

PUBLIC SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
November 2 -4, 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, November 2, 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. David deHoll, of Iva
Dr. James L. Hubbard, of Rock Hill
Mrs. Jackie D. Black, of Columbia
Dr. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston
Dr. Stephen R. Gardner, of Greenville
Dr. Robert E. Turner, of Florence
Dr. Jeff Welsh, of Columbia

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

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM JULY 2009 BOARD MEETING:

The July 2009 minutes were reviewed and a motion was made to approve the Minutes with the corrections, recommendations and or deletions. Dr. deHoll seconded the motion and it was unanimously passed.

A MOTION WAS UNANIMOUSLY PASSED TO APPROVE THE BOARD MEETING DATES FOR 2010 AND 2011

2010

FEBRUARY 1 -3, 2010

MAY 17 - 19, 2010

AUGUST 2 - 4 2010

NOVEMBER 8 -10, 2010

2011

JANUARY 31 - FEBRUARY 2, 2011

MAY 2 - 4, 2011

AUGUST 1 - 3, 2011

OCTOBER 31 - 2, 2011

Dr. deHoll requested an explanation from staff concerning the publication on the Board's website when a Temporary Suspension Order (TSO) is executed. Mr. Duke explained that the Board issues a private TSO with details for internal use only and a public TSO that informs the public of the fact that a physician is suspended. Mr. Duke explained that the revised Medical Practice Act requires these provisions.

Mr. Duke reported statistics to the Board pertaining to the number of licenses that had lapsed due to non-renewal. One notice is currently sent out notifying of renewal. Thirteen hundred had lapsed after the latest renewal expiration date, as opposed to 855 in the preceding renewal cycle. Mr. Duke continued by explaining the current procedures for license renewal, including notification, wallet cards, late fees, fines and consent agreements. After a lengthy discussion Dr. Costa directed Mr. Duke to ask the Director to reinstitute the issuing of ID cards during the next renewal cycle.

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:

Miriam E. Johnson, RCP
2003-208
Final Order Hearing

Respondent did not appear. Hearing held without her appearance.

Motion by Ms. Black to accept Panel report that recommended license revocation and seconded by Dr. Ball.

All in favor
Motion carries

2008-234
Final Order Hearing

A motion was made as follows by Dr. Ball ;

Private Reprimand

- Payment of court cost of 200.00
- Respondent must attend a Board approved Boundary course.

Motion is seconded by Dr. Turner.

All in Favor
Motion carries

Emmanuel O. Edsomwan, M.D.
Applicant for licensure

A motion was made by Dr. deHoll as follows;

- To grant license

Motion was seconded by Dr. Ball.

All in Favor
Motion carries.

Ishmeal Major, M.D.
2008-20
Final Order Hearing

A Motion was made by Dr. Ball as follows;

Respondent receives a public reprimand
Respondent must pay 1000.00 in fine and 500.00 in court cost within 6 months

Motion seconded by Dr. Welsh

All in favor
Motion Carries

2 Petitioners asking for Relief from Private Consent Agreements

Petitioner 1

A Motion was made by Dr. deHoll to;
Waive CME fine
Uphold \$1,000.00 fine for practicing on a lapsed license

Motion Seconded by Dr. Chow
All in favor
Motion Carries

Petitioner 2

Motion to deny request by Dr. deHoll.
Seconded by Dr. Chow
Opposed by Dr. Ball
Dr. Turner Abstains
Majority in Favor

Motion Carries.

John A. Bailey, M.D.
Request to be released from Terms and Conditions

Motion by Dr. Gardner to grant request
Seconded by Dr. Ball

All in favor
Motion carries

2008-270

Final Order Hearing

A Motion was made by Dr. deHoll as follows;

Accept the private agreement that requires respondent to be an active participant in the Recovering Professionals Program for a period of not less than five years.

