

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Board Meeting
August 7 – 8, 2006
Synergy Business Park
The Kingstree 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, August 7, 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 Kingstree 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
Dr. James L. Hubbard, of Rock Hill
Dr. Jim Chow, of Columbia, South Carolina

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
Mrs. Melissa Fulton, 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
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

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved. Throughout the meeting, other changes to the agenda took place that included:

REVIEW/APPROVAL OF CONSENT AGENDA

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

Dr. Tice made a motion to approve the Consent Agenda with the exception PA practice Act in prescribing authority which is the controlled substance change. Dr. Gardner 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:

LLR-BOARD OF MEDICAL EXAMINERS **BOARD MEETING, AUGUST 6-8, 2006**

DISCUSSION TOPIC: Recommendations from the Respiratory Care Committee Meeting, July 14, 2006

**FROM: Paul Treffeisen, RCP, Chairman
SC Respiratory Care Committee**

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

AGENDA TOPIC: APPLICANT APPEARING FOR LICENSURE

Jeffrey Ware, RCP — Mr. Ware appeared before the Committee to discuss his “yes” answer on the application to: “Are you currently under any investigation or the subject of pending disciplinary action by any licensing Board or other entity” and “Have you ever discontinued practicing as a RCP for any reason for one month or more” and “Have you ever been discharged involuntary from employment”

Mr. Ware advised that he was involuntary discharged from employment after his employer notice that he had altered his credentials. The employer filed a complaint with the North Carolina Board, who took disciplinary action after receiving the complaint.

Mr. Floyd Boyer of the North Carolina Board notified the South Carolina Board that Mr. Ware was under a Consent Order which required Mr. Ware pay a fine of \$250 and quarterly reports to the Board. Mr. Boyer also advised that Mr. Ware was in Compliance with the NC Board and his probation ended on May 24, 2006.

After review and discussion, Dr. Barker moved to recommend permanent licensure to Mr. Ware without any conditions. Dr. Highland seconded the motion. The motion passed unanimously.

AGENDA TOPIC: APPLICANTS FOR PERMANENT LICENSURE

1. Allen, Lebra
2. Arant, Mandi
3. Asher, Travis
4. Beaver, Sarah
5. *Benjamin, Tiwancia
6. Betz, Elizabeth
7. Braswell, Sally
8. Bristow, Trussie
9. Campbell, Brian
10. Campbell, James
11. Connell, Mary
12. Cote, Becky
13. Crofton, Melissa
14. Davidson, Kathryn
15. Ellis, James
16. Ensley, Sheila
17. Green, Jennifer
18. Homme, Maureen
19. Jackson, Jessica
20. *Johnson, Robert
21. Linder, Latisha
22. Love, Kim
23. Masimer, Heidi
24. McCuen, Rickey
25. McNeill, Donna
26. Nicholls, Richard
27. Paramore, Elizabeth
28. Partain, Terri
29. *Pullen, Kimberly
30. Sharpe, Penny
31. Shelter, Dustin
32. Smith, Sarah
33. Stamm, Brenda
34. Stopar, Maria
35. *Thomas, Deborah
36. Thomas, Lucia
37. Thomaston, Kevin
38. Thorne, Natalie
39. Toubou, Nadege
40. Tull, Rhonda
41. Whitlock, Joseph

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

- a. **Ms. Tiwancia Benjamin, RCP** – Ms. Benjamin answered “yes” on her application to “Have you ever discontinued practice as a RCP for any reason for one month or more” and “Have you ever been involuntarily discharged from employment?” Ms. Benjamin advised that she was terminated for failure to fulfill her obligation at Carolina Pines due to workload at another job. She was working two jobs and was not able to work mandatory overtime at her other job.

After review and discussion, Ms. Jones moved to recommend permanent licensure to Ms. Benjamin. Dr. Highland seconded the motion. The motion passed unanimously.

- b. **Mr. Robert Johnson, RCP** - Mr. Johnson answered “yes” on his application to “Have you ever been involuntarily discharged from employment?” Mr. Johnson was involuntarily discharged from Rotech Medical due to downsizing/reduction in force. Mr. Johnson was involuntarily discharged from Physician’s Choice due to his inability to adjust to homecare versus the hospital setting.

