to jointly produce a letter of concern to DHEC regarding the birthing centers in South Carolina and the safety of those sites. The Medical Board wants to work with DHEC to help make birthing centers practice safely. Motion was seconded by Dr. Saad.

All in favor

Motion carries

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 the Board's Final Order is on file at the Board Office. After testimony for each case, the Board entered a private deliberative session. 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:**

2010-75

Final Order Hearing

Dr. Turner made a motion as follows:

- Accept Memorandum of Agreement
- Private Reprimand
- Cost of \$1900.00 to be paid within 6 months

Motion seconded by Dr. Schabel

All in favor

Motion carries

Darryl Sugar, MD

2014-55

Final Order Hearing

Dr. Schabel made a motion to withdraw the Memorandum of Agreement and to accept a relinquishment of license to practice medicine in South Carolina. Dr. Welsh seconded the motion.

All in favor

Motion carries

Sally Regan, MD

Request for reconsideration of Final Order

Dr. Turner made a motion as follows:

- Amend the final order to remove paragraph number 3
- All other provisions remain in place

Dr. Schabel seconded the motion.

All in favor

Motion carries

Gregory Furness, PA

2013-187

Final Order Hearing

Dr. Turner made a motion to accept the public Memorandum of Agreement with indefinite suspension immediately stayed up the following conditions:

- Pass the NCCPA examination within one year
- Clinical competency and behavior evaluation within the next 3 months
- Maintain in full contract compliance with RPP
- Pay Costs of \$700.00 within six months
- May reappear before the Board in one year if all stipulations have been met

Motion seconded by Dr. Saad

All in favor

Motion carries

Frederick Veit, MD

2013-396

Final Order Hearing

Dr. Turner made a motion as follows:

- Accept Memorandum of Agreement
- Public Reprimand
- Indefinite suspension stayed upon completion of psychiatric evaluation approved by the Board
- Continued enrollment in RPP
- Sexual evaluation with BMI in Atlanta

Motion seconded by Dr. Schabel

All in favor

Motion carries

William Dukes Sr, MD

2013-197

Final Order Hearing

Dr. Turner made a motion to accept the Memorandum of Agreement. Dr. Schabel seconded the motion. Dr. Hubbard opposed. Motion carries

Dr. Turner made a motion as follows:

- Letter of Caution

Motion seconded by Dr. Chow

Dr. Hubbard opposed

Motion carries

Stacy Smith, MD

2011-210

Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand
- Indefinite suspension stayed upon Clinical Competency approved by the Board
- Continue with RPP and any recommendations
- Prohibited from prescribing any controlled substances
- Pay cost of \$1,100.00 within 6 months
- Must reappear before the Board for reconsideration once all conditions have been met

Motion seconded by Dr. Schabel

All in favor

Motion carries

Robert Weinfeld, MD

Applicant for Volunteer Limited licensure

A motion was made by Dr. Hubbard to allow applicant to proceed with licensure. Motion was seconded by Dr. Schabel.

All in favor

Motion carries

Lawrence Wallace, MD

Applicant for Reactivation of licensure

A motion was made by Dr. Cook to allow applicant to proceed with reactivation application. Motion was seconded by Dr. Turner.

All in favor

Motion carries

Lloyd Hubler, MD

Applicant for licensure

A motion was made by Dr. Hubbard to allow applicant to proceed with licensure. Motion was seconded by Dr. Cook.

All in favor

Motion carries

A motion was made by Dr. Chow and seconded by Dr. Welsh to adjourn at 8:32 pm

Reconvened at 8:30 am Tuesday February 3, 2015

OIE REPORT

Pat Hanks, Office of Disciplinary Counsel presented to the Board and stated ODC had a total of 129 medical cases open and 40 cases were closed in 2014.

Althea Myers of the LLR Office of Investigations and Enforcement presented the Investigative Review Committee's Report along with the statistical report.

Connie Overton with DEA addressed the Board concerning their mission to enforce the Controlled Substances Act.

Dismissals

47 Cases were presented and approved for dismissal. Dr. Welsh moved to accept the recommendations and Dr. Cook seconded the motion and the Board unanimously approved the recommendations.

Formal Complaints

14 Cases were presented for formal complaint. Dr. Saad moved to accept the recommendations Dr. Chow seconded the motion and the Board unanimously approved the recommendations.

Letters of Caution

18 Cases were presented for a letter of caution. A motion was made by Dr. Hubbard to approve the letters of caution. Dr. Welsh seconded the motion and the Board unanimously approved the recommendations. Dr. Vasovski made a motion to rescind the letter of caution for case 2014-411. Remainder of Board members opposed. Motion was defeated.

Titus Caddell, MD

(2010-194) (2011-323) (2012-470)

Final Order Hearing

Dr. Turner made a motion as follows:

- Accept the Memorandum of Agreement
- Public Reprimand
- Respondent is not to enter or remain in a room without female chaperone
- Quarterly reports from treating psychiatrist
- No prescribing of controlled II substances
- No treatment of pain for any patients
- Professional mentor approved by the board
- Worksite approval by the board
- Cost of \$5,350 to be paid within 24 months

Motion seconded by Dr. Schabel

All in favor

Motion carries

Christy Wood, RCP

2011-298

Final Order Hearing

Dr. Chow made a motion as follows:

- Revocation of RCP license.