Seconded by Dr. Gardner

All in favor

Motion carries

Applicant for Licensure

Motion by Dr. deHoll to approve licensure in state of S.C. upon the following agreement.

- Private agreement that would include the following elements
- Site specific practice to include Toumey Medical Center. (any change would have to be Board approved)
- Enrollment in RPP for a period of not less than five years.
- Psychological evaluation approved by the Board with continued follow up and reporting to the Board concerning gambling addiction and any other psychological issues.
- Quarterly reports from Toumey Medical Center concerning clinical competency.

Motion seconded by Dr. Gardner.

All in favor

Motion carries

Thomas Roberts, M.D.

Consideration of Terms and Conditions in Board's Final Order

Motion by Dr. Ball as follows:

- Respondent must have a chaperone at all times when a patient is present.
- Surgical monitoring 100% with at least 25% provided by a board certified plastic surgeon but cannot be Dr. Brunner. 75% provided by Dr. Green or other board approved surgeon.
- The executive committee of the Board will meet with Dr. Roberts, his counsel and chaperone staff to finalize his practice setting.

Motion seconded by Dr. Turner

In favor Dr. Ball, Dr. Welsh, Dr. Turner and Dr. Ball.

Opposed Dr. Gardner, Ms. Black and Dr. Chow.

Abstained Dr. Costa.

Motion Carries

Office of General Counsel Report – Pat Hanks

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. deHoll and unanimously passed to approve the following cases. Cases 1 through 51

LETTERS OF CAUTION

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

Cases 55 through 67

FORMAL COMPLAINTS

A motion was made 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:

Cases 52 through 54

CASES ON APPEAL

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

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.

Adjourn

The Board adjourned at 6:00 p.m.

The Board reconvened on Tuesday November 3 at 8:00am.

Jon C. Kazaglis, M.D.
Final Order Hearing

A motion was made as follows by Dr. Turner:

Public Reprimand

- 2 year probation
- Respondent must pay court costs in the amount of \$250.00

Motion was seconded by Dr. deHoll.

All in Favor
Motion Carries

Florence Schenker, M.D.
Final Order Hearing

A motion was made as follows by Dr. deHoll:

Public Reprimand

- Fine of \$1,000.00
- Investigative costs of \$1612.50
- Attorneys costs of \$450.00
- Suspension of license and must appear before the Board before licensee can be considered for reinstatement.
- Respondent must take a record-keeping course and prescription writing course approved by the Board.

Motion was seconded by Dr. Ball.

All in favor
Motion Carries

Election of Executive Committee;

A motion was made by Dr. Turner to elect the following officers for calendar year 2010;

President: Dr. Costa

Vice President: Dr. Gardner

Secretary: Dr. deHoll

Motion was seconded by Ms. Black.

All in favor

Motion Carries

Applicant for Licensure

A motion was made by Dr. Costa for a private hearing and only Board staff and Board were present;

A motion was made for the applicant to sign a private agreement reflecting the NC private order that includes CDC guidelines and to grant licensure.

Motion was seconded by Dr. Hubbard.

All in favor

Motion carries

Steven Miskiewicz, M.D.

Final Order Hearing

A motion was made by Dr. Ball as follows:

- Public reprimand
- Investigative cost of \$200.00 and Attorney fees in the amount of \$300.00
- Respondent cannot prescribe schedule 2 substances for the next 2 years.

Motion seconded by Dr. Hubbard.

All in favor

Motion carries

Douglas McGill

Final Order Hearing

A motion was made by Dr. deHoll as follows:

- Accept the Memorandum of Agreement
- Respondent will receive a Public Reprimand
- Court cost in the amount of \$600.00 and attorney fees in the amount of \$595.37.
- Continue enrollment and participation with RPP for 5 years and after that time Respondent may petition the Board for release from this term.

Motion seconded by Dr. Turner.