After review and discussion, Mr. Rogers moved to recommend permanent licensure to Mr. Johnson. Ms. Jones seconded the motion. The motion passed unanimously.

- c. **Ms. Kimberly Pullen, RCP--** Ms. Pullen answered “yes” on her application to “Have you ever been arrested, indicted, convicted, pled guilty, or pled nolo contendere for violation of any federal, state or local law?”. Ms. Pullen advised that she was arrested for trespassing when she was 18 years old for being on the beach after hours. She was only required to pay a \$50 fine. This incident took place 22 years ago.

After review and discussion, Dr. Highland moved to recommend permanent licensure to Ms. Pullen. Ms. Jones seconded the motion. The motion passed unanimously.

- d. **Ms. Deborah Thomas, RCP** – Ms. Thomas answered “yes” on her application to “Have you ever been arrested, indicted, convicted, pled guilty, or pled nolo contendere for violation of any federal, state or local law?”. Ms. Thomas advised that she was a single parent and inadvertently wrote a \$75 check at a grocery store which was a bad check. She later moved and was not aware the check did not clear until years later, when she was arrested. She was required to attend a self improvement course, which is mandatory through the Florida courts, pay a fine and court cost.

After review and discussion, Dr. Highland moved to recommend permanent licensure to Ms. Thomas. Ms. Jones seconded the motion. The motion passed unanimously.

AGENDA TOPIC: FYI - CMS REIMBURSEMENT GUIDELINES FOR FREE-STANDING SLEEP LABS

FYI--Ms. Jones advised that effective immediately, the Palmetto GBA (Government Benefits Administration) is requiring documentation of accreditation from the ASDA (American Sleep Disorders Association) a.k.a. (AASM-American Academy of Sleep Medicine) prior to approving a sleep disorder center as a IDTF (Independent Diagnostic Testing Facility). All providers currently enrolled as IDTF Sleep Disorder Center will be required to provide a copy of its "Full Accreditation" or "Accreditation Eligible" from the ASDA/AASM.
See Attachment.

AGENDA TOPIC: FYI - NOTIFICATION OF SCHEDULING OF MEDICAL DELEGATION SUB-COMMITTEE

FYI—Ms. Jones advised that the Medical Delegation Sub-Committee is scheduled to meet on September 22, 2006 at the Board office to discuss the definition of medical supervision/direction. Members of the Committee are:

Dr. James Carlswell, Pulmonary Associates of Charleston, SC
Dr. William McLain, Columbia, SC
Ms. Connie Jones, Past-Chairman of SC Respiratory Care Committee
Ms. Patricia Blakely, RCP, Elgin, SC
Dr. Satish Prahbu, Columbia, SC President of SC Medical Examiners Board

AGENDA TOPIC: FYI - STATUS OF EXEMPTION APPLICATIONS

Ms. Eason updated the Committee on the exemption applications on file with the Board:

45 Pending applications
30 have received the 36 month Exemption
29 have provided proof of the RPSGT Credential and have received the Exemption

Ms. Jones asked that a certified letter be sent to the applicant and their medical director advising that they are still incomplete and that continuing to practice would be in violation of the policy.

AGENDA TOPIC: TERMS OF COMMITTEE MEMBERS ENDING 12/31/2006

The terms of the following members will end on December 31, 2006:

Dr. Wayne Hollinger
Dr. Kristin Highland
Connie Jones, RCP
John Evans, RCP
Paul Massengill, RCP

Letters will be sent to the SC Society of Anesthesiologist, SC Society of Respiratory Care, SC Medical Association, SC Society of Cardio-Pulmonary Rehab., American Lung Association, SC Heart Association, Chairman of SC Respiratory Care Committee and notice to the Public for nominees. Once the nominees are submitted, the recommendations will be reviewed at the October Committee meeting. Those selected by the Committee will be recommended to the full Board at November meeting for appointment. The four-year terms of these new members will become effective on January 1, 2007

NEXT MEETING DATE

The Committee's next meeting is Friday, October 13, 2006.

**DISCUSSION TOPIC: Recommendations from the PA Committee Meeting
July 7, 2006**

**FROM: Harold Harvey, P.A., Chairperson
S.C. Physician Assistant Committee**

The Committee members present were as follows: Mr. Harold Harvey, of Hampton, Chairman; Dr. Philip Honig, Vice-Chair, Columbia; Mr. Arnold Metz, Secretary-Treasurer, Charleston; Ms. Lisa Sand, Columbia; Mr. Graham Adams, Chapin; Dr. Richard Rhodes and Ms. Beth Parris, Columbia.

