

PUBLIC SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
July 27 – 28, 2009

Board Meeting
Synergy Business Park
The Kingstree 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, July 27, 2009, 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 Kingstree 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. David deHoll, of Iva
Mrs. Jackie D. Black, of Columbia
Dr. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston
Dr. Timothy Kowalski, of Columbia
Dr. Jeff Welsh, of Columbia
Dr. Robert Turner, III, of Florence

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
Melissa Fulton, Administrative Assistant

Office of General Counsel

Lynne Rogers, General Counsel
Sheridon Spoon, Deputy General Counsel
Patrick Hanks, Assistant General Counsel
Paula Magargle, Assistant General Counsel

Professional and Occupational Licensing (POL) Division

James Saxon, Hearing Counsel
Gwendolyn Green, Hearing Counsel

Monday, July 27, 2009

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM MAY 2009 BOARD MEETING:

The Board reviewed the minutes and entertained all corrections and deletions to be made on the May 2009 minutes. A motion was made to approve the Minutes. Dr. Kowalski 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:**

Applicant for Licensure

A motion was made as follows:

Applicant to submit to a cost-effective assessment approved by RPP. Applicant must also sign a private agreement for at least one year with the Board for monitoring depending on the assessment findings.

Motion seconded by Dr. Ball. All in favor.

Motion Carries.

Gail S. Beheler (Heneisen), RCP
2008-80
Final Order Hearing

A motion was made as follows:

- **Respondent has violated Medical Practice Act**
- **Public Reprimand**
- **Respondent must complete 10 CME hours approved by the RCP Committee and Respondent must submit to the committee site specific for approval.**
- **Respondent to pay court costs in the amount of \$586.80**

Motion was seconded by Dr. Kowalski. All in favor.

Motion Carries.

Michael Nwude, M.D.
Applicant for Licensure

A motion was made as follows:

- **Grant license only with site specific approval**
- **Applicant is eligible for full license upon passing Board certification**

Motion was seconded by Dr. deHoll. All in Favor.

Motion Carries.

Dr. Stephen Lloyd
Presentation on Endoscopy Procedures

The Board heard a presentation by Dr. Lloyd asking the Board for approval to allow GI Technicians to advance the scope on colonoscopy procedures.

Dr. Costa advised the Board would take this request under advisement and make a decision at a later time.

Nimish Patel, P.A.
Applicant for Licensure

A motion was made to accept the application.

Motion seconded by Dr. Kowalski. All in favor.

Motion Carries.
Ellen Rainey, M.D.
Applicant for Licensure

A motion was made as follows:

Applicant is granted a limited license to practice in a setting approved by the Board. After applicant earns board certification in Psychiatry, she is eligible for full and unrestricted license.

Motion seconded by Dr. Gardner. All in favor.

Motion Carries.

2004-334
Request to be Released from Terms and Conditions

A motion was made as follows:

Grant request for release of terms and conditions contingent upon entering into a private agreement with the Board.

Motion seconded by Dr. Gardner. All in favor.

Motion Carries.

Office of General Counsel Report – Lynne Rogers

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. The Board then reconvened into Public Session.

Dismissals

A motion was made that was seconded by Dr. deHoll and unanimously passed to approve the dismissal of the following cases.

Cases 1 through 82

LETTERS OF CAUTION

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

Cases 86 through 92

FORMAL COMPLAINTS

A motion was made that was seconded by Dr. Kowalski 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 case:

Case 83

INFORMAL CONFERENCE LETTER OF CAUTION

A motion was made that was seconded by Dr. Kowalski and unanimously passed to issue a informal conference letter of caution in the following cases:

Case 84 & 85

CASES ON APPEAL

In Executive Session, the Board reviewed the cases that are now on appeal and received specific briefings from Mrs. Rogers.

Jerrold Polterrock

Applicant for Licensure

A motion was made as follows:

To grant license.