All in favor

Motion carries

Joel Bridgewater, M.D.
Final Order Hearing

A motion was made by Dr. Hubbard as follows:

- Public reprimand
- License Suspended but stayed with a site specific plan given to the Board
- Court cost of \$430.00

Motion seconded by Dr. Turner

All in favor
Motion carries

2006-264
Final Order Hearing

A motion was made by Dr. Hubbard as follows:

- Accept Memorandum of Agreement
- Private reprimand

Motion seconded by Dr. Ball

All in favor
Motion carries

Adjourn

The Board adjourned at 6:00 p.m.

The Board reconvened at 8:00 am on Wednesday November 4, 2010

Appointment to IRC

A motion was made to appoint Dr. Satish Prabhu to the IRC

All in favor

Motion carries

Thomas J Downs, M.D.

Applicant for licensure

A motion was made by Dr. Ball as follows:

Grant full licensure pending interview by Board member.

Motion seconded by Dr. Welsh

All in favor

Motion carries

Heidi T. Nicholson, M.D.

Applicant for licensure

A motion was made by Dr. Turner as follows:

Grant full licensure pending interview by Board member.

Motion seconded by Dr. Ball

All in favor

Motion carries

Michael Yuz, M.D.

Applicant for licensure

A motion was made by Dr. Costa as follows:

Grant full licensure pending interview by Board member.

Motion seconded by Dr. Gardner

All in favor
Motion carries

Alex Snead, M.D.
Applicant for licensure

A motion was made by Dr. Ball as follows:

Grant full licensure pending interview by Board member.

Motion seconded by Dr. Welsh

All in favor
Motion carries.

Jonathan G. Eli-Philips M.D.
Applicant for licensure

A motion was made by Dr. deHoll as follows:

Grant full licensure and the retainment of license is contingent upon applicant passing Board certification within 2 years.

Motion seconded by Dr. Hubbard

All in favor
Motion carries

Cheri Crowley DEA presentation:

Ms. Crowley addressed the Board on processes and investigations conducted by DEA and how this relates to the Medical Board. She emphasized the need for DEA and LLR to communicate more effectively.

She proposed that LLR send DEA a paper copy of suspension or revocations so they then could take action, as the Licensing authority is the overarching authority.

She also suggested that DEA will notify LLR of immediate controlled license suspensions so LLR can take appropriate action against licensee.

William Crigler, M.D.
Request to be released from Terms and Conditions

A motion was made by Dr. Welsh to release the Petitioner from the Terms and Conditions.

Motion was seconded by Dr. Turner

All in favor

Motion carries

Acupuncture Committee:

The Board requested that Acupuncture committee chair, Martin Herbkersman appear at the next board meeting to discuss matters relating to the practice of Acupuncture, specifically as it relates to physicians.

Petitions asking for Relief from Private Consent Agreements:

Petitioner 1:

A motion was made by Dr. deHoll as follows:

Petitioner must pay a \$1,000.00 fine.

Motion was seconded by Dr. Turner

All in favor

Motion carries

Petitioner 2:

A motion was made by Dr. Ball as follows:

Petitioner must pay a \$1,000.00 fine.

Motion was seconded by Dr. Welsh

All in favor

Motion carries

Adjourn

The Board adjourned at 4:00 pm.

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 - *Kowalski*
4. Office Based Surgery Ad Hoc Committee – *Costa,*
5. Editorial Committee – *Costa, Gardner*
6. Executive Committee – *Costa, , Gardner, Sheridan Spoon, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee - *Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee – *Sheridon Spoon, Bruce Duke
Andrew Savage, Esquire*
9. Medical Practice Act (MPA) Revision Committee- *All Board members, Bruce Duke, Sheridan Spoon*
10. Physician Delegation of Permanent Cosmetic Application Ad hoc Committee –*Costa*
11. Athletic Trainers Committee – *Gardner*
12. Continuing Medical Education Committee – *Hubbard,*

President’s Report – *Louis Costa, D.M.D., M.D, President*

Administrator’s Report – *Bruce Duke*