

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

Regular Board Meeting  
Synergy Business Park  
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, November 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, 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. Mike Vasovski, of Aiken  
Dr. Anne Cook, of Anderson  
Dr. Daniel Saad, of Greer  
Dr. Stephen Schabel, of Charleston  
Dr. James Hubbard, of Rock Hill

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  
Candace Gunter, Administrative Assistant  
Connie Flanery, Administrative Assistant  
Kathy Burgess, Administrative Assistant  
Latonea Jones, Administrative Assistant  
Debra Wade, Administrative Assistant  
Vanessa Oliver, Temporary-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

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## **REVIEW/APPROVAL OF AGENDA**

Dr. Hubbard made a motion to approve the agenda for this meeting. Dr. Saad seconded the motion. All in favor. Motion carries.

## **REVIEW/APPROVAL OF MINUTES FROM AUGUST 3-5, 2015 BOARD MEETING**

After considering recommendations, additions, deletions and corrections, a motion was made to approve the August 3-5, 2015 minutes by Dr. Hubbard and seconded by Dr. Cook. The motion and the minutes were unanimously passed.

## **TELEMEDICINE DISCUSSION**

### **1. PRESENTATION FROM DOCTOR ON DEMAND**

Ross Friedberg, Esquire, along with Barton Hershfield, Physician Lead of Doctor on Demand, presented their telemedicine model to the Board. Dr. Saad made a motion for the Telehealth Committee to review this telemedicine model in more depth. Dr. Hubbard seconded the motion. Motion carries.

### **2. PRESENTATION FROM SCHOOL-BASED TELEMENTAL HEALTH, MUSC**

Regan Stewart, Ph.D. presented their telemedicine model for School-Based Telemental Health, MUSC to the Board. Dr. Welsh made a motion for the Telehealth Committee to review this telemedicine model in more depth. Dr. Saad seconded the motion. Motion carries.

### **3. PRESENTATION FROM CARENA TELEMEDICINE**

Matt Thorne, CPA and Bob Bernstein, Vice President of Clinical Affairs presented the telemedicine model for Carena Telemedicine to the Board. Dr. Schabel made a motion for the Telehealth Committee to review this telemedicine model in more depth and submit to the Board their list of physicians and APRN's along with their written collaborative agreements. Dr. Hubbard seconded the motion. Motion carries.

### **4. PRESENTATION FROM AMERICAN TELEMEDICINE ASSOCIATION**

Latoya Thomas, Director, State Policy Resource Center attended by teleconference to ask for clarification of the Boards Telemedicine Policy. The Board took this under advisement at this time.

## **BASIC LIFE SUPPORT PROGRAM FOR PHARMACISTS ADMINISTERED INFLUENZA VACCINE PROTOCOL; HEALTH & SAFETY INSTITUTE**

Ralph Shenefelt, SVP, Regulatory & Quality Assurance presented his BLS program to the Board. Dr. Schabel made a motion to approve the BLS course as an equivalent provider. Dr. Saad seconded the motion. All in favor. Motion carries.

## **REVIEW OF ADVISORY OPINION REGARDING PRESCRIBING CONSIDERATIONS FOR HOPSICE PROVIDERS**

Dr. Jeffrey Seymore along with Annette Kiser discussed with the Board to revise its current Advisory Opinion Regarding Prescribing Considerations for Hospice Providers. The Board took this under advisement at this time.

## **LEGISLATIVE UPDATE**

Holly Beeson, Attorney with the Office of Communications and Government Affairs with LLR updated the Board on pending legislation of interest to the board and the medical community.

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## **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:**

### **2013-81**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Pay Costs of \$258.00

Dr. Schabel seconded the motion

All in favor

Motion carries

### **Kenneth Primm, MD**

#### **2012-38**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has Violated the Medical Practice Act
- Public Reprimand
- License shall remain suspended indefinitely
- Maintenance of Clinical Competency and documents showing compliance for 24 months of child support payments before respondent can return to practice
- Waive Costs of \$140.00

Dr. Schabel seconded the motion

All in favor

Motion carries

### **Edwin Byrd III, MD**

#### **2011-257**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Pay Civil Penalty of \$1,000
- Pay Costs of \$1,020
- Must take a Boundaries course, Record-keeping and Prescription-writing course approved by the Board
- Must obtain 10 hours of AMA Category 1 CME on the treatment and diagnosis of ADD and ADHD within 12 months.

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Dr. Cook seconded the motion  
Dr. Vasovski Opposes  
Motion carries

**James DeSantis, MD**

**2014-174**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Costs of \$100.00
- License will remain lapsed.

Dr. Schabel seconded the motion  
All in favor  
Motion carries

**2014-89**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act but does not rise to the level of misconduct
- Dismissed
- Issued a Letter of Caution

Dr. Schabel seconded the motion  
Dr. Saad abstains  
Motion carries

**A motion was made by Dr. Welsh and seconded by Dr. Saad to adjourn at 7:04 pm**

**Reconvened at 8:06 am Tuesday November 3, 2015**

**OIE REPORT**

Pat Hanks, Office of Disciplinary Counsel (ODC) presented the ODC Report to the Board. He stated they have 97 cases amongst three attorneys. 21 of those cases are pending Final Order; 7 pending Final Order Drafting; and they have closed 43 cases and the remainder cases are in the process of being presented to the Board.