Motion seconded by Dr. Kowalski. All in favor.

Motion Carries.

Adjourn

Tuesday, July 28, 2009

Board reconvenes at 8:00 a.m.

Michael Smyth
Applicant for Licensure

A motion was made as follows:

To grant license after applicant has an interview with a Board Member.

Motion seconded by Dr. Ball. All in favor.

Motion Carries.

Myles Goldflies, M.S.
Applicant for Licensure

A motion was made as follows:

License can be approved after confirmation of 150 CME hours.

Motion seconded by Dr. deHoll.

All in favor.

Motion Carries.

Craig Harris, M.D.
2007-237
Final Order Hearing

A motion was made as follows:

Public Reprimand

- **Respondent must continue treatment for addiction and depression.**
- **Continue involvement with RPP.**
- **Respondent must pay court costs in the amount of \$848.15.**

Indefinite Suspension until the completion of the following:

- **Respondent provide 40 hours of appropriate CME.**

-
- Respondent must establish a practice site to be approved by the Board.
 - Respondent is not allowed to re-apply for a DEA license without the express permission of the Board.

Motion was seconded by Dr. Kowalski.

All in Favor.

Motion Carries.

Pamela Pyle, D.O.
2008-139
Final Order Hearing

Dr. Costa recused himself.

A motion was made as follows:

Public Reprimand

- Board accepts the Memorandum of Agreement
- Respondent must pay court cost in the amount of \$515.00.

Motion was seconded by Dr. Kowalski.

All in Favor.

Motion Carries.

Thomas Roberts, M.D.
2009-44
Final Order Hearing

A motion was made by Dr. Ball as follows:

Revocation

Motion was seconded by Dr. Kowalski. Dr. Kowalski, Dr. Ball and Ms. Black are in favor. Dr. Welsh, Dr. Turner, Dr. Gardner and Dr. deHoll were in opposition.

Motion Fails.

A second motion was made as follows:

- Accept Memorandum of Agreement.
- Public Reprimand

- Indefinite suspension until a fine of \$25, 000 is paid along with the court cost of \$1,889.75,
- Respondent must enroll in a ethics course and complete within one year.
- Respondent must have practice and surgery monitoring and oversight system approved by the Board. After completion of this the suspension will be stayed.
- Respondent must continue enrollment with Dr. Abel and provide quarterly reports from BMI.

Motion was seconded by Dr. Turner. All in favor except Dr. Kowalski and Ms. Black.
Motion Carries.

Anthony Russo, M.D.

Request that the Board recognize the American Association of Physician Specialist and its certifying body by the American Board of Physician Specialties.
After discussion the Board decided to take the request under advisement.

Javaid Wani, M.D.
Applicant for Licensure

- A motion was made to grant applicant a limited license and then a permanent license once he has interviewed with Board member.

Seconded by Dr. Turner.

All in favor.

Motion Carries.

Rick Kellet, M.D.
Request to be Released from Terms and Conditions

A motion was made to deny the request.

All in favor except Dr. Ball and Ms. Black.

Motion Carries.

Shannon C. Webb, M.D.
Request Final Order Amended

A motion was made to grant the request and to amend the order to reflect that the Respondent will be required to follow BMI's restrictions or requirements.

Motion seconded by Dr. Turner.

All in favor.

Motion Carries.

The Board adjourned at 6:30p.m.

Board Committees

(A) Committee Reports

1. Legislative Impact Committee – *Costa, Gardner, Black*
2. Medical Practice Advisory Committee – (meeting only when needed) *Gardner, Black*
3. Recovering Professional Program Advisory Committee -
4. Office Based Surgery Ad Hoc Committee – *Costa*
5. Editorial Committee – *Costa, Gardner*
6. Executive Committee – *Costa, deHoll, Gardner, Sheridan Spoon, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee -, *Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee –*Sheridon Spoon, 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,*

Bruce F. Duke
Board Administrator

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/maf