

PUBLIC SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
August 2-3, 2010

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, August 2, 2010, 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. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston
Dr. Timothy Kowalski, of Columbia
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
April Dorroh, Administrative Assistant

Office of General Counsel
Sheridon Spoon, Deputy General Counsel
Patrick Hanks, Assistant General Counsel
Lil Ann Gray, Assistant General Counsel

Professional and Occupational Licensing (POL) Division
James Saxon, Hearing Counsel
Dean Grigg, Hearing Counsel

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM MAY 2010 BOARD MEETING:

A motion was made to approve the Minutes with amendments by Dr. Kowalski. Dr. Turner seconded the motion and it was unanimously passed.

PA COMMITTEE MEETING RECOMMENDATIONS

Dr. William Hueston, Chairman of the Physician Assistants Advisory Committee appeared and presented recommendations from the Committee.

PA Committee Meeting

July 9, 2010

From: S.C. Physician Assistant Committee

The committee members participating were as follows: Mr. Keith Stewart; Dr. William Hueston; Robert T. Ball Jr., M.D.; Harold Harvey; Philip Latham. Staff participating was Melissa Fulton, Administrative Assistant; Bruce Duke, Administrator and Sheridan Spoon, Legal Counsel.

The meeting was called to order at the appointed time of 2:00 p.m. It was noted that LLR announced the meeting time through the proper public channels. Committee members were distributed an agenda and minutes from the April 9, 2010 meeting prior to the meeting.

Minutes/recommendations from April 9, 2010 meeting were approved as written without concern.

Recommendations and Requests for Committee Opinion:

- 1. Matthew Earl Kyer, P.A. and his supervising physician, Dr. Michael Bryan Denenberg requested OJT-10-10-10 of performing Thoracentesis**

After discussion, it was decided to approve the OJT request.

- 2. Holly Blumenfeld Carter, P.A. and her supervising physician, Dr. Marguerite Ann Germain requested OJT /Additional tasks.**

After discussion it was decided it was best through an OJT 5 Observing -5 Assisting -5 Performing to approve the request of Laser Treatments.

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3. Ashley Lenore Smith, P.A. and her supervising physician, Dr. Arthur Wilkoszewski requested off-site practice. The mileage and travel time would be 2 miles and 5 minutes.

After discussion it was approved with the condition that the physician be present at least 20% of the time.

Physician Assistants issued Temporary licenses and have been interviewed and approved for Permanent Licenses.

After review and discussion of amended/modified scopes, a motion was made to approve all 51 applicants for permanent licensure. Motion Passed

Scope of Practice Guidelines approved by Stephen R Gardner, M.D.

After review it was decided to approve all 5 Scopes that had been reviewed and approved by Stephen Gardner, M.D.

Scope of Practice Guidelines approved by Harold Harvey, P.A.

After review it was decided to approve all 6 Scopes that had been reviewed and approved by Harold Harvey, P.A.

Scope of Practice Guidelines approved by Reamer Bushhardt, P.A.

After review it was decided to approve all 5 Scopes that had been reviewed and approved by Reamer Bushhardt, P.A.

Scope of Practice Guidelines approved by William Hueston, M.D.

After review it was decided to approve all 13 Scopes that had been reviewed and approved by William Hueston, M.D.

Scope of Practice Guidelines approved by Keith Stewart, P.A.

After review it was decided to approve all 4 Scopes that had been review and approved by Keith Stewart, P.A.

Mr. Harold Harvey made a motion to adjourn and Mr. Stewart seconded the motion. An announcement of upcoming meeting was made:

The next meeting is scheduled for October 8, 2010 2:00 P.M.

Dr. Ball made a motion to approve the Physician Assistant's Advisory Committee recommendations. Dr. Kowalski seconded the motion and it was unanimously passed.

APPLICANT INTERVIEWS

Mr. Duke, along with Ms. Eason and Ms. Watson asked the Board to consider various aspects of the physician and physician assistant applicant interview processes. After a lengthy discussion the Board agreed to the following:

To not allow applicants to change assigned Board members without first notifying staff and first ensuring that a true hardship was the reason for a change.

Staff will revise the interview letter to applicants informing them that the applicant personally would be responsible for scheduling the interview.

Staff will contact directors of training programs to advise that Board members would conduct interviews for applicants attempting to obtain a permanent license at the various training programs in South Carolina at designated times (June, etc).

