

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Board Meeting
February 6-8, 2006
Synergy Business Park
The Kingtree Building
110 Centerview Dr., Room 108
Columbia, South Carolina

MEETING CALLED TO ORDER

Dr. Satish M. Prabhu, 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, February 6, 2006, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Prabhu 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 Kingtree Building where the Board office is located.

Board members present for this meeting were:

Dr. Satish M. Prabhu, President, of Columbia
Dr. Louis E. Costa, II, Vice President, of Charleston
Dr. Stephen R. Gardner, Secretary, of Greenville
Dr. Sompong Kraikit, of Florence
Dr. David deHoll, of Iva
Mrs. Jackie D. Black, of Columbia
Dr. Donald W. Tice, of Myrtle Beach, Present for Monday and Wednesday meeting days
Dr. James L. Hubbard, of Rock Hill
Dr. Allen R. Wenner, of West Columbia
Dr. S. Sandford Estes, of Charleston, resigned and did not attend this meeting. An election is currently underway to fill the First District Seat left vacant by Dr. Estes.

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

Bruce F. Duke, Board Administrator
Mrs. Annette Disher, Assistant Administrator of Licensure
Mrs. Brenda Eason, Administrative Assistant, PA and RCP Licensure
Mrs. Donna Howard, Administrative Assistant, Physician Licensure
Ms. Thalia Miller, Administrative Assistant
Ms. Carole Chauvin, Administrative Assistant

Office of General Counsel

Lynne Rogers, General Counsel
Richard P. Wilson, Deputy General Counsel

Marvin G. Frierson, Assistant General Counsel
Sheridan Spoon, Assistant General Counsel
Neil Riley, Assistant General Counsel
Everett Dargan, M.D., Physician Analyst

Professional and Occupational Licensing (POL) Division

Louis L. Rosen, Hearing Counsel
Shirley Robinson, Hearing Counsel

Director's Office

Mrs. Adrienne Youmans, Director

Office of Health and Medically Related Professions

Mrs. Ruby McClain, Assistant Deputy Director

Office of Investigations and Enforcement

Rion Alvey, Assistant Deputy Director
Mrs. Karen Newton, Administrative Coordinator
Mrs. Josie DeGennaro, Investigator
Mr. Mark Kelly, Investigator
Mrs. Cheryl McNair, Investigator
Larry Atkins, Deputy Chief
Kathy Prince, Deputy Chief

External Staff

Prosecuting attorneys, Ken Woodington, Attorney with Davidson, Morrison and Lindemann and Clifford O. Koon, Attorney with Moses, Koon & Brackett. Outside Hearing Counsel, Shannon T. Poteat, Attorney with Sowell, Gray, Stepp & Laffitte.

REVIEW/APPROVAL OF AGENDA

A revised agenda for this meeting was reviewed and approved. Revisions to the agenda included:

1. Agenda Topic 4 was originally set for appearances by two physicians at 11:00 a.m. on Monday, February 6, for a Rule to Show Cause at the request of General Counsel. This was taken off the agenda and replaced by an appearance by Dr. Marion F. McFarland, III, who is requesting approval of a practice setting.
2. Discussion Topic G, "Consideration of adopting proposed policy regarding rehearing of the Board's final decisions", was added to the agenda after the Board notebook CDs had been mailed out. The material for discussion will be a handout during the meeting.
3. Agenda Topic 2, Final Order Hearing in Cases 2001-192 & 2001-209, was postponed due to Respondent's attorney having a conflict.

Throughout the meeting, other changes to the agenda took place that included:

1. Agenda Topic 5, Final Order Hearing in Case 2003-179, was continued because Respondent wasn't properly notified of the hearing.

2. Two items were added to the agenda on Wednesday, February 8, 2006:
 - a. Physician Assistant Committee Chairman was scheduled for an appearance at 3:30 p.m.
 - b. Kenneth E. Smith, M.D., applicant for reactivation of licensure, was scheduled for an appearance at 4:00 p.m.

REVIEW/APPROVAL OF CONSENT AGENDA

The Board reviewed the Consent Agenda and made the following decisions:

Dr. Gardner made a motion to approve the Consent Agenda with the exception of removing the Physician Assistant Committee Report. The Committee Chairman will be contacted to appear at 3:30 p.m. on Wednesday, February 8, 2006. Dr. Tice seconded the motion and it was unanimously passed. The Committee recommendations from the Respiratory Care Committee and the Acupuncture Advisory Committee that were approved are as follows:

RECOMMENDATIONS FROM THE RESPIRATORY CARE COMMITTEE FROM MEETING HELD JANUARY 13, 2006

Members in attendance for the January 13, 2006 meeting were: Ms. Connie R. Jones, RCP, Chairperson, of Elgin; Mr. John A. Evans, RCP, of Florence; Mr. Paul Treffeisen, RCP, of Anderson; Mr. Ben F. Rogers, of Easley; Dr. James Barker, of Columbia and Vicki Evans, RCP, of Charleston. Absent from the meeting were: Dr. Wayne Hollinger, of Greenville, Dr. Kristin Highland, of Mt. Pleasant and Paul Massengill, of Greenville.

APPLICANTS APPEARING FOR LICENSURE

1. Carla Hammett, RCP—Ms. Hammett appeared before the Committee pursuant to a “yes” answer on the application to “Have you ever been arrested, indicted or convicted, pled guilty, or nolo contendere for violation of any federal, state or local law (other than a minor traffic violation)?”

Following a review and discussion of the application and other pertinent documentation, the Committee voted to recommend Ms. Hammett for permanent licensure.

2. Karen Good, RCP – Ms. Good appeared before the Committee pursuant to “yes” answers on her application to “Has your Respiratory Care Practitioner certificate/license ever been revoked, suspended, reprimanded, restricted or placed on probation by any licensing board or other entity?”, “Have you ever had hospital privileges denied, revoked, suspended or restricted in any way?”, and “Have you ever been discharged involuntarily from employment?”

Following a review and discussion of the application and other pertinent documentation, the Committee voted to recommend her for permanent licensure contingent upon receipt of a letter from the North Carolina Board stating her license is current and in good

standing (proving completion of her Consent Order with NC) and a letter from her psychiatrist regarding her treatment and diagnosis. Once that documentation is received, she must sign a Public Agreement with the following terms and conditions:

WHEREAS, Applicant has advised the Board of a mental health condition which may affect Applicant's ability to practice and of a willingness to voluntarily submit at Applicant's expense to such physical and mental examinations as the Board may desire in order to assure itself of Applicant's continuing fitness and competence to practice safely and effectively.

THEREFORE, IT IS UNDERSTOOD AND AGREED THAT:

1. Applicant shall be issued a license to practice respiratory care in this State in a probationary status, provided Applicant faithfully complies with the following terms and conditions of probation, which shall continue in effect for one (1) year and until further Order of the Board:
 - (a) Applicant shall continue treatment with a mental health professional, such as a psychiatrist, psychologist, or counselor, approved by the Board. Applicant's treatment shall include structured therapy sessions at such times as prescribed by the approved mental health professional, but not less than once every year.
 - (b) Applicant shall have her employer submit quarterly written reports directly to the Board or its designee during the period of monitoring. Said reports shall be submitted on or before the tenth day after three months of practice in that setting, and every third month thereafter. Said reports shall include an assessment of Applicant's professional competency, commitment to professionalism, applicable standards of practice and adherence to the terms of this Agreement. Failure to comply with this requirement within the prescribed time will automatically result in the immediate temporary suspension of Applicant's license to practice until such time as full compliance has been made by Applicant.
 - (c) Applicant shall appear and report to the Board as requested by the Board.
 - (d) Applicant shall promptly advise this Board in writing of any changes in address, practice, treatment, or the relationship with the approved mental health professional. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR - Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211-1289

2. It is understood and agreed that this Agreement may be terminated, in the Board's discretion, upon advice in writing from the approved treating mental health professional that Applicant's psychiatric condition no longer requires treatment and monitoring.
3. It is further understood and agreed that by executing this Agreement, Applicant specifically consents to execute and to deliver to the Board, within ten (10) days of request, an authorization for the release to the Board of any and all records, reports, or other information concerning Applicant by any and all persons or entities involved, notwithstanding any privilege provided by federal or state law. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Applicant's license to practice respiratory care until such time as full compliance has been made by Applicant.
4. It is further understood and agreed that if Applicant fails to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that Applicant is otherwise unable to practice with reasonable skill and safety, then Applicant's license may be immediately temporarily suspended until further Order of the Board following hearing into the matter. It is understood and agreed that by executing this Agreement, Applicant specifically consents to waive the procedural requirements of Section 40-47-630. It is understood and agreed that by executing this Agreement, Applicant specifically consents to consideration by the Board of any appropriate sanction under Section 40-47-630 after the hearing required by this paragraph.
5. It is further understood and agreed that, pursuant to the South Carolina Freedom of Information Act, this Agreement is a public document.
6. It is further understood and agreed that this Agreement does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or which may be filed in the future.
7. It is further understood and agreed that each provision of this Agreement shall be subject to review by the Board. Applicant shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Applicant's practice and compliance with the provisions of this Agreement. Applicant may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Applicant to submit further documentation regarding Applicant's practice, and it is Applicant's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Agreement.