AGENDA TOPIC: REVIEW OF SCOPE OF PRACTICE GUIDELINES

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

1. Baumann, Lindsay
2. Berka, Kristin
3. Carter, Jennifer
4. Cavanaugh, Sean
5. Crisp, Brian
6. DeNittis, Felicia
7. Edwards, Nyala
8. Engler, Sandi
9. Fahy, Suzanne
10. Giarrizzi, Mark
11. Golanski, Susan
12. Gonzalez, Karina
13. Hart, David
14. Ho, Shirley
15. Howard, Joy
16. Humphreys, Tonya
17. Koele, Daniel
18. Lanning, Lori
19. Loos, Melissa
20. Machon, Robbie
21. Manti-Hoshko, Lara
22. Mason, Charles
27. Miller, Holly
28. Overcash, Kristin
29. Pacheo, Allison
30. Pierson-Skoog, Suzanna
31. Pyles, Kristen
32. Rock Rebekah
33. Rogers, Elleen
34. Sabatinos, Tara
35. Sabatinos, Tara
36. Schnaible, Scott
37. Sherman, Mary
38. Shilo, Barrett
39. Stuart, Iris
40. Suarez, Mark
41. Taylor, Benjamin
42. Todd, Sara
43. Varner, Blaine
44. Von, Karla
45. Von Karla
46. Ward, Arvin
47. Wehner, Joseph
48. Wertheimer, James

23. Mathis, Heather	49. William, Jesse
24. Meyers, Kristin	50. Wilson, Melanie
25. Meyers, Kristin	51. Wozniak, Chelsea
26. Middleton, Cheryl	

After careful review and discussion, Dr. Honig made a motion to approve the fifty-one (51) Scope of Practice Guidelines as recorded above. Mr. Metz seconded the motion. The motion passed.

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

- 1) Dr. Callis discussed **Kristin Meyer's** Scope of Practice. Ms. Meyer's is currently practicing in an ORS practice but submitted a general surgery scope of practice. Mr. Harvey recommended approval with the addition of the standard scope of practice for orthopedics.
- 2) Dr. Gardner discussed **Jennifer Simpson's** Scope of Practice and recommended approval with the stipulation that no regional anesthesia be permitted. Dr. Gardner recommended that Ms. Simpson be advised that she must work with her supervising physician for 6 months and then apply for OJT before she can provide any invasive procedures.
- 3) Dr. Gardner discussed **Bonnie West's** Scope of Practice and recommended approval for OJT. This training was approved for the observation of 5 (five) procedures, assisting with 5 (five) and performing 5 (five) each under the observation and supervision of Dr. Koser. In addition, two (2) of the five (5) procedures, must be pharmacology assisted stress testing. These tests must be documented to include patient's name/I.D., date and type of stress test and that Dr. Koser must be immediately available (on-site).
- 4) Mr. Harvey discussed **Alisa Marie Sherman's** Scope of Practice and recommended approval with the additional standard scope of practice guidelines for general surgery.
- 5) Mr. Metz discussed **Suzanna S.L. Pierson-Skoog's** Scope of Practice and recommended denial based on the scope of practice guidelines submitted and the tasks requested. Mr. Metz recommended that Ms. Pierson-Skoog provide confirmation of competence and/or OJT for some of the procedures requested. Mr. Metz also recommended denial of the request to performing malignant melanoma and sexual dysphoria, i.e. transsexual (sex changes). The Committee recommended that Ms. Pierson-Skoog complete OJT for her request for laser treatment to assist with ten (10), observe ten (10) and perform ten (10) procedures under the supervision of her supervising physician.

AGENDA TOPIC: CONFIRMATION OF OJT, REQUEST FOR OJT AND Additional TASKS

- 1) **Michael D. Overcash, P.A. and his supervising physician, Dr. Hudson Rogers, (Dermatology) in N. Charleston, SC.**

The Committee reviewed a request from Dr. Rogers to allow Mr. Overcash to perform Biopsy of Nose, Penis, Vaginal Mucosae, Vestibule Mouth, Lip, Ear and Tongue. Mr. Overcash to be reminded that he should not perform any procedure outside of his supervising physician's normal scope of practice.

