

THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS
SYNERGY BUSINESS PARK, KINGSTREE BUILDING, ROOM 108
110 CENTERVIEW DRIVE,
COLUMBIA, SOUTH CAROLINA 29210

MEETING MINUTES
Monday, August 3, 2020

Review and adoption of Agenda; Approval of May 2020 minutes
Review and approval of excused absences

President's Report-Jeff A. Welsh, M.D.

1. Legislative Update-Katie Phillips, LLR Director of Governmental Affairs. Ms. Phillips appeared and provided an update to the board on legislative items of interest such as the Cares Act, Covid testing and who may be allowed to perform those, Covid administration of vaccines, DMV certification of vision examination and military spouse licensure.
2. Consideration of amendment to BME Regulation 81-91 regarding election procedures, consideration of filing of Notice of Drafting, Holly Beeson, Counsel to the Office of Communications and Governmental Affairs. Ms. Beeson received comment from the board regarding proposed changes to the board's election regulation including being able to email the NOE and the number of petition signatures required.
3. S.C. Recovering Professional Program-discussion and information regarding referrals and evaluations, Robyn Madden, Esq. Counsel and Tia Cooper Director. There was introduction of Dr. Rebecca Payne RPP Medical Director and MRO. Ms. Madden discussed the RFP with LLR as well as that RPP is now receiving intakes for behavioral monitoring. Ms. Cooper discussed with the board the questionnaire language regarding referrals/
4. Health Care Collaborative Committee-Low-Dose Ketamine Advisory Opinion, for approval-approval was deferred until the November 2020 meeting.
5. Discussion regarding respiratory care scope of practice and delivery of respiratory services via remote setup, Jeremy Alexander, Esq. After discussion, the board approved this request so long as the individual is a SC-licensed RCP. The board referred this question back to the Respiratory Care Advisory Committee for a specific list of devices or therapies, other than CPAP, that may be permitted under remote set-up.
6. Update on referral of questions from DHEC to LLR and/or Board of Medical Examiners for *ad hoc* committee consideration consisting of Drs. Franga and Wright and Office of Advice Counsel regarding clarification of Ambulatory Surgical Facility versus Office-Based Surgery Procedures. The board discussed this issue and will have a further update at the November 2020 meeting.
7. Consideration of Advisory Opinion on ventilator settings by physicians /Respiratory Care. The board Advisory Opinion has been updated to exempt Certified Nurse Anesthetists and Certified Paramedical and Emergency Medical Technicians. The board further discussed this question and determined that it is within the scope of physician practice so long as the individual physician possesses the clinical competence to perform this task. The board requested an advisory opinion on this question as well.

Administrator's Report – Sheridan Spoon, Administrator

1. Physician Assistant Advisory Committee-After discussion the board approved the proceedings of the July 2020 PAAC including the membership of William E. O' Quinn, MD and Derek T. Roper, PA. Motion Dr. Schabel. Second Dr. Chow. Motion carried.
2. Respiratory Care Practitioner Advisory Committee- After discussion the board approved the proceedings of the July 2020 RCP Advisory Committee. Motion Dr. Wright. Second Dr. Schabel. Motion carried.
3. Acupuncture Advisory Committee- After discussion the board approved the Acupuncture Advisory Committee licensure approvals.
4. Anesthesiologist's Assistant Committee- After discussion the board approved the Anesthesiologist's Assistant Committee licensure approvals.
5. Update on Emergency Licensing- Since March 13, 2020, there have been 303 physician, 23 Physician Assistants, 38 Respiratory Care Practitioners, 78 Registered Nurses, 8 LPNs, and 81 APRN. Emergency licenses issued.

SOROUR, Hani M., M.D., 2017-120, Panel Report and Recommendations

The Panel Report and Recommendations is adopted. Respondent has not violated the Medical Practice Act. Motion Dr. Schabel. Second Dr. Franga. Motion carried.

POTTER, Benjamin, M.D., Request to prescribe controlled substances via telemedicine, [telepsychiatry]

Request is granted. Motion Dr. Chow. Second Dr. Dilts. Motion carried.

Petition for release from terms and conditions [closed hearing]

The prior order is amended to remove the quarterly reports from the treating physician requirement but to retain the part of the prior motion that required reporting by any employer of complaints against the physician within 14 days and admonishment by the Board that any complaints may serve as a basis for further action. Motion Dr. Schabel. Second Dr. Cook. Motion carried.

