

EXECUTIVE SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
November 3-4, 2014

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, November 3, 2014, 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. James Hubbard, of Rock Hill
Dr. Timothy Kowalski, of Columbia
Dr. Anne Cook, of Anderson
Dr. Daniel Saad, of Greer

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
Alex Imgrund, Advice Counsel

REVIEW/APPROVAL OF AGENDA

A motion was made by Dr. Welsh to amend the published agenda to include discussion from the South Carolina Medical Association concerning their CME offerings available for controlled substance prescription writing. Motion was seconded by Dr. Turner. All in favor.

REVIEW/APPROVAL OF MINUTES FROM AUGUST 4 -6, 2014 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the August 4 -6, 2014 minutes by Dr. Hubbard and seconded by Dr. Welsh. The motion and the minutes were unanimously passed.

SOUTH CAROLINA MEDICAL ASSOCIATION PRESENTATION ON CME COURSES OFFERED ON CONTROLLED SUBSTANCE PRESCRIPTION WRITING

Todd Atwater, CEO of SCMA, along with Sharon Kelly, Director of Education and JC Nicholson, General Counsel appeared before the Medical Board to discuss their program on offering two hours of CME on controlled substance prescription writing as an online course. They noted that their services would be available online and would be free to all physicians in the state.

Dr. Kowalski made a motion to approve the SCMA to develop CME through AMA and AOA for controlled substances prescribing course. Motion was seconded by Dr. Turner.

All in favor

Motion carries

HOSPICE PHYSICIAN PRESENTATION FOR ADVISORY OPINION

Dr. Jeff Seymore from Hospice and Community Care in Rock Hill along with Annette Kyzer, Director of The Carolina Center for Hospice and End of Life Care, spoke to the Board with concerns about the previously approved motion from the Board that hospice physicians are able to write controlled substances for individuals that they had not seen in certain relatively emergent situations provided they were certified by the American Academy of Hospice and Palliative Medicine. They expressed concern for the motion and felt it would be restrictive to the hospice physicians. After a lengthy discussion, the Board referred this question to the Healthcare Collaborative Committee for a Joint Advisory Opinion from all Boards involved.

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:**

2013-271

Final Order Hearing

Dr. Kowalski made a motion as follows:

- Private Reprimand
- No fine or suspension
- Investigative cost of \$200.00

Motion seconded by Dr. Hubbard

All in favor

Motion carries

2013-33

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$350.00
- Continued work site restriction
- Limit work hours as under the current agreement
- Continued RPP enrollment
- Continue to prescribe according to state law

Motion seconded by Dr. Welsh

All in favor

Motion carries

2014-14

Final Order Hearing

Dr. Turner made a motion as follows:

- Indefinite suspension
- Maintain enrollment in RPP to include all their recommendations
- After one year of successful compliance in RPP, respondent may request for reinstatement of license
- Pay cost of \$100.00

Motion seconded by Dr. Kowalski

All in favor

Motion carries

A motion was made by Dr. Cook to make this a Private Agreement. Motion seconded by Dr. Welsh.

All in favor

Motion carries

TELEMEDICINE DISCUSSION
REQUEST FOR CARENA TO OFFER TELEMEDICINE SERVICES TO BOEING EMPLOYEES

Dr. Robert Bernstein, Medical Director for clinical quality and Matthew Thorne, Chief Operative Officer with Carena in Seattle along with Vicki Duckworth, a Boeing representative came to present Carena's telemedicine model to the Board for approval.

After a lengthy discussion, Dr. Cook made a motion to await further information and protocols from Carena on authenticating the patient, medical home, substantial enough diagnosis and audio/ video. If they are forthcoming, then the executive committee of the Board can approve them to function in SC. The motion was seconded by Dr. Hubbard.

All in favor

Motion carries

Brian Amick, SC Department of Health and Human Services spoke on telemedicine and Medicaid. He asked the Board to continue requiring potential vendors to appear before the Board for approval on individual basis until such time as a full policy is developed. Dr. Saad made a motion the Board of Medical Examiners continue to address the telemedicine medical practice programs and vendors on an individual basis for approval. Dr. Hubbard seconded the motion.

All in favor

Motion carries

2010-307

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$240.00

Motion seconded by Dr. Kowalski

All in favor

Motion carries

2012-200

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Cost of \$70.00

Motion seconded by Dr. Cook

All in favor

Motion carries

Richard Kellett, MD

2013-201

Request to be released from RPP / Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand
- Controlled II substances reinstated
- Restrictions from section 2D of the Final Order is lifted
- Must reappear before the Board if requesting release from RPP in the future
- Approve respondents ability to give injections at site and setting specified by the Board which will include written protocols for sterility, technique and delegation of medical task as based on SC law
- Pay cost of \$220.00

Motion seconded by Dr. Cook

Dr. Chow dissented

Motion carries

2013-335

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Fine of \$500.00
- Cost of \$300

Motion seconded by Dr. Chow

All in favor

Motion carries

Request to waive penalty

A motion was made by Dr. Kowalski to allow licensee one year to pay fine. Dr. Turner seconded the motion.

