

**PUBLIC MINUTES**  
**STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA**

Board Meeting  
**May 5 – 6, 2008**  
Synergy Business Park  
The Kingtree Building  
110 Centerview Dr., Room 108  
Columbia, South Carolina

**MEETING CALLED TO ORDER**

Dr. Louis E. Costa, II, 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, May 5, 2007 at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Costa 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. Louis E. Costa, II, President, of Charleston  
Dr. Stephen R. Gardner, Vice-President, of Greenville  
Dr. Satish M. Prabhu, Secretary, of Columbia  
Dr. Sompong Kraikit, of Florence  
Dr. David deHoll, of Iva  
Mrs. Jackie D. Black, of Columbia  
Dr. Donald W. Tice, of Myrtle Beach  
Dr. William M. Simpson, Jr., of Charleston, 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  
Sheridan Spoon, Deputy General Counsel  
Marvin G. Frierson, Assistant General Counsel  
Ken Woodington, Counsel  
Paula Magargle, Assistant General Counsel  
Patrick Hanks, Assistant General Counsel

Trey Spong, Assistant General Counsel  
Everett Dargan, M.D., Physician Analyst

Professional and Occupational Licensing (POL) Division  
Shirley Robinson, Hearing Counsel  
James Saxon, Hearing Counsel

Office of Health and Medically Related Professions  
Mrs. Ruby Brice, 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.

**REVIEW/APPROVAL OF MINUTES FROM FEBRUARY BOARD MEETING:**

**A motion was made to approve the Minutes . Dr. deHoll seconded the motion and it was unanimously passed.**

**Dr. Prabhu suggested that from now on the first appearance for subsequent board meeting not be scheduled until 9:00. This will give the Board more time to review the minutes & agenda. All board members are in agreement.**

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

**A motion was made to approve the Consent Agenda. Dr. deHoll seconded the motion and it was unanimously passed.**

**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:**

**Motion for Reconsideration**  
**2005-40**

**Dr. Costa recused himself.**

**A motion was made to deny the motion for reconsideration. The motion was seconded by Dr. deHoll. All in favor with the exception of Dr. Kraikit.**

**The motion carries.**

**Final Order Hearing/Request to be released from terms and conditions**  
**2006-53**

**Dr. Prabhu recused himself.**

**A motion was made that was seconded by Dr. Chow all in favor with the exception of Ms. Black. The motion passed to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Respondent shall receive a private reprimand
3. No Fine.
4. The respondent will comply with the conditions of the original sanction indefinitely including monitoring by RPP indefinitely.
5. The respondent shall pay court costs in the amount of \$775.00 within one year.

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6. The respondent has the right to appear before the Board in one year for the purposes of termination of that agreement should proof allow.

**Motion carries.**

**Paul Early, M.D., Talbot Recovery Center – Discussion regarding the use of Buprenorphine.**

Dr. Early discussed the use of Buprenorphine as a treatment for opiate addiction. He made the following points regarding the use and monitoring of this drug:

- It is considered a schedule 4 drug
- It is less sedating than other treatments for opiate addiction.
- It is recommended cognitive testing for physician using this drug.
- It will not be allowed to use without cognitive testing and monitoring through RPP
- It was stressed that the use of this drug has to be heavily monitored.
- The street value of this drug is similar to Xanax

**Motion for Reconsideration**  
**2005-446**

**A motion was made to allow the respondent to extend the period in which she has to pay the fine to five years. The respondent may choose courses that are acceptable to the Board to reduce expenses. The terms of the previous order will stay in effect. It was seconded by Dr. Costa. All in favor.**

**Motion Carries.**

**Dr. Chow discussed the use of IPL by Chiropractors and it was decided that Sheridan Spoon would meet with the Chiropractic Board and discuss their policy concerning its use. It was also decided that OIE needs to designate someone to inspect these facilities.**

**FINAL ORDER HEARING**  
**2007-179**

**Dr. deHoll recused himself.**

**A motion was made that was seconded by Dr. Chow to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Public reprimand with no revocation, fine, or suspension.
3. Respondent must continue monitoring with RPP for five years.
4. Respondent must pay the court costs in the amount of \$450.00 and a fine in the amount of \$3000.00 within one year.

**All Board members were in favor except Ms. Black.**

**Motion carries.**

**Request to be released from terms and conditions  
2004-330**

**A motion was made that was seconded by Dr. deHoll to release the respondent from the final order dated 6/1/03 but the order will not take effect until 6/1/08. All in favor.**

**Motion Carries.**

**Richard Akers, M.D., of Irving, TX  
Applicant for Licensure**

**Applicant to appear at a future Board meeting.**

**Patrick Cawley, M.D., MUSC**  
**VERGE Presentation**

Dr. Crawley appeared before the Board and presented the Verge program as possible alternative for primary source verification. The question was posed as to whether Verge can verify foreign graduates and they cannot. Verge on average has a 45 day turnaround where as FCVS has about the same. Dr. Crawley acknowledged that this has only been implemented in a couple of medical university and they are not equipped to handle a large volume such as the SC Medical Board. The Board received this information to consider for possible use.

**RECESS AND RECONVENE**

The Board recessed at 5:00 P.M. and reconvened Tuesday, May 6, 2008 at 8:00 A.M. with a quorum present.