AND IT IS SO AGREED.

APPLICANTS FOR PERMANENT LICENSURE

- | | | | |
|-----|----------------------|-----|--------------------|
| 1. | *Adams, Terri | 35. | Latham, Jason |
| 2. | Almarode, Melissa | 36. | Latimer, Tarisha |
| 3. | Attaway, Carol | 37. | Lee, Timothy |
| 4. | Baker, Angela | 38. | Leatherwood, Bryan |
| 5. | Ballington, Michelle | 39. | Madison, Ward |
| 6. | Bonnett, Frances | 40. | Markel, Sarah |
| 7. | Brunson, Keyatte | 41. | McAdams, Lisa |
| 8. | Bushee, Robyn | 42. | McDaniel, Corey |
| 9. | Calliham, Sharon | 43. | McGee, Amanda |
| 10. | Colegrove, Keith | 44. | McGee, Crystal |
| 11. | Collins, Lisa | 45. | Miller, Robin |
| 12. | Counts, Amy | 46. | Nibarger, Patrick |
| 13. | Cox, Aimee | 47. | Oleourruk, Raymond |
| 14. | *Cox, Kate | 48. | Overton, Edward |
| 15. | Damiano, Anna | 49. | Pendergrass, Candy |
| 16. | Daniels, Lillian | 50. | Peppers, Debra |
| 17. | Davis, Shonorriyah | 51. | Pitt, Tracy |
| 18. | Dillard, Ashley | 52. | Pontious, Dawn |
| 19. | Dilworth, Keil | 53. | Reid, Jacqueline |
| 20. | Drinnon, Carol | 54. | Rice, Terrica |
| 21. | Edgar, Amanda | 55. | Ritucci, Ann |
| 22. | Floyd, Louise | 56. | Robinson, Teknika |
| 23. | Fogarty, Jennifer | 57. | Schipani, Jennifer |
| 24. | Geddings, Annie | 58. | Sharpe, Susan |
| 25. | Graves, Charlene | 59. | St. Armour, Rodney |
| 26. | Hackett, Lawanda | 60. | Swam, Amy |
| 27. | Higgins, Kristin | 61. | Thompson, Betty |
| 28. | Jackson, Sommer | 62. | Tucker, Candi |
| 29. | Jacobs, Gayle | 63. | *Underwood, Kerra |
| 30. | Johns, Betty | 64. | Vitale, Paula |
| 31. | Jordan Jennifer | 65. | Warren, Frances |
| 32. | Kimbler, Monica | 66. | Whetstone, Miranda |
| 33. | Kinzel, Laurel | 67. | *White, Melody |
| 34. | Knight-Ohlin, Tamara | | |

**indicates "yes" answers on the application requiring additional discussion and review as recorded below*

The Committee reviewed the following four (4) individuals who had "yes" answers on their application:

1. Ms. Terri Adams, RCP was involuntarily discharged for not reporting to work. She took 9 months off from work due to back injury, went back to work and was discharged 2 months later.

After review and discussion, John Evans moved to recommend permanent licensure to Ms. Adams. Mr. Ben Rogers seconded the motion. The motion passed unanimously.

2. Kate Cox, RCP was involuntarily discharged for workplace violence. Ms. Cox indicated that she was involuntarily discharged for calling a co-worker on her cell phone and confronting her for having a relationship with her “married” son. The co-worker let the supervisor listen to the phone message and Ms. Cox was terminated.

After review and discussion, Mr. John Evans moved to recommend permanent licensure to Ms. Cox. Dr. Barker seconded the motion. The motion passed unanimously.

3. Kerra Underwood, RCP was arrested for DUI in April 2003 after leaving a dinner with some friends. Ms. Underwood’s license was suspended for 6 months. She paid a fine and completed the ASAP program. Her driver’s license was reinstated.

After review and discussion, Mr. John Evans moved to recommend permanent licensure to Ms. Underwood. Ms. Vicki Evans seconded the motion. The motion passed unanimously.

4. Melody White, RCP was arrested for DUI in 2000. She was found not guilty by bench trial and her record was expunged.

After review and discussion, Ms. Vicki Evans moved to recommend permanent licensure to Ms. White. Dr. Barker seconded the motion. The motion passed unanimously.

After review and discussion, Dr. Barker moved to recommend permanent licensure to all sixty-seven (67) applicants (including those with “yes” answers) as recorded above. Mr. Evans seconded the motion. The motion passed unanimously.

DISCUSSION OF SLEEP EXEMPTIONS

Ms. Jones advised the Committee of two (2) physicians who would be recommended to the Board to assist with sleep medicine regulations. The physicians are:

1. Dr. Richard Bogan, Columbia, SC - SleepMed
2. Dr. James Carswell, Charleston, SC - Charleston Pulmonary Associates

Both physicians are highly qualified and each represents a different practice setting; proprietary and hospital/academic. Both have agreed to assist the Board.

The Committee agreed to recommend Dr. Bogan and Dr. Carswell to serve with others on a Committee to develop sleep medicine regulations.

CONCURRENT THERAPY

Ms. Jones advised the Committee of an email that she received regarding excessive therapist workloads, which leads to the treatment of more than one patient at a time. Ms. Jones responded to the request that while there are no definitive policies that outline therapist workloads, there are ethical and corporate compliance issues with concurrent therapy. Ms. Jones provided the therapist with a position paper from the AARC (American Association for Respiratory Care) that identified the possible remedies. She stated that workloads for therapists are very hard to define but bring up many patient safety, quality and ethical issues.

Mr. Treffiesen advised that pursuant to the AARC statement, indiscriminate use of concurrent therapy may lead to a decline in quality of care and may jeopardize patient safety. Aerosolized medications administered during treatments have potential adverse reactions. Recognition of these reactions is not possible if the patient is left unattended and thus a safety hazard exists. Ultimately, it is the ethical and professional responsibility of respiratory therapists to assure their patients receive both safe and effective care of the highest quality.

Ms. Jones recommended that individual therapists work through their departmental and facility administrations to address this issue. The concerns are difficult to define in terms of a statutory or regulatory position. A formal response will come from the LLR administrative offices.

REVIEW OF LETTER OF TERMINATION FROM RCP LICENSEE

The Committee reviewed a letter from a licensee regarding their involuntary termination of employment. The Committee referred this information to the Office of Investigation and Enforcement for further investigation.

ELECTION OF OFFICERS

The Committee elected the following individuals for the officer seats for 2006:

- Mr. Paul Treffiesen was elected as Chairman
- Ms. Connie Jones was elected as Vice-Chairperson
- Ms. Vicki Evans was elected as Secretary-Treasurer

NEXT MEETING DATE

The Committee's next meeting is Friday, April 14, 2006.

C. **RECOMMENDATIONS FROM THE ACUPUNCTURE ADVISORY COMMITTEE FROM MEETING HELD JANUARY 6, 2006**

Committee Members present for the January 6, 2006 meeting were: Mr. Martin Herbkersman, Chairman, of Columbia; Dr. Karen Piegorsch, of Columbia; Mr. Gary Nestler, of Charleston; and Mr. William Skelton, of Columbia.

Report from Frank Sheheen, Program Director for Recovering Professional Program (RPP)

Mr. Sheheen distributed a copy of the Recovering Professional Program Quarterly Report, Third Quarter 2005 and an RPP brochure.

Mr. Sheheen provided the Committee with an overview of the RPP program and how it works. He stated that the purpose of the program is to monitor the recovery of impaired health care professionals who are suffering from substance abuse or chemical dependence and mental illness.

He continued with some of the benefits and requirements of the program, to include: an initial screening and evaluation assessment; recommended treatment; weekly peer assistance meetings, bi-weekly AA or NA meetings; monitoring by a recovery specialist and random drug screening.

Mr. Rick Wilson added that participation in the program can be voluntary and that the participant is allowed to answer "no" to any question that relates to RPP participation on their renewal application. It was asked if "no" could also be answered on an initial application and it was determined that a "no" answer would only apply to a renewal application.

COMMITTEE CHAIRMAN REPORT

Mr. Herbkersman discussed the following items with the committee:

1. **Date for compliance with the provisions of Section 40-47-735.**
After reading Article 6, Section 3 of the Acupuncture Practice Act, it was determined that individuals approved prior to this act's effective date have until January 13, 2007 to comply with the provisions of Section 40-47-735. Michael Rowland will send out reminders near the end of 2006.
2. **Approval of Minutes and Recommendations**
In order to expedite the process of getting the minutes approved and recommendations onto the Board notebook CD, it was decided that the minutes would be sent out by email to all committee members within 3 days of the meeting and members would, subsequently, have 4 days to respond with any changes or corrections. Any further changes would need to be done within 1 day.

MEETING DATES FOR 2007

Meeting Dates for 2007 were set as follows:

January 5 at 10:00 a.m.