Motion seconded by Dr Schabel.

All in favor

Motion carries

2011-201

President of the Board approved a continuance of the hearing at a later date.

2012-319

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$100 within six months

Motion seconded by Dr. Chow

All in favor

Motion carries

2011-304

Final Order Hearing

The Board granted a continuance of this hearing to a later date.

2006-315

Request to be released from Private Order

Dr. Turner made a motion as follows:

- Release from RPP
- Must remain in the RPP Senior Program for three years

Dr. Chow seconded the motion.

All in favor

Motion carries

2009-346

Request to be released from Private Order

Dr. Turner made a motion as follows:

- Release from RPP and the conditions of the private order
- Must remain compliant with State of Arkansas monitoring requirements

Dr. Saad seconded the motion

All in favor

Motion carries

2010-51

Request to be released from Private Order

Dr. Schabel made a motion to release respondent from board's private order. Motion was seconded by Dr. Welsh.

All in favor

Motion carries

2014-10

Request to be released from Private Order

Dr. Welsh made a motion to release respondent from board's private order. Motion was seconded by Dr. Schabel.

All in favor

Motion carries

Charles Busse, MD

2011-140

Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand
- Fine of \$2,000.00 to be paid within six months
- Investigative Cost of \$2,800.00 to be paid within six months
- Complete prescribing course approved by the board within six months
- Must prohibit from self prescribing of hormone replacement therapy as well as prescribing to others
- Must have a board approved Metabolic evaluation by an endocrinologist within three months

Motion was seconded by Dr. Cook

All in favor

Motion carries

2010-332

Final Order Hearing

President of the Board approved a continuance of the hearing at a later date.

Daniel Pistone, MD

Reactivation Applicant for licensure

Dr. Schabel made a motion to allow the applicant to proceed with licensure. Dr. Turner seconded the motion.

All in favor

Motion carries

John Moore III, MD

Reactivation Applicant for licensure

Dr. Welsh made a motion to allow applicant to proceed with reactivation of his license. Dr. Saad seconded the motion.

All in favor

Motion carries

A motion was made by Dr. Schabel and seconded by Dr. Saad to adjourn at 6:11 pm

Reconvened at 9:15 am Wednesday February 4, 2015

Hugh Hall, MD

Reactivation Applicant for licensure

Dr. Cook made a motion to approve applicant to proceed with reactivation application. Licensee must continue with informal monitoring by the Georgia Medical Board with reports sent to the South Carolina Board. Respondent must inform the Board when monitoring is complete. Dr. Schabel seconded the motion.

All in favor

Motion carries

Michael Goodman, MD

Applicant for licensure

Dr. Welsh made a motion to approve applicant to proceed with licensure. Dr. Saad seconded the motion.

All in favor

Motion carries

Travis McCoy, MD

Applicant for licensure

Dr. Hubbard made a motion to allow applicant to proceed with licensure. Dr. Turner seconded the motion.

All in favor

Motion carries

Maria Asi-Bautista, MD

Applicant for licensure

Dr. Turner made a motion to allow applicant to proceed with licensure. Dr. Schabel seconded the motion.

All in favor

Motion carries

REQUESTS FOR EXEMPTION FROM THE 45-MILE REQUIREMENT FOR PHYSICIAN SUPERVISION

Dr. Schabel made a motion to approve the exemption of the 45-mile requirement for physician supervision for Debra Moynihan, NP supervised by Dr. John Schnorr, MD with Coastal Fertility Specialist.

Dr. Welsh seconded the motion

Dr. Hubbard opposed the motion

Motion carries

Dr. Cook made a motion to approve the exemption of the 45-mile requirement for physician supervision for Mary Beth Hendricks, DNP, FNP-BC, ACNP-BC, CUNP supervised by Dr. Amanda Flynn, MD with Healthstat.

Dr. Schable seconded the motion.

All in favor

Motion carries

Dr. Saad made a motion to approve the exemption of the 45-mile requirement for physician supervision with the understanding this is consultative with no prescription writing for palliative care for Carrie Cormack, PNP and Mollie Huskey, PNP supervised by Dr. Kevin McRedmond, MD with Hands of Hope Pediatric Hospice and Palliative Care.

Dr. Welsh seconded the motion.

All in favor

Motion carries

Dr. Saad made a motion to approve the exemption of the 45-mile requirement for physician supervision for Weston Rice, NP, Allysa Cogdill, NP and Crystal Walker, NP supervised by Dr. Rebecca Lehman with USC Pediatrics, Division of Neurology.

The request is denied for Dr. Robert Turner to supervise under the 45 mile exemption for Weston Rice, NP, Allysa Cogdill, NP and Crystal Walker, NP.

The request was denied for Dr. Harley Morgan to supervise under the 45 mile exemption for Weston Rice, NP, Allysa Cogdill, NP and Crystal Walker, NP.