2019-396, MOA [closed hearing]

The MOA is accepted. Respondent has violated the Medical Practice Act. Private Reprimand. Imposition of investigative costs. Maintain RPP compliance. Respondent may not petition the Board for release from the RPP contract for a period of five years. Respondent must work according to the Pavilion recommendations. Motion Dr. Schabel. Second Dr. Dilts. Motion carried.

SLIGAR, Jaelyn L., M.D. Request to prescribe controlled substances via telemedicine

Request is granted. Motion Dr. Wright. Second Dr. Chow. Motion carried.

SIKOREVICH, Steve, M.D., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Welsh. Second Dr. Schabel. Motion carried.

BAULE, Raymond M., M.D., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Cook. Second Dr. Dilts. Motion carried.

GOSIS, Julia G., M.D., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

2017-625, MOA [closed hearing]

The MOA is accepted. Respondent has violated the Medical Practice Act.
Private reprimand. Investigative costs of the Board's investigation. Recordkeeping course approved by the Board to be completed within the next six months. Motion Dr. Schabel. Second Dr. Dilts. Motion carried.

ADKINS, Sherlonda T., P.A., Request to prescribe controlled substances via telemedicine.

Follow-up appearance from February 2020 meeting, ADKINS, Sherlonda T., P.A. and LOPEZ, Steven G., M.D., supervising physician

Request to prescribe controlled substances via telemedicine is granted with respect to both licensees. Motion Dr. Wright. Second Dr. Cook. Motion carried.

Public Comment

Recess

MEETING MINUTES
Tuesday, August 4, 2020

Office of Disciplinary Counsel and Office of Investigations and Enforcement Report [Closed Session]
Pat Hanks, Office of Disciplinary Counsel, Gregg Hinson, Office of Investigations and Enforcement
Discussion: Use of Consent Agreements for disciplinary cases, Pat Hanks, Office of Disciplinary Counsel

In addition to presentation of the case statistics and training received by OIE staff, Mr. Hinson presented 25 Dismissals, 15 Letters of Caution and 3 Formal Complaints.

Motion to accept Dismissals-Motion by Dr. Januchowski. Second by Dr. Wright. Motion carried.
Motion to accept Letters of Caution- Motion by Dr. Franga. Second by Dr. Wright. Motion carried.
Motion to accept Formal Complaints- Motion by Dr. Dilts. Second by Dr. Januchowski. Motion carried.

Discussion: Use of Consent Agreements for disciplinary cases, Pat Hanks, Office of Disciplinary Counsel
Mr. Hanks made a presentation on the various uses of Consent Agreements by the Board. After discussion, the board agreed to engage in more discussion on this idea at a later meeting.

2016-480, MOA

The MOA is accepted. Respondent has violated the Medical Practice Act.
Private reprimand. Investigative costs of \$400. Motion Dr. Schabel. Second Dr. Franga. Motion carried.

O'KELLY, Peter P., M.D., 2017-402 MOA

The MOA is accepted. Respondent has violated the Medical Practice Act.
Public reprimand. Investigative Costs. Take a recordkeeping course approved by the Board within 6 months.
Motion Dr.Schabel. Second Dr.Wright. Motion carried.

MYERS, Barnwell R., M.D., 2016-177, Panel Report and Recommendations [closed hearing]

The Panel Hearing Report and Recommendations is adopted. Respondent has violated the Medical Practice Act. Public reprimand. Respondent must complete two courses: one on narcotic prescribing, and a second on recordkeeping, both approved by the Board in the next six months. Motion Dr.Schabel. Second Dr. Howell. Motion carried.

2019-198 MOA [closed hearing]

The MOA is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Respondent must enroll in RPP for a period of at least five years.
Motion Dr. Schabel. Second Dr. Chow. Motion carried.

DANIELS, Brandon L, M.D., Petition for release from terms and conditions, 2015-133 [closed hearing]

Petition to return license to active, unrestricted status granted.
Motion Dr. Schabel. Second Dr. Januchowski. Motion carried.

Request to prescribe ED medications and Testosterone via telemedicine

John P. Short, D.O. of Chapin, S.C., and Brian Harbison, P.A.
Request denied. Motion Dr. Schabel. Second Dr. Howell. Motion carried.

RUBEL, Christopher J., M.D., Petition for Reinstatement, 2018-1

License reinstated with the following restrictions and limitations: Respondent may only work a maximum of 40 hours per week at a practice location and setting approved by the Board. Respondent may not petition the Board for any changes to these restrictions for at least one year.

Motion Dr. Schabel. Second Dr. Wright. Motion carried.

Public Comment

Adjournment 4:41PM