April 6 at 10:00 a.m.
June 29 at 10:00 a.m.
October 5 at 10:00 a.m.

APPLICANTS FOR A PERMANENT LICENSE

1. Jones, Catherine
2. Lu, Hua
3. Wang, Minhua
4. Ylagan, Jose

Mr. Skelton moved to approve the above 4 licensees for permanent licensure. Mr. Nestler seconded the motion and it was unanimously passed.

APPROVAL COURSES FOR NADA

Mr. Skelton made a motion to accept NADA accredited courses, which include completion of a 30-hour didactic training course and 40 hours of hands-on work in a clinic provided by a NADA registered trainer. This motion was seconded by Mr. Nestler and passed.

Dr. Piegorsch suggested changing the format of summaries or reports submitted to the Committee. She suggested that there be a title and introductory paragraph clarifying the nature of the summary.

Mr. Herbkersman made a motion to require a current certification from NACCOM for all initial applicants. The motion was seconded by Mr. Nestler and passed.

Mr. Skelton made a motion to approve continuing education for ADS renewals to be those required by NADA for maintenance of certification and to be re-evaluated by this Committee in one year. The motion was seconded by Mr. Nestler and passed.

ACUPUNCTURE PRACTICE ACT COMMITTEE REPORT

The Committee is currently reviewing the Acupuncture Practice Act. The Committee will focus on training requirements and the actual wording in the Act, and will keep the members informed.

MODERN ORIENTAL TECHNIQUES

After a brief discussion, the Committee decided to put three topics on the next agenda concerning Modern Oriental Techniques: Point Injection, Laser Therapy and Tuina. Mr. Herbkersman will assemble the information for the next meeting.

NEXT MEETING DATE

The next Acupuncture Advisory Committee meeting is scheduled for April 21, 2006.

REVIEW/APPROVAL OF MINUTES

The Board reviewed the minutes of the November 7-9, 2005 meeting and made the following changes:

1. Page 17- Under paragraph entitled "Anesthesiologist's Assistants Practice Act" towards the end the Society of Anesthesiologists was incorrectly referred to as the S.C. Department of Anesthesiology.

Dr. Costa made a motion that was seconded by Dr. Gardner and unanimously passed to approve the minutes as amended.

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:**

2001-192 & 2001-209

This hearing was postponed due to the Respondent's attorney being unable to attend.

2002-212

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to dismiss this case with a letter of concern.

Insert FO and letter of concern when received from Shirley Robinson

MARION F. MCFARLAND, III, M.D., OF COLUMBIA, S.C. – REQUEST FOR APPROVAL OF PRACTICE SETTING – 2002-178

Dr. Marion F. McFarland appeared before the Board pursuant to his written request dated January 17, 2006 (**ADDENDUM A**), wherein he asked for the Board's approval of a proposed practice setting. Lynne Rogers and Rick Wilson were present during his appearance. Appearing with Dr. McFarland were Dr. Hugh Coleman, Frank Sheheen, Latisha Cobbs-Rich with the Recovering Professional Program (RPP).

The Board reviewed a letter (**ADDENDUM B**) from Scot Dilts, M.D., a physician in the Midlands Emergency Physicians group in Sumter. Dr. Dilts states in his letter that he has received an application from Dr. McFarland to work part-time for his group. Dr. Dilts has reviewed Dr. McFarland's Final Order and has agreed to follow the stipulations of the Final Order to include being Dr. McFarland's supervising physician, providing reports to the Board, and limiting his work hours as required by the order. Midlands Emergency Physicians is contracted to provide services at Tuomey Healthcare Systems. Those services include providing

general emergency care to all patients presenting at the emergency department. The physicians in that group work eleven and twelve hour shifts, and in accordance with the Board's Final Order, Dr. McFarland would only work two to three days a week.

Dr. McFarland said he would be working about 30 hours a week according to the Order but at some time he would like to start working full-time. Dr. Gardner questioned the work hours Dr. Dilts had referred to in his letter because the hours work out to be 33 to 36 hours a week. Dr. McFarland stated he would like to be able to work 40 hours a week. He advised the Board that his DEA license was reinstated in July 2005.

Dr. Coleman advised the Board that Dr. McFarland was in full compliance with the RPP and that RPP had no problem with Dr. McFarland's request to work 40 hours a week. Dr. McFarland said he didn't intend to start out working 40 hours a week right away but would gradually ease into working that many hours.

Mr. Rick Wilson reminded Dr. Coleman that RPP has an agreement with Dr. McFarland and should monitor Dr. McFarland closely to determine if working 40 hours was too stressful for him. If RPP made that determination, the Board would expect RPP to intervene and make changes.

Dr. Gardner made a motion to approve the practice setting not to exceed 40 hours a week. Dr. Costa seconded and it was unanimously passed. Dr. McFarland remains under the terms of the Board's Final Order dated August 27, 2003. Dr. Dilts must submit semi - annual reports to the Board. If Dr. Dilts should leave the practice then his replacement should send the reports. Dr. McFarland should advise the Board in writing of any changes in supervision.

2003-179

This hearing was postponed and will be held at a later Board meeting.

TAHHIR A. JAVED, M.D., OF OMAHA, NEBRASKA – 2003-257

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously¹ passed to approve the following sanction:

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Respondent's license to practice medicine in the State of South Carolina shall be, and hereby is, **revoked**.

IT IS FURTHER ORDERED that the Respondent shall, within one (1) year of the date of this final order, pay costs associated with this matter. Said costs being in the amount of One Thousand Eighty and 06/100 (\$1,080.06) Dollars, and these costs shall not be deemed paid until received by the Board.

¹ Dr. Deholl recused himself.

AND IT IS SO ORDERED.

CHRISTO C. COURBAN, M.D., OF SURFSIDE BEACH, S.C. – APPLICANT FOR LICENSURE

Dr. Christo C. Courban, an applicant for permanent licensure, was asked by board member, Dr. Kraikit, to appear before the full Board following his personal interview with him. Dr. Courban answered “yes” to question six on the application, which asks “Are you currently under investigation or the subject of pending disciplinary action by any Medical Licensing Board or other entity?”

In Dr. Courban’s explanation to his “yes” answer, he stated that the Massachusetts Board of Registration was currently conducting an informal investigation into an allegation regarding a personal relationship he had with a patient he saw in the emergency room.

Dr. Courban appeared with attorney, Mrs. Desa Ballard. She distributed letters of support for Dr. Courban from Dr. Martin Miller, Dr. Edward King and Dr. Richard J. Pels. Dr. King came with Dr. Courban and spoke on his behalf. He has worked with Dr. Courban since September of last year. Following an interview of Dr. Courban, **Dr. Gardner made a motion to approve him for permanent licensure. Ms. Black seconded the motion and it was unanimously passed. He will need to have a personal interview today with Dr. Tice since his temporary license expires today.**

PAUL D. ELLIS, M.D., OF LEXINGTON, KY – APPLICANT FOR LICENSURE

Dr. Paul D. Ellis, an applicant for licensure, was asked to appear before the full Board following a personal interview with Board member, Jackie Black. Ms. Black asked him to appear due to discrepancies in the documentation received from the Federation Credentials Verification Service (FCVS). However, Dr. Ellis did not show up for his scheduled appearance.

GEORGINA A. POOLE, M.D., OF N. MYRTLE BEACH, S.C. – APPLICANT FOR LICENSURE

Dr. Georgina A. Poole, an applicant for licensure, was asked to appear before the full Board following a personal interview with Board member, Dr. Tice. Dr. Poole answered, “yes” to questions 9, 10, 11, 12, and 15 on the application.

The Board asked Dr. Poole questions regarding her “yes” answers. It was determined that she had not worked as a physician since 1997, the documentation of her CME hours totaled 180 hours over 5 years and the Board requires 40 hours every two years, and there was no letter from her treating physician stating she was that she was able to resume practicing medicine.

Dr. Gardner made a motion to grant her a Limited License with an agreement that she will participate in one year of post-graduate education in an ACGME recognized program. After that, she must provide the Board with a letter of satisfactory completion and

qualification to practice medicine from the program director. Once this is done, she will be eligible for permanent licensure. Mr. Wilson was instructed to draft the agreement. Pursuant to this decision, her temporary license (which expires 3/31/06) will be placed in an inactive status if she accepts the offer of the Limited License agreement. Dr. Kraikit seconded the motion and it was unanimously passed.

DANIEL S. MASSI, M.D., OF MOBILE, ALABAMA – APPLICANT FOR LICENSURE

Dr. Daniel S. Massi, an applicant for licensure, appeared before the Board because he took USMLE Steps 1 & 2 four times each before passing. Regulation 81-90 (G) (2) states in part that the Board “has discretion whether to consider the results from a fourth taking of any Step. It is the burden of the applicant to present special and compelling circumstances why a result from a fourth taking should be considered.”