**Request to be released from terms and conditions**  
**2005-183**

**A Motion was made to grant the request to be released. It was seconded by Dr. Kraikit. All in favor.**

**Motion Carries.**

**Request to be released from terms and conditions**  
**2004-325**

**A Motion was made to grant the request to be released. It was seconded by Dr. deHoll. All in favor.**

**Motion Carries.**

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**Discussion Topic (J) Renewal process for physicians who have practiced on an expired license.**

Bruce Duke advised the Board if unauthorized practice (failure to renew license) occurred following the expiration of the previous renewal period then Section 40-47-43 (5) of the Medical Practice Act requires that "... a penalty of one thousand dollars must be imposed for any portion of each month in which the unauthorized practices occurred. The penalty must be paid in full before the license may be renewed by the Department unless otherwise approved by the Board." After discussing the Board decided that there would be no exceptions in paying the fine and anyone who practiced on an expired license subject to this fine.

**Request to be released from terms and conditions  
2005-172**

**A Motion was made to grant the request to be released. It was seconded by Ms. Black. All in favor.**

**Motion Carries.**

**Final Order Hearing  
2007-27**

**Dr. deHoll recused himself.**

**A motion was made that was seconded by Dr. Kraikit to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Public reprimand. Suspended but stayed upon payment of fine.
3. Respondent must continue monitoring with RPP for five years.
4. Respondent must pay the court costs in the amount of \$186.00 and a fine in the amount of \$3000.00 within one year.

**All Board members in favor.**

**Motion carries.**

**Final Order Hearing**  
**2004-282**

**Dr.Simpson recused himself.**

**A Motion was made that the Respondent has violated the Medical Practice Act and the sanction would be a private reprimand. The motion was seconded by Dr. Gardner. Opposed was Dr. Tice, Dr. Hubbard, Dr. Chow and Dr. deHoll.**

**Motion Fails.**

**A second motion was made the the Respondent has violated the Medical Practice Act, which does not rise to level requiring a sanction, so there will be a letter of concern. The motion was seconded by Dr. Kraikit. Opposed was Dr. Costa and Dr. Gardner. Ayes have it.**

**Motion carries.**

**Request to be released from terms and conditions**  
**2005-172**

**A Motion was made to grant the request to be released. It was seconded by Dr. Tice. All in favor.**

**Motion Carries.**

**FINAL ORDER HEARING**  
**2006-233**

**A motion was made that was seconded by Dr. Tice to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Public reprimand



4. Respondent must pay the court costs in the amount of \$213.00 within one year.

**All Board members were in favor.**

**Motion carries.**

**FINAL ORDER HEARING**

**2001-106**

**A motion was made that was seconded by Dr. deHoll to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Private reprimand
4. Respondent must pay the court costs in the amount of \$1,707.50 within one year.

**All Board members were in favor with the exception of Dr. Hubbard, Dr. Tice and Dr. Gardner.**

**Motion carries.**

**Patrick Meehan, M.D., of Charleston, SC**

**Applicant for Licensure**

**Applicant withdrew his application at this time.**

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**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.**

**DISMISSALS**

**A motion was made that was seconded by Dr. Hubbard 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:**

2005-287	2005-344	2005-345	2006-66	2006-67	2006-137
2006-176	2006-178	2006-205	2006-337	2006-352	2006-382
2006-419	2006-431	2006-450	2006-470	2006-473	2006-481
2006-495	2006-508	2006-512	2006-515	2006-518	2007-2
2007-25	2007-36	2007-39	2007-47	2007-48	2007-57
2007-83	2007-88	2007-89	2007-101	2007-110	2007-114
2007-116	2007-125	2007-136	2007-159	2007-161	2007-162
2007-171	2007-172	2007-195	2007-203	2007-207	2007-235
2007-239	2007-266				

**LETTERS OF CAUTION**

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

2005-325	2006-392	2006-499	2007-95	2007-241
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**FORMAL COMPLAINTS**

**A motion was made 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:**

2005-38	2006-287	2006-336	2007-55
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**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:

**FINAL ORDER HEARING**  
**2001-106**

**A motion was made that was seconded by Ms. Black to approve the following sanction:**

1. Respondent has violated the Medical Practice Act.
2. Private reprimand
4. Respondent must pay the court costs in the amount of \$350.00 within one year.
5. Respondent must continue participation with RPP for two years (clarified to mean two years from the day the Respondent first reported to RPP).

**All Board members were in favor**  
**Motion carries.**

**ADJOURNMENT.**

There being no additional business the meeting was adjourned at 6:00 P.M. on Tuesday, February 6, 2008

Respectfully submitted,

Bruce F. Duke  
Board Administrator

Board Committees

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. Editorial Committee – *Costa, Prabhu, Gardner*
5. Executive Committee – *Costa, Prabhu, Gardner, Sheridan Spoon, Bruce Duke*
6. Medical Practice Act (MPA) Revision Committee- *All Board members*
7. Athletic Trainers Committee – *Gardner*
8. Continuing Medical Education Committee – *deHoll, Kraikit, Chow*
9. Collaborative Practice Committee-
10. Sports Medicine Committee – *deHoll*

**Discussion Topics**

- A. Request from Edisto Regional Health Services – *Bruce Duke*
- B. Request from Carolina Family Care – *Bruce Duke*
- C. Quarterly Malpractice Report – *Bruce Duke*
- D. President’s Report – *Louis Costa*
- E. Administrator’s Report – *Bruce Duke*
- F. To interpret the Board’s policy pertaining to Respiratory Care Practitioners. - *Bruce Duke*
- G. Federation of State Medical Board Report - *Bruce Duke*
- H. Continued Professional Competency - *Bruce Duke*
- I. Maintenance of Certification Option for Licensure - *Bruce Duke*
- J. Renewal Process for physicians who have practiced on an expired license - *Bruce Duke*