Althea Myers, Chief Investigator for Office of Investigations presented the Investigative Review Committee's Report along with the statistical report. Mrs. Myers noted that key number 56 of the report has been pulled for further action by Office of Disciplinary Counsel.

Christa Bell, OIE Director addressed the board concerning Cease and Desist Orders. OIE will coordinate with the Office of Disciplinary Counsel and the Office of Advice Counsel as to the

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language of the order. OAC will coordinate with the board president as to scope of practice questions. The administrator's office will administratively serve these orders by mail and may have delegated authority to sign on behalf of the board president. OIE staff will carry out personal service of orders to cease and desist.

### **Dismissals**

70 Cases were presented and approved for dismissal. Dr. Schabel moved to accept the recommendations and Dr. Saad seconded the motion and the Board unanimously approved the recommendations.

A motion was made by Dr. Saad and seconded by Dr. Shabel for Cases # 2014-251 and 2014-463 to be sent back to the IRC for further review and for case # 2014-338 to be issued a letter of caution.

### **Cease and Desist**

1 Case was presented and a motion was made by Dr Turner and seconded by Dr. Welsh to approve the C&D.

### **Formal Complaints**

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

### **Letters of Caution**

30 Cases were presented for a letter of caution. A motion was made by Dr. Schabel to approve the letters of caution. Dr. Cook seconded the motion and the Board unanimously approved the recommendations.

### **Virginia Fuller, MD**

#### **2014-381**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Costs of \$100.00
- Completion of medical residency with appropriate professional and clinical recommendations

Dr. Welsh seconded the motion

All in favor

Motion carries

### **Michael Maynor, MD**

#### **2011-170**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Costs of \$600.00

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- Indefinite suspension

Dr. Schabel seconded the motion

All in favor

Motion carries

**2014-504, 2015-264, 2015-277, 2015-281, 2015-317**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Waiver of Costs of \$400.00
- Respondent may apply to be reinstated after showing clinical competency by CME

Dr. Welsh seconded the motion

All in favor

Motion carries

**David Rodriguez, MD**

**Request for modification of Final Order**

Dr. Schabel made a motion as follows:

- Request to modify Final Order is denied

Dr. Cook seconded the motion

Dr. Turner abstained

Motion carries

**DOMESTIC VIOLENCE & VULNERABLE ADULT ABUSE/STRANGULATION PRESENTATION**

Officer Brian Bennett, SC Criminal Justice Academy Instructor made a Powerpoint presentation to the board on the unique issues surrounding the detection and prevention of strangulation-related injuries in domestic violence and other vulnerable adult cases. Officer Bennett is part of the statewide domestic violence task force whose efforts are ongoing.

**2009-213**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act but does not rise to the level of misconduct
- Dismissed
- Issue a Letter of caution

Dr. Saad seconded the motion

All in favor

Motion carries

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**Peter Frank, DO**

**Late renewal refund request**

Dr. Schabel made a motion to deny refund request. Motion was seconded by Dr. Saad.

All in favor

Motion carries

**Beverley Wilson, MD**

**Late renewal refund request**

Dr. Schabel made a motion to deny refund request. Motion was seconded by Dr. Cook.

All in favor

Motion carries

**Wajdi Dbouk, MD**

**Request for reconsideration of Final Order**

Dr. Chow made a motion as follows:

- Request for reconsideration of Final Order is denied

Dr. Schabel seconded the motion

All in favor

Motion carries

**Request for reconsideration of Final Order**

Dr. Saad made a motion as follows:

- Stay indefinite suspension under the following conditions
  - Provide approved worksite 24 months
  - Indirect supervision for 24 months with 25% of charts to be signed off by supervisor
  - Continue to be prohibited from prescribing Schedule II Controlled Substances. May request release no less than 12 months from the day of the written order

Dr. Chow seconded the motion

All in favor

Motion carries

**Ronald Alfano, MD**

**Request for release from Consent Agreement**

Dr. Schabel made a motion as follows:

- Mirror Alabama order to release respondent from the BMI obligations and leave the rest of the order terms and requirements intact.

Dr. Welsh seconded the motion

All in favor

Motion carries

**Gregory Furness, PA**

**Request for reinstatement**

Dr. Turner made a motion as follows:

- Stay of indefinite suspension

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- Return to worksite approved by the Board with scope of practice approval
  - No more than a 40-hour workweek

Dr. Schabel seconded the motion  
All in favor  
Motion carries

**A motion was made by Dr. Turner and seconded by Dr. Schabel to adjourn at 8:36 pm**

**Reconvened at 8:48 am Wednesday November 4, 2015**

**William Hayes, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**Applicant for licensure**

Dr. Cook made a motion to allow applicant to proceed with licensure with the following conditions:

Motion seconded by Dr. Saad  
All in favor  
Motion carries

**Robert Escarza, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**Francis Imbarrato, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**David Dominguez, MD**  
**Applicant for licensure**

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Dr. Vasovski made a motion to allow applicant to proceed with licensure. Dr. Chow seconded the motion.