Following a question and answer session, **Dr. Gardner made a motion to hold Dr. Massi’s application in abeyance pending completion of the pathology examination to get board certified in pathology. Once proof that he is board certified in pathology is presented to the Board office, he will be scheduled for a personal interview with a Board member. Dr. Costa seconded the motion and it was unanimously passed.**

EMANUIEL COOPER, M.D., OF LAMAR, S.C. – APPLICANT FOR LICENSURE

Dr. Emanueil Cooper appeared before the Board to ask for consideration of permanent licensure pursuant to Section 40-47-155 which states in part that the Board can consider issuing a license to an applicant who has passed all the required examinations regardless of the number of times an exam was taken or the time frame within which the applicant passed the examinations if he/she meets all other licensure requirements, has been licensed to practice in another state, has no disciplinary matters pending in South Carolina or any other state, has not had a license revoked, suspended, or restricted here or in any other state, has current board certification, and has undertaken to establish himself in a rural area of South Carolina. Dr. Cooper is seeking licensure through this venue because he passed USMLE Step 1 on the fourth taking and USMLE Step 3 on the eighth taking. He plans to practice with Care South Community Health Center in Bennettsville, S.C.

Dr. Gardner made a motion² that was seconded by Dr. Kraikit and unanimously passed to grant Dr. Cooper a permanent license pursuant to Section 40-47-155. Mr. Wilson will draft an agreement for Dr. Cooper to sign.

RECESS AND RECONVENE.

The Board recessed at 6:00 P.M. and reconvened Tuesday, February 7, 2006 at 8:00 A.M. with a quorum present.

² Dr. deHoll recused himself.

CONTINUATION OF FINAL ORDER HEARINGS.

A motion was made and passed to go into Executive Session to continue Final Order Hearings. No votes were made or actions taken while the Board was in Executive Session. The Board returned to Public Session. **A motion was made and passed to return to Public Session. In Public Session, the following motions were made:**

2005-133

Dr. Gardner made a motion that was seconded by Mrs. Black and unanimously passed to approve the following sanction:

1. The Respondent be, and he hereby is, privately reprimanded.
2. The Respondent shall pay, within one year of the date of this order, a fine of Ten Thousand and No/100 Dollars (\$10,000.00), and administrative costs of \$454.00. These fines and costs shall not be deemed paid until received by the Board. Failure to pay the fine or costs shall result in the immediate temporary suspension of the Respondent's license until such time as the fine or costs are paid.
3. The Respondent shall continue his full participation in the Recovering Professionals Program (RPP) for an indefinite period of time or until further order of the Board.
4. The Respondent's medical records (office, hospital, and surgical activity) shall be subject to periodic review by Board representatives. The cost of such reviews shall be borne by the Respondent.
5. The Respondent shall appear and report to the Board as requested by the Board.
6. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
7. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211
8. Failure by the Respondent to abide by any of the aforementioned conditions shall warrant the immediate temporary suspension of his license to practice medicine in this State pending hearing into the matter and until further order of the Board.

9. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.
10. This final order shall take effect upon the service of this order on the Respondent.

APPEARANCE BY DR. HUGH COLEMAN WITH RECOVERING PROFESSIONAL PROGRAM

Dr. Hugh Coleman, Medical Director of the Recovering Professional Program (RPP), appeared before the Board to ask for clarification on the following issues:

RPP would like to receive notification of all Board actions that affect the clients RPP is monitoring. The contract between RPP and the Board requires notification to the Board if a client is non-compliant. This includes clients who voluntarily join RPP and are not reported to the Board as seeking treatment unless they are non-compliant.

RPP does not liberalize restrictions the Board puts on physicians going back into practice. RPP contracts parallel the Board; RPP does not release a client until the Board releases them. RPP will send copies of reports on clients that are given to the Board Administrator.

GREGORY W. WALTER, M.D., OF ALBANY, GA – 2004-346

Dr. Gardner made a motion that was seconded by Dr. Costa and passed by a majority³ vote to approve the following sanction:

1. The Respondent be, and he hereby is, publicly reprimanded.
2. The Respondent's license to practice medicine in this State is hereby suspended, and immediately stayed, for a period which will coincide that of his federal court requirements and DEA restrictions.
3. The Respondent shall pay a fine of Two Thousand and No/100 Dollars (\$2,000.00), and administrative costs of \$281.00 within one year of the date of this order. This fine shall not be deemed paid until received by the Board. Failure to pay the fine or costs shall result in the immediate temporary suspension of the Respondent's license until such time as the fine or costs are paid.

³ Dr. Wenner abstained from voting.

4. The Respondent's medical records (office, hospital, and surgical activity) shall be subject to periodic review by Board representatives. The cost of such reviews shall be borne by the Respondent.
5. The Respondent shall appear and report to the Board as requested by the Board.
6. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
7. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211

8. Failure by the Respondent to abide by any of the aforementioned conditions shall warrant the immediate temporary suspension of his license to practice medicine in this State pending hearing into the matter and until further order of the Board.
9. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.
10. This final order shall take effect upon service of this order on the Respondent or his counsel.

2004-270

Dr. Gardner made a motion that was seconded by Mrs. Black and unanimously passed to approve the following sanction:

1. This matter be, and it hereby is, dismissed.
2. This final order shall take effect immediately.

2002-189 - PROPOSED CONSENT AGREEMENT**Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to accept the following Private Consent Agreement:**

1. Respondent shall be and hereby is issued a Private Reprimand.
2. Respondent shall, within thirty (30) business days from the date of approval of this Consent Agreement by the Board, pay the legal and investigative costs of this proceeding, which are estimated as of the time of this Agreement to be \$4,000 or less. Said amount shall not be deemed paid until received by the Board. Failure to comply with this requirement within the prescribed time may result in the immediate temporary suspension of Respondent's license to practice until such time as full compliance has been made by Respondent.
3. It is further understood and agreed that this Consent Agreement does not satisfy, prejudice, or stay any other disciplinary action currently pending before the Board or which may be filed in the future.
4. It is further understood and agreed that this Agreement is not to be considered a public document under the South Carolina Freedom of Information Act and shall remain private. However, a copy of this Agreement may be provided by the Board upon written request by any other federal or state licensing or regulatory authority.
5. It is further understood that, because of its private nature, this Agreement does not require Respondent to disclose its existence to others, except federal or state licensing or regulatory authorities.
6. It is further understood and agreed that in the event that public action is subsequently taken by the Board as a result of violation of the terms and conditions provided herein, then this Agreement shall become disclosable as a public document under the South Carolina Freedom of Information Act.
7. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.

JOSE R. TORRENT, M.D., OF MIAMI, FL – APPLICANT FOR LICENSURE

Dr. Jose R. Torrent, an applicant for licensure, was asked to appear before the full Board following a personal interview with Board member, Dr. Gardner. Dr. Torrent answered “yes” to

question 8, which asks, “Have you ever had a malpractice lawsuit, judgment or settlement filed against you? If so, how many”? Dr. Torrent answered he had two malpractice cases.

Dr. Torrent explained his malpractice cases to the Board. Dr. Gardner asked what the requirements were for obtaining re-certification in pathology. Dr. Torrent explained that it is a credentialing process. He finished his residency in 1998 and had to take an examination for initial certification. Now, in order to get re-certified, he doesn't have to take an examination. His maintenance of certification is obtained via work on a CD, having his CME hours reviewed, and presenting letters from the Chiefs of Staff and Surgery at the hospital.

Dr. Gardener made a motion that was seconded by Dr. deHoll and unanimously passed to grant Dr. Torrent permanent licensure pending the receipt of information from the American Board of Medical Specialties that his voluntary re-certification process is in fact approved by them. If not, then he can take SPEX and if he passes that examination he can get licensed. Dr. Gardner performed the personal interview during this meeting.

YAW OTCHERE-BOATENG, M.D., OF PROVIDENCE, RI – APPLICANT FOR LICENSURE

Dr. Yaw Otchere-Boateng, an applicant for licensure, was scheduled to appear before the Board because he passed USMLE Step 3 on the fourth taking. Regulation 81-90 (G) (2) states in part that the Board “has discretion whether to consider the results from a fourth taking of any Step. It is the burden of the applicant to present special and compelling circumstances why a result from a fourth taking should be considered.” However, Dr. Otchere-Boateng did not appear at his scheduled time.

MICHAEL A. PEGGS, SR., M.D., OF N. WALES, PA – APPLICANT FOR LICENSURE

Dr. Michael A. Peggs, Sr., an applicant for licensure, appeared before the Board pursuant to “yes” answers on his application to questions 8 and 12. In answering, “yes” to question 8, he reported he had four malpractice lawsuits and one that was dropped. In answering “yes” to question 12, he advised the Board he has not been practicing medicine since February 19, 2005.

Also appearing with Dr. Peggs was his attorney, Aaron Kozloski. The Board questioned Dr. Peggs about his malpractice lawsuits. **Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to grant Dr. Peggs a permanent license. Dr. Gardner conducted the personal interview right afterwards.**

GENERAL COUNSEL REPORTS

Lynne Rogers, LLR's General Counsel gave the Board an overview of how the Office of Investigations and Enforcement was formed and the problems discovered regarding the backlog of Medical Board cases. Mrs. Rogers asked the Board to have more IRC meetings in order to

catch up on the 68 cases in backlog. The Board agreed this was okay. Mr. Duke will draft a letter for Dr. Prabhu's signature to send to IRC members.