Physician assistants and their supervisors would require a face to face interview with a Board member unless the physician assistant had at least six months of experience in South Carolina and the supervisory physician had experience supervising physician assistants. If these conditions are met then the interview process could be conducted by telephone.

The Board also discussed the utility of using videoconferencing technology to conduct applicant interviews. After discussion the Board agreed to allow videoconferencing interviews under the following conditions:

Applicant has to reside and practice at least 500 miles from South Carolina

Applicant will not prescribe

Applicant will have an unblemished (yes answers, etc) application.

Applicant will be responsible for all logistical and practical concerns, as well as any costs associated with interview

Applicant will be required to take and pass a post-interview written test

Individual Board members have complete discretion whether to grant video conferencing interviews.

The Board discussed and concurred that the basic principle of the practice of telemedicine should be considered purely consultative to an actively practicing licensed physician physically located in South Carolina, and providing patient - specific services.

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. After testimony for each case, the Board entered a private deliberative session. 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:**

Dayna Hughes, M.D.
2006 – 346
Final Order Hearing

A motion was made by Dr. Kowalski as follows:

- **Public Reprimand**
- **Indefinite Participation in the Recovering Professional Program**
- **Completion of a Professional Evaluation as approved by the Board prior to the return to any active practice**
- **Proof of Clinical competency must be provided with a strong suggestion for Board Certification**
- **Up to date CME's**
- **\$ 565.00 Court Cost to be paid within one year**
- **Reappearance required before the Board**
- **Quarterly reporting from treating Psychiatrist**

Motion Seconded by Dr. Gardner

Dr. Ball Dissented

Motion Carries

Darlene C. Bernard, M.D.
2008 – 308
Final Order Hearing

A motion was made by Dr. Kowalski as follows:

- Not to accept the Consent Agreement as written but would consider an agreement that included the following:
 - Temporary suspension would be ended, followed by a suspension that would be stayed upon payment of costs
 - No fine
 - Adequate proof satisfactory to the Board of current clinical competence due to amount of time out of practice to include AGOC requirements for maintenance of certification
 - Proof of up to date CME's
 - Quarterly reports from Psychiatrist

Motion Seconded by Dr. Gardner

All in favor

Motion carries

Roslyn Harris, M.D.
2009 – 273
Final Order Hearing

A motion was made by Dr. Turner as follows:

- Public Reprimand
- Suspension stayed upon payment of fine of \$1,000.00 and Court cost of \$675.00
- Ethics course to be completed within six months
- Psychological evaluation that is approved by the Board to be completed within six months

Motion seconded by Dr. Kowalski

Dr. Gardner abstained

Motion carries

TELEHEALTH MEDICAL CONSULTS

Representative Richard Chalk, along with Michael Iaquinta, President of Integrated Select presented to the Board a program (see attachment) of medical care based on telephone communications between physician and patient. They told the Board the program is called Teladoc with 270 Board certified physicians and 1.8 million patients throughout the United States. Additionally, if implemented, patients would be talking to physicians located in South Carolina.

Mr. Iaquinta said the program works in the following manner:

Patient calls call center and makes their medical complaint

A medical history is taken over the phone or online and sent to the physician

Physician reviews and calls the patient for a consultation, diagnosis, treatment plan and if necessary prescribes medications (non-controlled substances)

He also told the Board that the program does not cover emergent situations

Mr. Chalk and Mr. Iaquinta asked if this program would be acceptable under current State Law, specifically as it pertains to what constitutes a proper physician-patient relationship and prescribing.

Dr. Costa indicated that the Board wanted to get input from other interested parties before making any decision on this proposal.

OGC-OIE REPORTS

Mr. Hanks from the Office of General Counsel gave the Board an update of cases on appeal

Mr. Dorman and Mr. Faglie from the Office of Investigations and Enforcement gave a statistical report to the Board regarding investigations and recommendations from the Investigative Review Committee