Mr. Metz moved to approve the request. Ms. Parris seconded the motion. The motion passed.

- 2) **Shea Cox McVey, PA** and her supervising physician, Dr. Edward Lominack (Cardiovascular) in Greenville, SC.

The Committee reviewed confirmation of completion for OJT of Stress Testing. Mr. Metz moved to approve the confirmation. Dr. Gardner seconded the motion. The motion passed.

- 3) **Michael D. Overcash, P.A. and his supervising physician, Dr. Hudson Rogers, (Dermatology) in N. Charleston, SC.**

The Committee reviewed a request from Dr. Rogers to allow Mr. Overcash to initiate Accutane. Mr. Overcash has a Master's degree with specialty in Dermatology. In addition, Mr. Overcash is registered with IPLEDGE and has provided information on the states that have been approved by the FDA to prescribe Accutane (See Attachments). After review and discussion Mr. Metz moved to approve the request. Dr. Gardner seconded the motion. The motion passed.

- 4) **Melissa Renee Buttles, PA** and her supervising physician, Dr. Nicholette Naso (Cardiovascular) in Florence, SC.

The Committee reviewed a request from Dr. Naso to allow Ms. Buttles to perform Cardiac Stress Testing.

After discussion, the Committee granted Ms. Buttles to perform cardiac stress testing with documentation of five (5), observe five (5) and perform five (5) procedures under the supervision of Dr. Champ, with at least 2 of the 5 must be pharmacology assisted stress testing.

Dr. Gardner moved to approve the request. Dr. Honig seconded the motion. The motion passed.

- 5) **Kristi Toothman Carlson, PA** and her supervising physician, Dr. Jerry Champ (Internal Medicine & Cardiovascular) in Greenville, SC.

The Committee reviewed a request from Dr. Campbell to allow Ms. Carlson to perform Stress Testing. Ms. Carlson was approved to assist with five (5), observe five (5) and perform five (5) procedures under the supervision of Dr. Champ, with at least 2 of the 5 must be pharmacology assisted stress testing.

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

AGENDA TOPIC: REQUEST FOR OFF-SITE

The Committee reviewed the following applications for approval of off-site practice: Michael Angelo Asbury, P.A. and his supervising physician, Dr. Patricia McClerklin

Mr. Asbury and Dr. McClerklin re-submitted a request for off-site practice. Mr. Asbury's first application was denied because his request did not fall within the Physician Assistant Practice Act guidelines (distance and time).

Dr. McClerklin sent a letter advising that Mr. Asbury's new home was 40-45 minutes from the Orangeburg office and 55 minutes from the Lancaster office. The committee reviewed the request and denied this request again, because the time and distance was calculated from the physician assistant's residence and not from the primary office setting.

After careful review and discussion, Dr. Gardner moved to deny the request. Mr. Metz seconded the motion. The motion passed.

AGENDA TOPIC: PHYSICIAN PRACTICE ACT

The Committee discussed the implementation of the new Physician Assistant Practice Act. Mr. Wilson advised the Committee on the changes and requirements for applying for controlled substance prescriptive authority. The PA shall comply with the following requirements:

(1) *the physician assistant shall provide evidence of completion of sixty contact hours of education in pharmacotherapeutics acceptable to the board before application;*

Mr. Metz advised that all physician assistant programs that are AMA approved require the completion of a pharmacology course. With a minimum of 60 hours of pharmacology.

(2) *the physician assistant shall provide at least fifteen contact hours of education in controlled substances acceptable to the board.*

Mr. Harvey advised that MUSC is offering a course on the prescribing of controlled substances. Other courses will be recognized as long as the credits are Category 1 CME.

(3) *every two years, the physician assistant shall provide documentation of four continuing education contact hours in prescribing controlled substances acceptable to the board.*

Mr. Metz advised that as part of their national certification and/or re-certification, physician assistants are required to obtain controlled substance CME. Therefore, since these hours must be Category 1 CME, those same hours can be used to meet the requirements for physician assistant renewal.