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.

A motion was made and passed for the Board to return to Public Session.

DISMISSALS

Dr. Gardner made a motion that was seconded by Dr. Kraikit and unanimously passed approving the following cases for dismissal pursuant to the recommendation of LLR's General Counsel that there is a lack of sufficient evidence to warrant a formal complaint:

2005-256	2004-10	2004-139	2004-247	2004-273	2004-347
2005-115	2005-129	2005-181	2005-225	2003-295	2003-166
2003-32	2004-153	2004-154	2004-394	2005-284	2004-127
2004-143	2004-369	2004-46	2005-106	2005-146	2005-52
2004-390	2005-119	2003-147	2005-8	2005-90	2004-168
2004-203	2004-204	2004-210	2004-262	2004-276	2004-277
2005-261	2005-267	2005-72	2005-269	2005-318	2004-376
2005-215	2005-224				

LETTERS OF CAUTION

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

2005-154	2002-172	2005-96	2005-282
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FORMAL COMPLAINTS

Dr. Gardner made a motion 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 including Case 2004-257:

2002-19	2004-264	2005-97	2003-203	2004-216	2004-274
2004-177	2004-381	2004-392	2004-8		

Regarding case 2004-257, the physician members of the Investigative Review Committee (IRC) recommended a Letter of Caution but General Counsel, the investigator of the case, and the consumer member of the IRC recommended a formal complaint.

ADMINISTRATIVE DISMISSALS

The Board received as information that the following cases were administratively dismissed:

2004-131	No violation of the Practice Act
2004-174	Duplicate case
2005-24	No violation of the Practice Act. Reviewed by Dr. Hildebrand and both Complainant and Respondent contacted by phone.
2005-140	No violation of the Practice Act. Respondent and Complainant contacted by Dr. Hildebrand.
2005-212	No violation of the Practice Act
2003-209	No violation of the Practice Act

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.

STATISTICAL REPORTS ON COMPLAINTS

The Board received as information the following statistical reports:

MEDICAL BOARD COMPLAINTS RECEIVED 1/1/05 – 12/31/05

Alleged Issue	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Alcohol and Other Substance Abuse	3	2	1		
Allowing Unlicensed Person to Practice	4	2	1	1	
Disclosure of Patient Information	5		1	2	2
Drug Violation	10	2	4	2	2
Failure to Maintain/Provide Records	13	1	5	5	2
Insurance Fraud (Non-Govt or Private Insurance)	2			2	
License Action by Fed State Local Licensing Auth	2				2

Loss of Hospital Privileges	1			1	
Medication Errors	1			1	
Mental Disorder	1		1		
Mental Incompetence	1			1	
No Jurisdiction	2		1		1
Patient Neglect/Abandonment	11	3	1	5	2
Prescribing Matters	8	3	4	1	
Sanctioned by Other Board	5	1		2	2
Sexual Misconduct	5		1	2	2
Sub-Standard Patient Care	124	38	23	28	35
Unlicensed Practice	13	4	5	3	1
Unprofessional Conduct	88	39	19	19	11
Violation of Final Order/Agreement	2			1	1
TOTALS	301	95	67	76	63
Cases Pending as of 12/31/05	451				

MEDICAL BOARD COMPLAINTS CLOSED 1/1/05 – 12/31/05

Resolution	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Administrative Dismissal	27	7	4	10	6
Cease and Desist	1				1
Complaint Dismissed with No Action Taken	15		4	2	9
Consent Agreement/Private	2			1	1
Consent Agreement/Public	1		1		
Dismissed (Licensee)	164	45	35	47	37
Dismissed (Unlicensed)	1		1		
Final Order	7			3	4
Letter of Caution	13	2		1	10
No Issue Found	1	1			
No Jurisdiction	2				2
Private Reprimand	3		3		
Public Reprimand	5		1	4	
Stay of Suspension	1				1
TOTALS	243	55	49	68	71

FORMAL COMPLAINTS AUTHORIZED 1/1/05 – 12/31/05

Alleged Issue	Number
Alcohol and Other Substance Abuse	2
Criminal Conviction	1
Drug Violation	2
Fraud in Obtaining License or Credentials	2
Loss of Hospital Privileges	2
Other	2

Patient Neglect/Abandonment	0
Physician Impairment	1
Prescribing Matters	15
Sanctioned by Other Board	5
Sexual Misconduct	7
Sub-Standard Patient Care	18
Unprofessional Conduct	20
TOTALS	77
MEDICAL BOARD PANEL HEARINGS HELD 1/1/05 – 12/31/05	
Alleged Issue	Number
Criminal Conviction	1
Loss of Hospital Privileges	1
Prescribing Matters	2
Sanctioned by Other Board	1
Sub-Standard Patient Care	1
TOTALS	6

TEMPORARY SUSPENSION OR EVALUATION ORDERS ISSUED 1/1/05 – 12/31/05		
Alleged Issue	Temporary Suspension	Evaluation Order
Criminal Conviction	2	
Sexual Misconduct	1	2
Sub-Standard Patient Care	1	
Violation of Final Order/Agreement	2	
TOTALS	6	2

REQUESTS TO WITHHOLD IDENTITY OF COMPLAINANTS 6/9/05 – 12/31/05		
Alleged Issue	Withhold Identity	Do Not Withhold Identity
Alcohol or Other Substance Abuse	1	
Sub-Standard Patient Care		1
Unprofessional Conduct	1	1
TOTALS	2	2

MEDICAL BOARD COMPLAINTS RECEIVED 1/1/04 – 12/31/04					
Alleged Issue	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Alcohol and Other Substance Abuse	9	1	3	4	1
Allowing Unlicensed Person to Practice	4	1	1	1	1
Disclosure of Patient Information	3	1		1	1
Domestic Violence	1			1	
Drug Violation	1				1
Failure to Maintain/Provide Records	8		4	3	1
Fraud in Obtaining License or Credentials	1			1	

Insurance Fraud (Non-Govt or Private Insurance)	3	1			2
License Action by Fed State Local Licensing Auth	1				1
Loss of Hospital Privileges	2	1		1	
Medication Errors	1				1
Mental Disorder	3		1	1	1
Other (Not Classified)	26	25	1		
Patient Neglect/Abandonment	17	2	1	7	7
Prescribing Matters	30	10	9	5	6
Prescription Fraud	1				1
Sanctioned by Other Board	1			1	
Sexual Misconduct	10	2		6	2
Sub-Standard Patient Care	107	11	32	44	20
Unlicensed Practice	2	1			1
Unprofessional Conduct	94	19	21	27	27
Violation of Final Order/Agreement	2		1		1
Violation of HIPPA	1			1	
TOTALS	328	75	74	104	75

MEDICAL BOARD COMPLAINTS CLOSED 1/11/04 – 12/31/04					
Resolution	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Administrative Dismissal	6			1	5
Board Action	2			2	
Complaint Dismissed with No Action Taken	7			6	1
Dismissed (Licensee)	21		3	2	16
Letter of Caution	4			1	3
No Investigation	2			2	
No Issue Found	1			1	
Public Reprimand	2				2
TOTALS*	45		3	15	27

*These numbers do not reflect cases closed on previous computer system

RECESS AND RECONVENE

The Board recessed at 7:00 P.M. and reconvened Wednesday, February 7, 2006 at 8:00 A.M. with a quorum present.

CONTINUATION OF FINAL ORDER HEARINGS

A motion was made and passed to go into Executive Session to continue Final Order Hearings. No votes were made or actions taken while the Board was in Executive Session. The Board returned to Public Session. **A motion was made and passed to return to Public Session. In Public Session, the following motions were made:**

CHARLES A. LUCAS, M.D., OF CHARLESTON, S.C. – 2004-195**Dr. Gardner made a motion that was seconded by Dr. Prabhu and passed by a majority vote⁴ to approve the following sanction:**

1. The Respondent be, and he hereby is, indefinitely suspended until his completion of an evaluation at Behavioral Medicine Institute of Atlanta (BMI). Respondent must follow all recommendations of the evaluators at BMI. Upon completion of the evaluation and recommendations, Respondent may petition the Board regarding his suspension.
2. The Respondent shall pay, within one year of the date of this order, a fine of Ten Thousand and No/100 Dollars (\$10,000.00), and administrative costs of \$1,215.38. These fines and costs shall not be deemed paid until received by the Board. Failure to pay the fine or costs shall result in the immediate temporary suspension of the Respondent's license until such time as the fine or costs are paid.
3. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
4. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
5. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211
6. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.
7. This final order shall take effect upon the service of this order on the Respondent.

⁴ Mrs. Black opposed and Dr. Costa abstained from voting.