Recommendation from IRC for Dismissal

Cases 1-7

Dr. Ball moved to accept and Dr. Kowalski seconded the motion

All in Favor

Motion Carries

Recommendation from IRC for Formal Complaint

Cases 8-13

Dr. deHoll moved to accept and Dr. Chow seconded the motion

All in Favor

Motion Carries

Staff advised the Board to carry over case 14

Dr. Costa moved to accept and Dr. Kowalski seconded the motion

All in Favor

Motion Carries

Recommendation from IRC for Letters of Caution

Cases 15-20

Dr. Ball moved to accept and Dr. Welsh seconded the motion

All in favor

Motion Carries

TEN YEAR RULE

Mr. Duke asked the Board to decide whether Maintenance of Certification (MOC) programs for some American Board of Medical Specialties' (ABMS) Boards satisfied the Board's requirement for licensure. Specifically, most ABMS Boards are implementing MOC programs that require members to satisfy various requirements on an ongoing basis, as opposed to the traditional method of taking a recertification tests every 7-10 years. After discussion the Board agreed that this type of MOC will satisfy the Board's requirement for licensure.

CLOSING PRACTICE ISSUES

South Carolina State Senator John Scott (Richland County) asked the Board to consider the following: (see attachment)

When a physician leaves a medical practice:

Direct medical practices to give patients their records when requested

Inform patients where their departed physician is presently practicing

After discussion the Board decided that current policy and law covered these situations, as physicians are required to notify patients and the Board when leaving a practice and /or changing addresses. Additionally, State law requires physicians to provide patients copies of their records when requested.

ADJOURN

The Board adjourned at 5:50 pm.

BOARD RECONVENES

The Board reconvened on Tuesday, August 3, at 8:30 am

Steven Fass, M.D.
2009 – 353
Final Order Hearing

A motion was made by Dr. Kowalski as follows:

- Public Reprimand
- Suspension stayed upon payment of \$1,000.00 fine and \$620.00 Court Cost
- Continuation of Private Agreement

Motion Seconded by Dr. Ball

All in Favor

Motion Carries

Christine Lamoureux, M.D.
Applicant for licensure

Applicant appeared via teleconference

The Board approved applicant to pursue licensure in this state.

All in favor

Yasser Naveed Mir, M.D.
Applicant for licensure

Applicant appeared via teleconference

The Board approved applicant to pursue licensure in this state.

All in favor

Dean A Floyd, M.D.
2006 – 522
Final Order Hearing

A motion was made by Dr. Turner as follows:

- **Accept Memorandum of Agreement**
- **Public Reprimand**
- **Pay \$1,000.00 fine and Court Cost of \$290.37 to be paid within six months**
- **Ethics course and record-keeping course approved by the Board to be completed within one year**

Motion seconded by Dr. Ball

All in Favor

Motion Carries

Christopher Ming Tai Tang, M.D.
Applicant for licensure

Dr. Kowalski made a motion to allow applicant to pursue licensure in this state.

Dr. Ball seconded the motion.

All in favor

Motion carries

RESPIRATORY CARE COMMITTEE RECOMMENDATIONS

JUNE 18, 2010

FROM: Patricia Blakely, RCP, Chairman
SC Respiratory Care Committee

Members in attendance: Ms. Patricia Blakely, RCP, Chairman; Elgin; Dr. Antine Stenbit, Charleston and Mr. James Woody, RCP, Belton, Ms. Marie Whitner of Greenville; Ms. Tracy Hancock Fields, Florence and Mr. Don McMahan, RCP of Simpsonville

Agenda Topics: Applicants for Permanent Licensure

To follow is a list of 15 RCP's who are currently on temporary licenses. They have met all the requirements for permanent license and are now requesting to update from the temporary license to the permanent license. Those with an asterisk (*) have answered "yes" on their application and will be discussed at the RCP Committee Meeting.