(4) *the physician assistant and supervising physician must read and sign a document approved by the board describing the management of expanded controlled substances prescriptive authority for physician assistants in South Carolina which must be kept on file for review. Within the two-year period, the physician assistant and the supervising physician periodically shall review this document and the physician assistant's prescribing practices to ensure proper prescribing procedures are followed. This review must be documented in writing with a copy kept at each practice site.*

Mr. Wilson advised that each physician assistant and their supervising physician would sign a form, developed by the Board, accepting the responsibility and the management of the expanded controlled substance privilege.

NEXT COMMITTEE MEETING DATE

The next Physician Assistant Committee meeting is scheduled for Friday, September 29 at 2:00 P.M.

REVIEW/APPROVAL OF MINUTES

The Board reviewed the minutes of the May 22–24, 2006 meeting and made the following changes:

1. PA Practice Act change in the prescribing authority regarding controlled substance change.

Dr. Tice 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:**

JOHN BORWING MCREE M.D., OF NORTH AUGUSTA, GA. – FINAL ORDER HEARING 2003-282

1. The Respondent is, publicly reprimanded.
2. The Respondent's license to practice medicine in this State is hereby suspended, and immediately stayed.
3. The Respondent is limited to practicing medicine in an institution setting.
4. Respondent is subject to indefinite monitoring.
4. The Respondent shall pay a fine of Five Thousand and No/100 Dollars (\$5,000.00), and administrative costs of \$487.18 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.

Dr. Hubbard made a motion to approve the practice setting not to exceed 40 hours a week. Ms. Black seconded and it was unanimously passed. Dr. McRee remains under the terms of the Board's Final Order 2002-282. Dr. McRee should advise the Board in writing of any changes in his employment.

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 advise the Board what RPP is doing. He advised that RPP is available to the Board and would be available to supply any information the Board requested. He wanted to make it clear that RPP accompanying a Respondent to a hearing does not mean that they support their client, only that they are neutral. Dr. Coleman asked the Board whether he could advise a client to request a motion for reconsideration if the client felt the decision they received from the Board was unfair. It was agreed that RPP could give that advice to their clients.

2001-315

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

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

THOMAS A. UPSHAW, MD OF CHARLESTON, S.C.**2004-111**

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously 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, **UNDER INDEFINITE SUSPENSION.**

IT IS FURTHER ORDERED that the Respondent shall, continue treatment. Said costs being in the amount of Five hundred Five and 06/100 (\$505.00) Dollars, and these costs shall not be deemed paid until received by the Board.

AND IT IS SO ORDERED.

DOUGLAS A. PETERS, M.D. OF CARY, N.C. – APPLICANT FOR LICENSURE

Dr. Douglas A. Peters, an applicant for licensure, was asked to appear before the full Board following a personal interview with Board member. Dr. Peters was asked to appear due to answer to questions 11 on application. Question 11 regarding physical impairment. He was in treatment for alcohol abuse for 5 years and has been monitored for 5 years with no relapse and has been sober for 9 years.

Dr. Peters agreed to sign agreement that he is only to perform administrative medicine and if he returns to clinical practice he has to come before the board to show recertification or residency.

Dr. Prabhu made a motion to issue an unrestricted license with a private agreement and it was seconded by Dr. Gardner. All in favor and motion passed unanimously.

JOHN D. CAMPBELL, M.D., OF AUBURNDALE, FLORIDA. – APPLICANT FOR LICENSURE

Dr. John D. Campbell, an applicant for licensure, was asked to appear before the full Board following a personal interview with Board member. Dr. Campbell wants to work with a Chiropractor in York County. He had previously signed an agreement that he is supposed to be evaluated and supervised by a physician. Dr. Prabhu explained that he has not fulfilled his site-specific requirements.

Dr. Gardner made a motion to delay a decision giving Dr. Campbell time to seek a site acceptable for employment. Motion was seconded by Ms. Black. All in favor and motion passed unanimously.

ANTONIO B. MARTIN, M.D. OF TALAHASSEE, FLORIDA – APPLICANT FOR LICENSURE

NO SHOW

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.