JOHN E. KING, M.D., OF MYRTLE BEACH, S.C. – 2004-45 & 2004-60**Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:**

1. The Respondent be, and he hereby is, publicly reprimanded.
2. The Respondent's license is suspended but the suspension is immediately stayed.
3. The Respondent shall pay, within ninety (90) days of the date of this order, administrative costs of \$2,548.58. These costs shall not be deemed paid until received by the Board.
4. The Respondent shall attend a record-keeping course pre-approved by the Board within one year of the date of this order.
5. The Respondent shall complete, within one year of the date of this order, forty (40) hours of AMA Category I CME specific for psychiatry as it relates to primary care.
6. The Respondent shall, within one year, successfully pass the Special Purpose Examination (SPEX).
7. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
8. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211

9. Failure by the Respondent to abide by any of the aforementioned conditions shall warrant the immediate lifting of the stay and result in a temporary suspension of his license to practice medicine in this State pending hearing into the matter and until further order of the Board.
10. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in

a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.

11. This final order shall take effect upon the service of this order on the Respondent or his attorney.

SAM W. VETRO, M.D., OF LITTLE RIVER, S.C. – 2005-40

Dr. Gardner made a motion that was seconded by Mrs. Black and unanimously passed to approve the following sanction:

1. The Respondent's license be, and hereby is, revoked.
2. The Respondent shall pay, within one year of the date of this order, administrative costs of \$619.05.
3. This final order shall take effect upon the service of this order on the Respondent.

2003-133

Dr. Gardner made a motion that was seconded by Mrs. Black and passed by a majority vote⁵ to approve the following sanction:

1. While the Respondent did not violate the practice act, the admissions and agreements made by the Respondent in the Memorandum of Agreement lead the Board to impose restrictions on the Respondent's practice. Specifically, Respondent is limited to a site-specific practice pre-approved by the Board. The Respondent is also limited to the non-clinical care of patients.
2. The Respondent shall continue under psychiatric care and any changes in treatment or practice status must be presented to the Board for pre-approval.
3. The Respondent shall appear and report to the Board as requested by the Board.
4. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
5. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211

⁵ Dr. Kraikit abstained.

6. Failure by the Respondent to abide by any of the aforementioned conditions shall warrant the immediate temporary suspension of his license to practice medicine in this State pending hearing into the matter and until further order of the Board.
7. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.
8. This final order shall take effect upon the service of this order on the Respondent or his attorney.

W. SCOTT HADDON, M.D., OF RALEIGH, N.C. – 2004-248

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to approve the following sanction:

1. The Respondent be, and he hereby is, publicly reprimanded.
2. The Respondent shall pay, within ninety (90) days of the date of this order, administrative costs of \$379.26.00. These costs shall not be deemed paid until received by the Board. Failure to pay the costs shall result in the immediate temporary suspension of the Respondent's license until such time as the fine or costs are paid.
3. The Respondent shall undergo an evaluation at the Behavioral Medicine Institute of Atlanta (BMI) within ninety (90) days and shall participate in any recommended further treatment required by the evaluators at BMI.
4. The Respondent shall comply with the terms of this final order and all state and federal statutes and regulations concerning the practice of medicine.
5. The Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor, Licensing, and Regulation
Board of Medical Examiners
P.O. Box 11289
Columbia, SC 29211

6. Failure by the Respondent to abide by any of the aforementioned conditions shall warrant the immediate temporary suspension of his license to practice medicine in this State pending hearing into the matter and until further order of the Board.
7. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this final order.
8. This final order shall take effect upon the service of this order on the Respondent or his attorney.

ALLEN R. WENNER, M.D., OF WEST COLUMBIA, S.C. – UPDATE ON CURRENT INFORMATION TECHNOLOGY

Dr. Wenner gave a power point presentation. He to bring paper copy by to me so I can attach as an addendum.

PAUL B. SKINNER, JR., M.D., OF GREENVILLE, S.C. – REQUEST TO STAY SUSPENSION AND APPROVAL OF PRACTICE SETTING

Dr. Paul B. Skinner, Jr., appeared before the Board pursuant to his written request (ADDENDUM C) dated December 31, 2005 wherein he asks to appear to re-submit a proposed practice plan originally submitted at the August 2005 Board meeting with additions to the plan. Additions to the original plan, to resume private practice, include the following:

1. Dr. Skinner meets with a Caduceus group every Tuesday evening. His fellow members are aware of his plan and he will report his progress each week to the group.
2. Ted Watson, M.D., founder of the Caduceus group, has agreed to monitor Dr. Skinner's practice.
3. Michael Harrah, M.D., a family practitioner in Greenville, has agreed to monitor Dr. Skinner's practice along with Dr. Watson.
4. Dr. Skinner will volunteer at the Greenville Free Medical Clinic where he has worked many times in the past with other area physicians.

5. Dr. Skinner's mother will be working with him initially and she, along with other family members and close friends, are committed to monitor him and help him succeed.

The Board also reviewed a letter (**ADDENDUM E**) dated February 7, 2006 from Dr. Michael Harrah with Greenville Family Practice stating he supports Dr. Skinner returning to private practice. He stated he would plan to visit Dr. Skinner's office periodically and supply reports to the Board as needed concerning Dr. Skinner's status.

Also appearing with Dr. Skinner were Dr. Coleman, Paulette Bentley, and Latisha Cobbs, from the Recovering Professional Program, and Dr. Ted Watson. All were in support of Dr. Skinner's plan to return to private practice. Dr. Skinner presented documentation of 420 CME hours he had obtained within the last year.

Dr. Prabhu stated the Board was looking for clinical oversight and the proposed plan did not appear to satisfy the Board's requirement for monitoring of Dr. Skinner's practice. The Board would be more comfortable if Dr. Skinner was practicing with another physician, most especially since Dr. Skinner has been out of practice for three years. It was noted that Dr. Skinner took and passed the SPEX in August 2004.

Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to deny the current proposal. Dr. Gardner advised Dr. Skinner that the Board had given Dr. Gardner the authority to approach the family practice residency program at Greenville Memorial to see if it would be possible to have Dr. Skinner mentored there for six months. If the program director determines that Dr. Skinner is ready for private practice after six months the Board would reconsider Dr. Skinner's proposal.

RECOMMENDATIONS OF THE PHYSICIAN ASSISTANT'S COMMITTEE FROM MEETING HELD JANUARY 6, 2006

The Board wanted to remove the PA committee report from the Consent Agenda. They wanted the Committee Chairman to appear Wednesday at 3:30 pm. Buck Harvey appeared Wednesday afternoon. Also present were: Judith Thompson and Candice Spencer with the S.C. Nurses Association.

Mr. Harvey spoke to the Board about the purpose of the Physician Assistant's Committee. Dr. Gardner had some questions about scope of practice on lumbar puncture, etc. which led to definition of direct supervision. The Committee may approve an OJT request to allow a physician to teach a Physician Assistant how to perform a procedure. The PA will have to observe the procedure the required number of times and after the doctor confirms competency, that task can be added to their scope of practice. Scope of practice changes are approved by the Committee with physician members making the motions on these issues.

Dr. Prabhu expressed concern regarding the number observations and supervised performance required before certifying competency. Dr. Tice expressed concern that this is not direct

supervision. Mr. Harvey stated that the supervision requirement is that the physician must be in the same building as the PA.

Dr. Kraikit made a motion that was seconded by Dr. Gardner to approve the Physician Assistant's Committee recommendations. Dr. Tice and Dr. Wenner opposed.

Committee Members Present at the PA Committee held January 6, 2006 were: Mr. Harold Harvey, of Hampton, Chairman; Dr. Philip Honig, Vice-Chair, Columbia; Dr. Robert Callis, Columbia; Dr. Richard Rhodes, Charleston; and Mr. Arnold Metz, Secretary-Treasurer, Charleston Absent from the meeting were: Ms. Lisa Sand, Columbia; Ms. Elizabeth Irick, Columbia; Ms. Beth Parris, Columbia; and Dr. Stephen Gardner, Greenville.