The request was denied for Dr. Lehman or Dr. Harley Morgan to supervise Shannon D'Alton.

Dr. Schabel seconded the motion.

All in favor

Motion carries

Dr. Cook made a motion to approve the exemption of the 45-mile requirement for physician supervision with the stipulation of no more than 5 days away and not to occur more than every six weeks for Katrina Maxwell, APRN supervised by Dr. Connie Casebolt with GFN.

Dr. Turner seconded the motion.

Dr. Chow dissented

Dr. Hubbard dissented

Dr. Welsh dissented

Dr. Schabel dissented

Dr. Saad dissented

Dr. Vasovski dissented

Motion does not carry

*Dr. Hubbard made a motion to deny the request for the 45-mile exemption for Katrina Maxwell, APRN supervised by Dr. Connie Casebolt.

Dr. Schabel seconded the motion.

Dr. Gardner abstained

Dr. Turner abstained

Motion carries

Dr. Hubbard made a motion to approve the request for the 45-mile exemption for Dawn Pender, MSN, FNP-BC, CPNP for supervision at SC Centers for Fathers and Families. Dr. Saad seconded the motion.

All in favor

Motion carries

Dr. Schabel made a motion to approve the request for Sarah Frasseca, FNP for an addition to scope of practice request to dispense off-site without supervision and must submit quarterly report logs to the BME for one year.

Dr. Welsh seconded the motion.

All in favor
Motion carries

Charles Swartz, MD
Applicant for licensure

Dr. Saad made a motion to allow applicant to proceed with licensure. Dr. Schabel seconded the motion.

All in favor
Motion carries

Nikunj Kumar Modi, MD
Applicant for licensure

Dr. Hubbard made a motion to allow applicant to proceed with licensure. Dr. Turner seconded the motion.

All in favor
Motion carries

Reuben Thaker, MD
Applicant for licensure

Dr. Cook made a motion to allow applicant to proceed with licensure. Dr. Saad seconded the motion.

All in favor
Motion carries

Todd Samuels, MD
Applicant for licensure

Dr. Schabel made a motion to allow applicant to proceed with licensure. Dr. Welsh seconded the motion.

All in favor
Motion carries

Edwin Peak, MD
Applicant for licensure

Dr. Hubbard made a motion to allow applicant to proceed with licensure. Dr. Schabel seconded the motion.

All in favor
Motion carries

Munazza Ahmen, MD
Applicant for licensure

Dr. Schabel made a motion to allow applicant to proceed with licensure. Dr. Cook seconded the motion.

All in favor
Motion carries

Mary Miller, MD
Applicant for licensure
Application withdrawn

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS

Dr. Gardner presented recommendations from the January 9, 2015 Physician Assistants Advisory Committee meeting. After considering the recommendations, additions, deletions and corrections, Dr. Cook moved to accept and Dr. Welsh seconded the motion to approve the recommendations. All in favor. Motion carries.

RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections, a motion was made by Dr. Turner and seconded by Dr. Cook to approve the recommendations of the January 16, 2015 meeting. All in favor. Motion carries.

ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDATIONS

After considering the November 18, 2014 committee recommendations, a motion was made by Dr. Chow to accept the recommendations. Motion was seconded by Dr. Schabel.

All in favor

Motion carries

PRESIDENT AND ADMINSTRATOR REMARKS

1. Dr. Gardner introduced the two new Board members as Dr. Stephen Schabel from Charleston and Dr. Mike Vasovski from Aiken.
2. Dr. Gardner briefly spoke on the new CME requirement for Prescribing and Monitoring of Controlled Substance and gave praise to Dr. Cook for her hard work and effort toward the policy. It was confirmed that the course offered by the SCMA is a free course for all physicians to comply with the new 2 hours CME requirement.
3. Dr. Gardner thanked Dr. Chow for his dedication to the Board and for honoring the Medical Board with his battle flags during his military retirement.
4. Dr. Gardner recognized Dr. Kowalski's service to the Board and presented a plaque in his honor.
5. Dr. Gardner announced that Dr. Welsh will be the representative from the Board to assist the RPP Advisory Committee and thanked him for his service.
6. The Board discussed and approved Dr. Gardner to attend the FSMB meeting as the voting delegate and approved April Koon, Administrative Coordinator for the Board to attend as executive staff.
7. Concerning the application review process, Dr. Schabel made a motion for Dr. Gardner to contact applicants by phone to determine if they should appear before the Board based on the their application issues. Motion was seconded by Dr. Welsh. All in favor. Motion carries.
8. Dr. Schabel made a motion to approve the sale of medical records from Georgetown Pediatric Center to St James Santee Family Health Center. Motion seconded by Dr. Cook. All in favor. Motion carries.
9. Mr. Spoon reminded the Board members of their Statement of Economic Interest filing must be completed by March 30th to avoid penalties.

Board adjourned 6:29pm on Wednesday, February 4, 2015

Respectfully Submitted

April Koon

Administrative Coordinator