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:

2005-258	2000-237	2004-294	2004-78	2005-255	2006-113
2006-155	2006-184	2006-186	2005-317	2005-372	2006-13
2005-149	2005-227	2005-228	2005-233	2005-49	2005-76
2005-94	2006-122	2005-337	2006-154	2006-87	2005-271
2005-346	2004-77	2004-77	2004-79	2005-1	2005-18
2005-358	2005-41	2006-198	2006-92	2004-32	2004-33

2000-247	2001-260	2004-51	2005-136	2005-185	2005-354
2006-181	2006-212	2006-213	2006-75	2003-82	2003-87
2003-88	2006-204	2006-268	2006-294	2005-312	

LETTERS OF CAUTION

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

2005-362 2005-323 2005-273

FORMAL COMPLAINTS

Dr. Gardner made a motion that was seconded by Dr. Tice 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:

2003-312 2006-144 2006-153 2006-240 2004-363 2005-190
 2006-161 2003-84 2005-31 2005-367 1999-279 2002-82
 2006-218

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 1/1/06 – 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 1/1/06 – 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 1/1/06 – 6/30/06

Alleged Issue	Number
Alcohol and Other Substance Abuse	4
Disclosure Violation	1
Drug Violation	1
Prescribing Matters	5
Sanctioned by Other Board	5

Sub-Standard Patient Care	13
Unlicensed Practice	1
Unprofessional Conduct	4
Violation of Final Order/Agreement	4
Sexual Misconduct/Boundary Issues	2
TOTALS	40
MEDICAL BOARD PANEL HEARINGS HELD 1/1/06 – 6/30/06	
Alleged Issue	Number
Alcohol and Other Substance Abuse	1
Criminal Conviction	1
Insurance Fraud	1
Loss of Hospital Privileges	1
Substandard Patient Care	2
Unprofessional Conduct	1
TOTALS	7

TEMPORARY SUSPENSION/ EVALUATION ORDERS ISSUED 1/1/06 – 6/30/06		
Alleged Issue	Temporary Suspension	Evaluation Order
Alcohol or Substance Abuse	4	
Patient Neglect/Abandonment		1
Sexual Misconduct/Boundary Issues	1	
Unprofessional Conduct		1
Violation of Final Order/Agreement	7	
TOTALS	12	2

REQUESTS TO WITHHOLD IDENTITY OF COMPLAINANTS 1/1/06 – 6/30/06		
Alleged Issue	Withhold Identity	Do Not Withhold Identity
	0	0

MEDICAL BOARD COMPLAINTS RECEIVED 1/1/06 – 6/30/06			
Alleged Issue	Total	Qtr 1	Qtr 2
Allowing Unlicensed Person to Practice	2	2	3
Criminal Conviction	2	2	
Disclosure of Patient Information	7	4	3
Discriminatory Misleading False Deceptive Advertise	1		1
Drug Violation	11	7	4
Failure to Maintain/Provide Records	9	5	4
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
No Issue Found	6	2	4
Other (Not Classified)	1	1	

Patient Neglect/Abandonment	17	9	8
Prescribing Matters	8	1	7
Prescription Fraud	2		2
Sanctioned by Other Board	4	1	3
Sexual Misconduct	4	3	1
Sub-Standard Patient Care	88	49	39
Unlicensed Practice	4	2	2
Unprofessional Conduct	27	15	12
Violation of Final Order/Agreement	7	5	2
TOTALS	209	110	99

MEDICAL BOARD COMPLAINTS CLOSED 1/1/06 – 6/30/06			
Resolution	Total	Qtr 1	Qtr 2
Administrative Dismissal	1	1	
Complaint Dismissed with No Action Taken	7	2	5
Consent Agreement/Private	3		3
Consent Agreement/Public	9		9
Dismissed (Licensee)	98	44	54
Dismissed (Unlicensed)	1	1	
Final Order	5	5	
Letter of Caution	7	4	3
No Issue Found	9	1	8
Private Reprimand	2	2	
Public Reprimand	12	12	
Relinquish License	2	2	
Revocation	3	1	2
Suspension	2	2	
TOTALS*	161	77	84

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

RECESS AND RECONVENE

The Board recessed at 5:30 P.M. and reconvened Tuesday, August 8, 2006 at 8:00 A.M. with a quorum present.

VICTOR O. JENKINSON, RCP OF CHARLESTON, SOUTH CAROLINA FINAL ORDER HEARING 2005-194

Motion by Dr. Prabhu that the Respondent has violated the Medical Practice Act. The Sanction will be a public reprimand. Seconded by Dr. Kraikit. Board members aye except Ms. Black and Dr. Tice.