REVIEW OF SCOPE OF PRACTICE GUIDELINES

The Committee reviewed the Scope of Practice Guidelines for the following PAs:

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| 1. Alford, Diana | 40. Lyles, Heather |
| 2. Almond, Amanda | 41. Lynn, Emily |
| 3. Anderson, Kenneth | 42. McCaslan, Johnathan |
| 4. Bailey, Maureen | 43. McCrea, Tricia |
| 5. Blease, David | 44. Middleton, Cheryl |
| 6. Bobb, Amanda | 45. Miles, Christopher |
| 7. *Borst, Alicia | 46. Miller-Turner, Laurie |
| 8. Bowyer, Toni | 47. Mixon, April |
| 9. Burnett, Paul | 48. Moreno, Paula |
| 10. Burnham, Kevin | 49. Morris, Theresa |
| 11. Burr, Christine | 50. Owens, Shelley |
| 12. Burr, Phillip | 51. Owens, Shelley |
| 13. Bussey, Margaret | 52. Patel, Dipika |
| 14. Buttles, Melissa | 53. Putnam, Harvey |
| 15. Carandang, Eric | 54. Saxon, Donald |
| 16. Carr, Melinda | 55. Schwier, Melissa |
| 17. Carrico, Lauren | 56. Silliman, Katherine |
| 18. Cole, Sasha | 57. Sisky, Cassandra |
| 19. *Ducharme, Robert | 58. Smith, Jessica |
| 20. *Dutton, Neicole | 59. Sprinkle, Brenda |
| 21. Edwards, Nyala | 60. Stevenson, RaDonna |
| 22. Engle, Sandi | 61. Stich, Timothy |
| 23. Frye, Fritz | 62. Swain, Justin |
| 24. Funchess, Wesley | 63. Tabaczynski, Rachele |
| 25. Garbas, Breann | 64. Ulmer, John |
| 26. *Graves, Jennifer | 65. Vaughn, Robert |
| 27. *Gray, Peter | 66. Vavro, Kelly |
| 28. Hesse, Caroline | 67. Von, Karla |
| 29. Hill, Conita | 68. Watrobski, Erin |
| 30. Huggins, Jonathan | 69. *Weatherford, Samuel |

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| 31. *Jonske-Gubosh, LouAnn | 70. Wehner, Joseph |
| 32. Humphreys, Tonya | 71. West, Bonnie |
| 33. Kessler, Lisa | 72. Wiggins, Jessica |
| 34. Kethcin, Nicole | 73. Willett, Jennifer |
| 35. Kidman, Ricky | 74. Wilson, Melanie |
| 36. Kimzey, Duke | |
| 37. Kittle, Kymberly | |
| 38. Kodad, Andrea | |
| 39. Koepp, Sarah | |

After careful review and discussion, Dr. Honig made a motion to approve the seventy-four (74) Scope of Practice Guidelines as recorded above. Dr. Callis seconded the motion. The motion passed.

BOARD ACTION:

The following Scope of Practice Guidelines were approved pending additional information and/or clarification:

1. Mr. Harvey discussed Samuel Weatherford's Scope of Practice and recommended approval with the understanding that Mr. Weatherford completes OJT for clinical skills in pediatric neurological surgery, neurology and chronic pain management.
2. Dr. Honig discussed Jennifer Graves' Scope of Practice and recommended approval with the understanding that Ms. Graves be advised that she cannot prescribe Class IV medications.
3. Mr. Metz discussed Peter Gray's Scope of Practice and recommended approval once Mr. Gray provides information and clarification on the supervision that Dr. DeAngelis will be providing when Mr. Gray is performing dermatology procedures.
4. Mr. Metz discussed Robert DeCharms's Scope of Practice and recommended approval with the additional standard Scope of Practice Guidelines for orthopedics.
5. Mr. Metz discussed Lou-Ann Jonske-Gubosh's Scope of Practice and recommended approval with additional information and a description of her clinical practice setting. Mr. Metz recommended that Ms. Jonske-Gubosh be reminded that PAs cannot write for Controlled Drugs in Class II –IV.
6. Mr. Harvey discussed Necole Dutton's Scope of Practice and recommended approval with the additional standard Scope of Practice Guidelines for family practice.

7. Mr. Harvey discussed Alicia Borst's Scope of Practice and recommended approval with the clarification that PAs cannot write for Controlled Drugs in Class II –IV and hospital orders for controlled substances may be written per verbal order of supervising physician.

BOARD ACTION:

CONFIRMATION OF OJT REQUEST FOR OJT AND ADDITIONAL TASKS

1. Teresa Herring, P.A., and her supervising physician, Dr. Stephanie Smith-Phillips, (Dermatology) in Mt. Pleasant, S.C., submitted a confirmation of completion of OJT of Restylane. Dr. Smith-Phillips verified that Ms. Herring had assisted with five (5), observed five (5) and performed five (5) procedures under her supervision and had demonstrated competency in performing this procedure.

Mr. Metz moved to approve this request. Dr. Callis seconded the motion, which passed.

BOARD ACTION:

2. Sarah E. Hearn, P.A., and her supervising physician, Dr. Lori Campbell (OBGYN) in Summerville, S.C., submitted a request from Dr. Campbell to allow Ms. Hearn to perform LEEP (Loop Electrosurgical Excision Procedure). LEEP is a procedure in which an electrical current of radio frequency is passed through tissues to remove the abnormal areas of the cervix. A chemical is applied afterwards to prevent bleeding.

The Committee reviewed the request from Dr. Campbell and agreed that Ms. Hearn could be allowed to perform LEEP. Ms. Hearn was approved to assist with five (5), observe five (5), and perform five (5) procedures under the supervision of Dr. Campbell.

Dr. Callis moved to approve the request. Dr. Rhodes seconded the motion. The motion passed.

BOARD ACTION:

3. Michael Overcash, P.A., and his supervising physician, Dr. Hudson Rogers (Dermatology) in N. Charleston, S.C., submitted a request from Dr. Rogers to allow Mr.

Overcash to perform Intra-Lesional Injection. Mr. Overcash has a Masters Degree in Dermatology for PAs and proficiency in Intra-Lesional Injection. Mr. Overcash performed this procedure over 1000 times during his training and also taught this procedure to Army residents and Physician Assistant students.

Dr. Rhodes moved to approve the request. Mr. Metz seconded the motion. The motion passed.

BOARD ACTION:

4. Eileen Rogers, P.A., and her supervising physician, Dr. Richard Silver (IM) in Charleston, S.C., submitted a request from Dr. Silver and Ms. Rogers requesting the initiation of Abatacept. This medication will soon be available for the treatment of rheumatoid arthritis. Ms. Rogers will also be assisting in the study of this medication.

After discussion, the Committee denied the request for Abatacept because it is not an FDA approved drug. The Committee advised that Ms. Rogers may participate in the clinical trails of this medication but cannot prescribe the medication. Mr. Metz moved to deny the request for Abatacept. Dr. Honig seconded the motion. The motion passed.

BOARD ACTION:

5. Lynn Williams, P.A., and her supervising physician, Dr. Joel Johnson, (Emergency Medicine) in Hilton Head, S.C., submitted a request from Dr. Johnson for Ms. Williams to be allowed to perform plain film x-ray. Mr. Harvey advised that this procedure was out of this Board's jurisdiction and that she would need to contact DHEC for approval.

BOARD ACTION:

6. Allison Simon, P. A., and her supervising physician, Dr. A.H. Chandler, III (Cardiology) in Greenville, S.C., submitted a request from Dr. Chandler for Ms. Simon to be allowed to perform stress testing. Dr. Chandler and Ms. Simon provided the Committee with the protocol that was recommended by the Committee and approved by the Board.

Dr. Callis moved to approve the request. Mr. Metz seconded the motion. The motion passed. The Committee recommended that Ms. Simon be approved to assist with five (5), observe five (5) and perform five (5) procedures under the supervision of Dr. Chandler on site.

BOARD ACTION:

7. Susan M. Roble, P.A., and her supervising physician, Dr. Joseph M. Mullaney, (Diagnostic, Vascular and Interventional radiologist) in Charleston, S.C., submitted additional information and clarification for Ms. Roble to be allowed to perform bone mineral density studies and genitourinary fluoroscopy. The Board requested that Ms. Roble provide a detailed description of this procedure. The Board also requested

clarification as to why a thoracic surgeon would be supervising a physician assistant performing these types of procedures. Ms. Eason verified that Dr. Mullaney is a Board certified diagnostic radiologist, vascular and interventional radiologist.

After review of this information Mr. Metz moved to approve the request. Dr. Callis seconded the motion, which passed.

BOARD ACTION:

8. Elizabeth Veronee, P.A. and her supervising physician, Dr. Charles Greer, (Diagnostic Radiology) in N. Charleston, S.C., submitted additional information and clarification for Ms. Veronee to be allowed to perform bone mineral density studies and genitourinary fluoroscopy. The Board requested that Ms. Veronee provide a detailed description of this procedure.

After review of this information Mr. Metz moved to approve the request. Dr. Callis seconded the motion, which passed.

BOARD ACTION:

REVIEW OF 2005-2007 “YES” ANSWERS ON RE-REGISTRATION FORMS

The Committee reviewed the re-registration form for Leslie Beben, P. A., whose supervising physician is Dr. Clayton Lowder, a family practitioner in S.C. Mr. Beben answered “yes” on his re-registration form to #7 which asks “*Since your last application for renewal of your license, have you been arrested, indicted, or convicted, pled guilty or pled nolo contendere for violation of any federal, state or local law (other than minor traffic violations)?*”

Mr. Beben was pulled for speeding on his way to work and was informed by the officer that he was driving on a suspended license. This suspension was for failure to turn in the license tags on his son’s car after it was scrapped. Mr. Beben was convicted of driving without a license. Mr. Beben paid a fine and the speeding violation was dismissed.

Dr. Rhodes moved to approve this re-registration form as submitted. Dr. Callis seconded the motion. The motion passed.

BOARD ACTION:

NOMINATION FOR COMMITTEE SEAT VACANCY

The Committee reviewed letters from the following two individuals who are interested in serving on the Committee:

1. Mr. Graham Adams, Executive Director of the South Carolina Office of Rural Health.
2. Mr. Ronald Carroll, Administrator with Palmetto Health Baptist.