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

- 1) **Eddie C. Dawson, RCP** – answered “YES” to question #11 on his application to “Have you ever been arrested, indicted, or convicted, pled nolo contendere for violation of any federal, state or local law (other than minor traffic violation)? In 2001 Mr. Dawson’s license was suspended due to false information dealing with child support, when in fact he and his son were not residing in MS. All Charges were dropped and his license was restored since son never lived in MS. In 2004 he was arrested for possession of marijuana, less than an ounce and was charged as a misdemeanor. Dr. Stenbit made a motion to recommend for permanent license. Marie Whitner seconded the motion. Motion Carries.
- 2) **Angela Paulette Hicks, RPC** – answered “YES” to question #10 on her application to “Have you ever discontinued the practicing as a Respiratory Care Practitioner for any reason for one month or more?” In 2000 – 2002 she did not work in the Respiratory field, just her choice, and #11 “Have you ever been arrested, indicted, or convicted, pled nolo contendere for violation of any federal, state or local law (other than minor traffic violation)? Ms. Hicks was arrested for DUI in 1988 or 1989. She pled nolo contendere. Dr. Stenbit made a motion that we recommend for permanent license. Don McMahan seconded the motion. Motion Carries.
- 3) **Carol Lynne Robinson, RCP** – answered “YES” to question #10 on her application “Have you ever discontinued the practicing as a Respiratory Care Practitioner for any reason for one month or more?” Ms. Robinson states she discontinued practice after the birth of her second child to be a stay at home mom. She went back to work in 2002 to keep up her skills and stopped again in 2005. James A Woody made a motion to recommend for permanent license. Dr. Stenbit seconded the motion. Motion carries.
- 4) **Christine Sikes, RCP**– answered “YES” to question #10 on her application to “Have you ever discontinued the practicing as a Respiratory Care Practitioner for any reason for one month or more?” Ms. Sikes stated she took several months off for extended relocation/vacation trip across the country in an RV. Dr. Stenbit made a motion to recommend permanent license. James Woody seconded the motion. Motion Carries.

NEXT MEETING DATE

The Committee’s next meeting is scheduled for Friday, September 17, 2010

Dr. Welsh moved to accept the Committee’s Recommendation and Dr. Kowalski seconded the motion.

All in favor

Motion carries

Arthur Wood, M.D.
Applicant for licensure

Dr. Chow made a motion to allow applicant to pursue licensure in this state.

Dr. Gardner seconded the motion.

All in favor

Motion carries

Mohammad T. Javed, M.D.
Applicant for licensure

Dr. Costa made a motion to deny licensure.

Dr. Ball seconded the motion.

No Vote Taken

Dr. Kowalski made a second motion to allow applicant to pursue licensure in this state.

Dr. deHoll seconded the motion.

Dr. Chow, Dr. Ball, and Dr. Costa dissented

Motion carries

Gary Harrington, M.D.
Applicant for licensure

Application Withdrawn

JOINT PHARMACIST ADMINISTERED INFLUENZA VACCINES COMMITTEE

Legislation enacted in the 2010 legislative session requires the Board to appoint 2 members to the ad hoc Joint Pharmacist Administered Influenza Committee whose purpose is to assist and advise the Board in establishing a written protocol for the purpose of authorizing pharmacists to administer influenza vaccines without an order of a practitioner.

Dr. Costa made a motion, seconded by Dr. Ball with unanimity by the Board appointed Dr. Ralph Riley, family practitioner from Saluda and Dr. Henry Cupstid, family practitioner from Cowpens to the Committee.

Additionally, Dr. Turner moved to appoint Dr. Ball as liaison for the Medical Board with the Committee. Dr. Gardner seconded the motion and all Board members were in favor.

SOUTH CAROLINA BOARD OF PHARMACY POLICY # 138

Mr. Spoon presented for the Board's consideration the Pharmacy Board's Policy pertaining to immunizations (See attachment).

Dr. Ball asked Ms. Sally Rogers representing the American Academy of Family Physicians to comment on the policy. She told the Board that she believed this policy indicated that pharmacists could administer immunizations with broad general protocols

Mr. Spoon indicated that he believed the policy conflicted with House Bill 3393 (Influenza Vaccine Protocol) and offered a draft policy (see attachment) for the Board's consideration.

After a lengthy discussion the Board asked Mr. Spoon to continue working on the policy with the Board and have a policy that reflects the Board's position on this issue.

POST-EXPOSURE PROPHYLAXIS

Dr. Ball proposed and the Board approved the following policy:

Post-Exposure Prophylaxis (PEP) is often recommended by numerous medical professional and public health organizations (notably the Centers for Disease Control [CDC], the American Public Health Association/ World Health Organization's Control of Communicable Diseases Manual, the American Academy of Pediatrics Red Book, or the

South Carolina Department of Health and Environmental Control [DHEC]) to protect specific persons from acquiring contagious/ communicable diseases from close contact with infected persons. The SC Board of Medical Examiners approves and recommends the prescribing of PEP in accordance with the most current established guidelines as published by these organizations, even in the absence of a previously-established patient-physician relationship.

ADJOURN

The Board adjourned at 5:15 pm

**Respectfully Submitted
Bruce Duke
Administrator**