ROGER E. ADLER, M.D. OF MANNING, SOUTH CAROLINA AMEND TERMS AND CONDITIONS

Motion by Dr. Gardner to continue the present order with modifications ordered by the Administrative Law Court. Motioned seconded by Dr. Kraikit and all in favor.

WILLIAM H. CRIGLER, MD OF COLUMBIA, SOUTH CAROLINA RELEASE FROM TERMS AND CONDITIONS

Motion by Dr. Gardner for denial of release of terms and conditions and motion was seconded by Dr. deHoll, Ms. Black opposed.

PA Recommendations:

Revisited from yesterday. Dermatologist requesting exemption from 30 mile/45 minutes rule.

All in favor of granting request. Approve consent agenda minus recommendation. Motion to disapprove modified practice request by Dr. McClerkin seconded by Dr. Hubbard.

JEFFREY O. FITZ, RCP, OF GREENVILLE, S.C. – FINAL ORDER HEARING 2005-116

Appearing is Jeffrey Fitz with no attorney present.

Mr. Griffin with RPP stated that he is committed to a life of recovery.

Motion from Dr. Gardner for a public reprimand, constant supervision and monitoring, RPP indefinitely and Seconded by Dr. Chow and opposed by Ms. Black.

MADHU POTLA, M.D., OF GREENVILLE, SOUTH CAROLINA APPLICANT FOR LICENSURE

Motion for license by Dr. Gardner and seconded by Dr. Chow and all in favor.

NAIYER IMAN, M.D., OF BRENT MOUNTAIN, VIRGINIA APPLICANT FOR LICENSURE

Applicant needs to send in all files from other states that have been investigated and issued a license and Dr. Prabhu and Dr. Costa will review and they have been given authority by the board to approve his application.

BOYD HATTON, M.D. OF N. MIAMI BEACH, FLORIDA APPLICANT FOR LICENSURE

Application on hold until he passes oral part of exam in November

DISCUSSION TOPICS.

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

(A) Committee Reports

1. Legislative Impact Committee – *Costa, Gardner, Prabhu, Black*
2. Medical Practice Advisory Committee – (meeting only when needed) *Prabhu, Kraikit, Gardner, Black, Tice*
3. Recovering Professional Program Advisory Committee - *Prabhu*
4. Office Based Surgery Ad Hoc Committee – *Costa, Prabhu,*
5. Editorial Committee – *Costa, Prabhu, Gardner*
6. Executive Committee – *Costa, Prabhu, Gardner, Rick Wilson, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee - *Prabhu, Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee – *Kraikit, Hildebrand, Prabhu, Rick Wilson, Andrew Savage, Esquire*
9. Medical Practice Act (MPA) Revision Committee- *All Board members*
10. Physician Delegation of Permanent Cosmetic Application Ad hoc Committee – *Costa*
11. Athletic Trainers Committee – *Gardner*
12. Continuing Medical Education Committee – *Hubbard, Kraikit*
13. Surgical Technologists/First Assistant Legislative Committee – *Gardner (chair), Prabhu, Reba Revan, Maggie Harvey*

(B) Report from Administrator – *Bruce Duke*

(C) “Yes” answers not appearing before the Board (no discussion necessary; list pre-approved by the President)

(D) David C. Hess, M.D. Request for Licensure-*Bruce Duke*

Board is holding license in abeyance until recertification, completion of SPEX or completion of 150 hour of continuing education courses category 1.

(E) Petition for Reconsideration for Allan C. Walls, M.D.-*Bruce Duke*

Board decided to deny motion for reconsideration.

(F) Request to add Phlebology as a practice specialty – *Bruce Duke*

The American College of Phlebology is requesting to add Phlebology as a self designated practice specialty.

The Board decided to deny the request.

(G) Quality of Care Literature- *Bruce Duke*

(H) Quarterly Malpractice Report- *Bruce Duke*

Mr. Duke asked the board if we need to investigate any of the defendants on the report. All agreed no investigation need, but in the future need all prior malpractice suits for each case to see if there is a history or pattern of violations.

ADJOURNMENT.

There being no additional business the meeting was adjourned at 6:00 P.M. on Tuesday, August 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/maf