After careful review and discussion, the Committee made a motion to recommend Mr. Adams to serve as the consumer member on the PA Committee. This motion was unanimously passed.

BOARD ACTION:**NEXT COMMITTEE MEETING DATE**

The next Physician Assistant Committee meeting is scheduled for Friday, April 14, 2005 at 2:00 P.M. The Board received this as information.

KENNETH E. SMITH, M.D., OF HILTON HEAD ISLAND, S.C. – APPLICANT FOR LICENSURE

Dr. Smith wishes to reactivate his license. He was asked to appear because he was indicted for tax evasion and sentenced to one year in Federal prison. Dr. Smith's Massachusetts license was indefinitely suspended.

Dr. Smith asked to withdraw his application

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to approve the withdrawal of Dr. Smith's application for reactivation.

DISCUSSION TOPICS.

During the three days of the regular meeting, the following discussion topics were reviewed:

(A) Committee Reports

1. Legislative Impact Committee - Costa, Gardner, Kowalski, Black
The Committee did not need to report on any issues.
2. Medical Practice Advisory Committee (meeting only as needed) – Prabhu, Kraikit, Estes, Black, Tice
The Committee did not need to report on any issues.

3. Recovering Professional Program Advisory Committee– Prabhu
The Committee did not need to report on any issues.
4. Office Based Surgery Adhoc Committee – Costa, Prabhu
Dr. Costa reported that he had hoped to have the final draft of the Office-based Surgery regulations ready for presentation at this Board meeting. However, there were objections received from the CNRA representatives and the anesthesiologists' representatives. Dr. Costa and Dr. Prabhu worked with Bruce and Rick to resolve the conflicts. Another revision that has been published for all interested parties to review and the draft regulations will be presented at the May Board meeting.
5. Editorial Committee – Costa, Prabhu, Gardner
The Committee did not need to report on any issues.
6. Executive Committee – Prabhu, Gardner, Costa, Rick Wilson, John Volmer
The Committee did not need to report on any issues.
7. Maxillofacial & Oral Surgery Adhoc Committee - Prabhu, Costa, Gardner
The Committee did not need to report on any issues.
8. Professional Licensure & Responsibility Education Committee – Kraikit, Hildebrand, Prabhu, Rick Wilson, Andrew Savage, Esquire
The Committee did not need to report on any issues.
9. Medical Practice Act (MPA) Revision Committee- All Board Members
The Committee did not need to report on any issues.
10. Physician Delegation of Permanent Cosmetic Application Adhoc Committee- Costa
The Committee did not need to report on any issues.
11. Athletic Trainers Committee – Gardner
The Committee did not need to report on any issues.
12. Continuing Medical Education Committee – Kraikit, Estes
Dr. Kraikit distributed a handout of several articles regarding the improvement of patient safety practices. He wants the Board to plan a weekend retreat to discuss several issues, one of them being a position on continuing medical education. Dr. Kraikit was tasked with finding a place to hold a weekend retreat. Other issues brought up by Board members to be discussed at the retreat included a briefing on the latest draft of Office-based Surgery regulations and the possibility of drafting a policy to address the issue of fourth takings of the USMLE steps since it seems more and more applicants are having to appear before the Board for this reason.

13. Surgical Technologists/First Assistant Legislative Committee – Gardner (chair), Prabhu, Reba Revan, Maggie Harvey
Dr. Gardner reported that the Surgical Technologists have a bill that has been introduced to the Legislature this session. The bill is not endorsed by the Medical Board because it gives Surgical Technologists too much leeway to become independent practitioners. Therefore, the sponsors of the bill may seek to come under the Nursing Board. Their lobbyist, H. Kelley Jones, has passed away and Dr. Gardner was not sure who their new lobbyist is. Bruce was instructed to contact Reba Revan to see if it is necessary to continue having a Medical Board committee anymore.
- B. Report from Administrator
The Administrator did not give a report at this meeting.
- C. “Yes” answers not appearing before the Board (no discussion necessary; list pre-approved by the President)
Dr. Prabhu reviewed a list (**ADDENDUM F**) of fifty-five (55) physicians who answered affirmatively to certain questions on the Board application and approved each one for licensure.
- D. Committee Assignments
Insert Current Committee List
The Committee assignments need to be re-visited due to the resignation of Dr. Estes.
- The Medical Practice Advisory Committee – Gardner replaced Estes
CME Committee – Hubbard replaced Estes
- The Board re-appointed Dr. Costa to be the Media Representative for 2006
- Bruce to work up a summary of patient/physician relationship and prescribing to give to Dr. Tice
- Kraikit to come up with a place for a weekend retreat to discuss issues to include CME, Office-based Surgery regulations briefing, developing a policy regarding USMLE 4th takings in order to decrease the number of applicants appearing before the Board for this reason.
- E. Request from Dr. D’Amore regarding whether or not it is appropriate for PAs to take calls from emergency room directly
- It was determined that ultimately this is a hospital issue. A doctor delegating on-call to a PA to see a patient he has never seen is a potential problem.
- CMS- Center for Medicare Services
Costa- maybe Board should use the CMS’s position as their own policy
CMS cautions that the decision to allow the physician’s assistant to respond must be made

Gardner – we should support the ER doctors

You can't delegate that responsibility to the PA

Dr. Costa motion to approve CMS' boarder statement. The core response will be CMS's caution under Q6.13 that is underlined. The Board in principle agrees with your statement. Change the wording to physician extender. Rick and Bruce to work on drafting a policy using the CMS statement as a guideline.

On Tuesday Rick distributed a draft policy on this for the Board to review. The Board members gave him suggested changes. Rick to implement changes and bring back another draft.

Rick submitted a second draft on Wednesday. Dr. Costa made a motion to accept the policy as submitted pending receipt of the footnotes to be inserted. Dr. Gardner seconded the motion and was unanimously passed.

F. Review the Board's definition as it pertains to "direct supervision"

While Adrienne was present, Dr. Costa presented a draft definition of direct supervision that Dr. Prabhu had written.

Lynne and Adrienne gave opinions. Rick will draft a policy using Dr. Costa's and Dr. Prabhu's note that will be submitted for the Board's review.

G. Consideration of adopting proposed policy regarding re-hearing of the Board's final decisions

Dr. Prabhu made a motion that was seconded by Dr. Gardner to approve the following policy:

S.C. Code Ann. §1-23-380(A)(1), among other things, provides that the Board may entertain requests for rehearing of final decisions of applications and disciplinary cases if the request is made not later than thirty days after receipt of the original decision. See McCummings v. S.C. Dept. of Corrections, 462 S.E.2d 271 (1995). This policy is adopted by the Board to establish procedures under which requests for rehearing may be presented to the Board. The following is the policy of the Board as approved on February 6, 2006.

POLICY: *A request for rehearing of a final decision of the Board must be made in writing and state the particular points supposed to have been overlooked or misapprehended by the Board in the previous decision in the matter. A request for rehearing must be filed with the Department staff not later than thirty days after receipt of the original decision. No personal appearances are permitted on rehearing, unless specifically requested by the Board or its designee.*

PROCEDURE:

1. *Staff reviews the request for rehearing to determine whether it was made within thirty days of the date that the original decision was received by either the respondent or the attorney, if any. This should be determined by comparing the earliest date on the proof of service (green card or affidavit) of the original decision with the postmark of the request for rehearing.*
 - A. *If the request is not timely, the Board administrator shall notify the requestor in writing that the Board is without further jurisdiction to act in the matter. A copy of the request and the administrator's letter should be filed in the Board's records.*
 - B. *If timely request for rehearing has been made, staff shall place the matter on the agenda of the next Board meeting for consideration without argument, and so advise the requestor (certified mail, return receipt requested). A copy of the request for rehearing and administrator's letter shall be forwarded to the Office of General Counsel (OGC) attorney responsible for the original matter. OGC may file a response not later than five days thereafter.*
 - (1) *If a personal appearance by the requestor is deemed appropriate by the Board or its designee, staff shall so advise in the letter and schedule the matter for a time certain not less than thirty days prior to the next regularly scheduled Board meeting. OGC shall be similarly notified and also may present argument before the Board concerning the matter. If the agenda permits and the requestor wishes to waive the full thirty days notice period required by state law in order to appear before the Board sooner, then a written waiver must be executed by the requestor and filed by staff.*
 - (2) *If an appearance is scheduled, staff shall make arrangements for a court reporter to record and, if later requested, transcribe the proceedings before the Board.*
2. *After decision by the Board, staff or OGC, as appropriate, shall notify the requestor in writing (certified mail, return receipt requested) of the Board's decision. A copy of the notice should be filed in the Board's records, with proof of service (green card or affidavit).*

ADDITIONAL DISCUSSION TOPICS

Carole – Check into having a Directory CD to put on the Board members laptops

ADJOURNMENT.

There being no additional business the meeting was adjourned at 7:00 P.M. on Wednesday, February 8, 2006.

Following the Board meeting, the Board members reviewed "yes" answers on the 2005-2007 re-registration forms. _____ forms required additional information.

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/clc