All in favor

Motion carries

Robert Lutz, MD

2013-74

Final Order Hearing

Dr. Turner made a motion as follows:

- Withdrew Memorandum of Agreement
- Proceed with Agreement to relinquish license to practice medicine in South Carolina

Motion seconded by Dr. Hubbard

All in favor

Motion carries

A motion was made by Dr. Welsh and seconded by Dr. Hubbard to adjourn at 8:30 pm

Reconvened at 8:30 am Tuesday November 4, 2014

OIE REPORT

Althea Myers, chief investigator for Office of Investigations presented the Investigative Review Committee's Report along with the statistical report

Dismissals

80 Cases were presented for dismissal. Case 2014-45 was denied for further evaluation and consideration by the Investigative Review Committee. Dr. Hubbard moved to accept the 79 cases for dismissal. Dr. Welsh seconded the motion and the Board unanimously approved the recommendations for dismissal.

Formal Complaints

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

Letters of Caution

27 Cases were presented for a letter of caution. A motion was made by Dr. Saad to approve the letters of caution minus case numbers 2014-33, 2014-65, 2014-134 and 2014-265 which are rejected and returned to the Investigative Review Committee for possible formal complaint. Dr. Hubbard seconded the motion and the Board unanimously approved the recommendations.

SOUTH CAROLINA BOARD OF PHARMACY/PHYSICIAN COMPOUNDING

Addison Livingston, Chairman for the SC Board of Pharmacy spoke to the Medical Board about Physician Compounding. He stated this was an issue that arose out of the Healthcare Collaborative Committee and has concerns about compounding being an advantageous practice for physicians. Companies are offering incentives to the physicians to make and dispense their compounds in possible non-sterile environments. He stated physicians were offered electronic tablets or ipads to direct prescriptions to a particular pharmacy and that act is a violation of the SC Pharmacy Practice Act. The Medical Board took this under advisement at this time.

CPEP THE CENTER FOR PERSONALIZED EDUCATION FOR PHYSICIANS

Beth Korinek, CEO of CPEP spoke about their personalized assessment procedures and evaluations of physicians who are under review from a board of hospital to provide more in depth information to make decisions about privileging and to help put together remedial processes to get those physicians back up to the community standards. The Board took this under advisement.

LEGISLATIVE UPDATE

Holly Beeson, Attorney with the Office of Communications and Government Affairs with LLR updated the Board on legislative matters that could impact the Medical community. She discussed a draft of regulation that she encouraged the Board to consider concerning the determination of what happens with patient medical records in the event that a licensee becomes incapacitated, disappears, or dies. The LLR Office of Advice Counsel will draft the proposed regulation.

Mrs. Beeson also discussed that DHEC is in the process of promulgating a regulation that may have little impact on the Medical Board but wanted to make the members aware of it. She stated that DHEC intends to revise their regulations that pertain to ambulatory surgical centers. She stated that the only place she sees that concerns the Medical Board is change that allows physician assistants to perform examination of patients prior to this surgery. Mrs. Beeson also mentioned the Medical Marijuana Study Committee and their efforts to have meetings in the upcoming months. She stated the dates of the meetings were November 13th in Greenville and December 4th in Florence if the Medical Board was interested in attending any of those meeting.

William Cloud, MD

Applicant for licensure

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

All in favor

Motion carries

Susan Palac, MD

Applicant for licensure

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

All in favor

Motion carries

Gary Cianci, MD

Applicant for licensure

A motion was made by Dr. Saad to allow applicant to proceed with licensure. Motion was seconded by Dr. Welsh.

All in favor

Motion carries

Maria Banico, MD

Applicant for licensure

Applicant withdrew application for licensure in South Carolina.

Sanjay Gandhi, MD

Applicant for licensure

Applicant was a no show for applicant hearing. A motion was made by Dr. Hubbard to close the application and seconded by Dr. Chow.

All in favor

Motion carries

RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections, a motion was made by Dr. Welsh and seconded by Dr. Cook to approve the recommendations of the October 17, 2014 meeting. All in favor. Motion carries.

Dr. Cook made a motion to approve Dr. Polietti, Dr. Nassif and Dr. Williams to be appointed to the RCP Committee. Motion was seconded by Dr. Kowalski. Dr. Hubbard abstained. Motion carries.