All in favor  
Motion carries

**Karen Nichols, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**Allan Boruszak, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**Christopher Lee, MD**  
**Applicant for licensure**

Dr. Vasovski made a motion to allow applicant to proceed with licensure with the condition to restrict practice to no more than 40 hours a week and limited from the practice of surgery. Dr. Saad seconded the motion.

All in favor  
Motion carries

**Stanley Swierzewski III, MD**  
**Applicant for licensure**

Did not appear for hearing

**Sonja Lichtenstein-Zayneh, MD**  
**Applicant for licensure**

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

All in favor  
Motion carries

**James Nichols, MD**  
**Applicant for licensure**

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

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All in favor  
Motion carries

**Wajahat Mirza, MD**

**Applicant for reactivation of licensure**

Dr. Welsh made a motion to defer board action at this time pending the completion of a three-day on-site course dealing with sexual boundaries. This must be at least 20 hours of AMA Category 1 credit that includes a certificate of completion. Upon completion of that course and approval of the President of the Board, board staff may process the reactivation application.

Dr. Schabel seconded the motion  
All in favor  
Motion carries

**Mark Friedman, MD**

**Applicant for licensure**

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

All in favor  
Motion carries

**Applicant for reactivation of licensure**

Dr. Gardner made a motion to allow applicant to proceed with licensure.

Dr. Welsh seconded the motion.  
All in favor  
Motion carries

**Isidro Amigo, DO**

**Applicant for licensure**

Dr. Chow made a motion to defer license application until applicant takes and passes board certification in General Surgery, AOA-approved. Applicant may then proceed with licensure.

Dr. Schabel seconded the motion.  
All in favor  
Motion carries

**PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS**

The Physician Assistant Advisory Committee did not meet at its scheduled meeting October 9, 2015 because of the flooding state of emergency. The next regular meeting is scheduled for January 8, 2015.

**RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS**

Sheridon Spoon, Administrator of the Medical Board presented recommendations from the October 16, 2015 Respiratory Care Practitioners Committee meeting. After considering the

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recommendations, additions, deletions and corrections, Dr. Schabel made a motion to approve the recommendations. Motion was seconded by Dr. Welsh. All in favor. Motion carries.

### **PRESIDENT AND ADMINSTRATOR REMARKS**

1. Joint Pharmacist-Administered Vaccines Committee and Protocol-Dr. Cook presented this information as to committee's progress so far. The board approved a motion to move forward in the development of the final protocol through the committee as called for by the legislation.
2. HCC Committee Advisory Opinions:
  - a. The board reviewed and approved the proposed joint advisory opinion regarding the presence of a pharmacist in a methadone clinic that a pharmacist must be present during dosing hours. The opinion clarifies the distinction between dispensing and administration.
  - b. The low-dose Ketamine pilot program at Greenville Hospital program previously approved was discussed and amended to require semi-annual reporting. This amendment will be presented to the Pharmacy board and Nursing board at their next meetings.
  - c. A subcommittee will develop additional information and protocols for the regulation of prescribing and administering medications in the county detention centers served by Southern Health Partners
  - d. The HCC will meet April 15<sup>th</sup>, July 15<sup>th</sup> and October 21, 2016 unless there is no business pending.
3. Sheridan Spoon, board administrator, advised the board of changes regarding building security and access badges. Members have received new badges and will have building and elevator access during regular business hours.
4. Tri-Regulator Symposium-attended by Chief Advice Counsel Darra Coleman in Arlington, Virginia. Representative of state medical, pharmacy and nursing boards were in attendance. Conference addressed collaboration of these state boards. South Carolina is uniquely positioned in that LLR is an umbrella agency.
5. FSMB Board Attorney Workshop-the board approved Darra Coleman to attend November 12-13<sup>th</sup> in Las Vegas.
6. Interview Process-the board discussed the applicant interview process and appointed an *ad hoc* committee consisting of Drs. Chow, Cook and Saad to serve.
7. APRN BON Advisory Opinion #67 regarding circumcision was presented to the board as information. The board requested from physicians supervising circumcision by APRNs evidence-based outcomes data regarding complications in this regard.
8. Election of members-The board elected Dr. Gardner, Dr. Welsh and Dr. Cook as President, Vice-President and Secretary respectively.
9. Board meeting dates for 2016 were approved by the board. [February 1-3, May 2-4, August 1-3 and November 7-9]
10. The board presented the board staff with a plaque in recognition of their dedication to customer service and public protection.

**Board adjourned 5:24pm on Wednesday, November 4, 2015**

**Respectfully Submitted**

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**April Koon**  
**Administrative Coordinator**