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS

Dr. Gardner presented recommendations from the October 10, 2014 Physician Assistants Advisory Committee meeting for the Board's review. After considering the recommendations, additions, deletions and corrections, Dr. Kowalski moved to accept and Dr. Cook seconded the motion to approve the recommendations. All in favor. Motion carries.

Wajdi Dbouk, MD

2014-64

Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand
- Prescribing course approved by the Board
- No Controlled II narcotic prescribing for two years but may reapply after one year to be reinstated
- Must register and utilize the Prescription Monitoring Program
- Pay cost of \$100.00
- No dispensing of medication from the office

Motion seconded by Dr. Chow

All in favor

Motion carries

Kent McGinley, MD

Request to Modify Final Order

Dr. Cook made a motion to deny the request to modify the public order to a private order. Motion seconded by Dr. Hubbard.

All in favor

Motion carries

2011-71

Request to be released from terms and conditions of Final Order

Dr. Turner made a motion to deny request to be released from Final Order. Motion seconded by Dr. Hubbard.

All in favor
Motion carries

Cornelius Alston, MD

Request to be released from RPP

Dr. Chow made a motion to deny release from RPP and is requiring enrollment in the Senior RPP program for the duration of licensee's practice of medicine. Motion seconded by Dr. Kowalski.

All in favor
Motion carries

Thomas Hawkey, DO

Request for modification of Final Order

Dr. Kowalski made a motion that identifies condition number four in the order dated February 28, 2012 has been satisfied and all other conditions remain in effect. Motion seconded by Dr. Hubbard.

All in favor
Motion carries

Phillip Tolman, PA

Request to be released from Terms and Conditions

Dr. Welsh made a motion that the Board recognizes respondent has paid the fine, completed the boundary course and submitted quarterly reports as requested. Remove respondent from site specific terms.

All in favor
Motion carries

REQUEST FOR EXEMPTION FROM THE 45 MILE RULE

Dr. Benjamin Cameransi appeared before the Board to request an exemption to the 45 mile rule under Dr. Cameransi's supervision for Karen Casey, MSN, ANP-BC. Ms Casey is allowed to perform new patient intake visits and routine follow-ups per stated scope of practice which includes safety parameters of scripts and drug screening. Ms Casey would not be allowed to perform any injections except under the direct supervision of Dr. Cameransi whom would be on site for that injection. A motion was made by Dr. Kowalski and seconded by Dr. Welsh to allow for this exemption. The Board unanimously approved the exemption.

2013-342

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Prescription writing course approved by the Board
- Cost of \$250.00

Motion seconded by Dr. Welsh

All in favor

Motion carries

Ralph Cozart, MD

2011-246

Final Order Hearing

A motion was made by Dr. Kowalski to accept the panel report for dismissal. Motion was seconded by Dr. Hubbard.

Dr. Welsh recused himself from hearing

All others in favor

Motion carries

A motion was made by Dr. Welsh and seconded by Dr. Kowalski to adjourn at 6:10 pm

Reconvened at 8:30 am Wednesday August 6, 2014

ANESTHESIOLOGIST ASSISTANT RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections a motion was made by Dr. Turner and seconded by Dr. Hubbard to approve the recommendations of the AA applicants.

All in favor

Motion carries

PRESIDENT AND ADMINSTRATOR REPORT

1. Dr. Gardner discussed the Governors Prescription Drug Abuse Prevention Task Force. He stated the Task Force has created Joint Revised Pain Management Guidelines approved by the Medical, Dental and Nursing Boards that represent a policy for the prevention of prescription drug abuse. After considering recommendations, additions, deletions and corrections, a motion was made by Dr. Saad to approve the Joint Revised Pain Management Guidelines. Motion was seconded by Dr. Hubbard in favor. Motion carries. A motion was made by Dr. Gardner to encourage DHEC to pursue resources to allow for physician report cards to better alert physicians and change behavior in a

manner that is promotes greater public protection. Motion was seconded by Dr. Turner. All in favor. Motion carries.

2. Dr. Gardner along with Darra Coleman gave a brief report from the Healthcare Collaborative Committee and updated the board on the upcoming Nursing Board audit to ensure proper physician supervision with expanded scope of practices for nurses.
3. Election of Officers: A motion was made by Dr. Cook and seconded by Dr. Turner to elect Dr. Gardner as President, Dr. Welsh as Vice President and Dr. Turner as Secretary.
4. Mr. Spoon reminded the Board to file their Statement of Economic Interest Report on or before March 30th, 2015.

Board adjourned 8:30pm on Tuesday November 4, 2014

**Respectfully Submitted
April Koon
Administrative Coordinator**