

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

Meeting Called to Order

Public notice of this meeting was properly posted at the South Carolina Board of Medical Examiners Office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Agenda - Monday, November 5, 2018

President's Report- Jeff A. Welsh, M.D.--Review and approval of Agenda; Approval of August 2018 minutes. Motion Dr. Saad. Second Dr. Schabel. Motion carried. Review and approval of excused absences. [n/a]

- a. Emily Farr, LLR Director, appearing. Director Farr appeared to address the board briefly, thanking the board for their service, provided her contact information and offered her assistance to the board in her capacity as agency director.
- b. Review of Joint Prescribing Guidelines Advisory Opinion-August 2017. After discussion, the board approved revisions to the Joint Prescribing Guidelines Advisory Opinion of August 2017. After approval by the three affected boards, the updated version will be posted on the LLR and board's webpage.
- c. Dermatology and Laser Center of Charleston, Dr. Todd E. Schlesinger-request for waiver of supervision requirements. After discussion, the board did not approve this waiver.
- d. Question regarding e-visits- Dr. Cook asked a question as to the permissibility of an e-visit model under the S.C. Telemedicine Act versus prescribing based on a questionnaire in the scenario presented by Dr. Cook. After extensive discussion, the board passed a motion to review and update the board's existing telemedicine advisory opinion. Drs. Welsh, Cook, Wright, Januchowski will participate.
- e. Proposed Regulations regarding adoption of AMA Code of Ethics. After discussion, the board passed a motion to withdraw the proposed regulation.
- f. Legislative Update-Holly Beeson, Rebecca Leach, LLR Office of Communications and Govt. Affairs. Holly Beeson and Rebecca Leach appeared to present the legislative update. The board discussed the possible upcoming introduction of a bill to require physicians to reimburse the JUA and medical marijuana.
- g. Proposed changes to the PA practice act, Kevin Harmon, SCAPA legislative chair-Kevin Harmon and Jennifer Marshall of SCAPA appeared to present proposed legislative changes to the PA practice act. After discussion, the board passed a motion to hold a follow-up called board meeting before December 1, 2018 to further review the proposed changes.
- h. Healthcare Collaborative Committee- after discussion, the board approved the proceeding of the Healthcare Collaborative Committee.

Administrator's Report – Sheridan Spoon, Administrator

1. Physician Assistant Advisory Committee-the board approved the proceedings and licensure recommendations of the Physician Assistant Advisory Committee.
2. Respiratory Care Practitioner Advisory Committee-Request for board reappointment of committee members Jerry Alewine,RCP; Luca Paoletti,M.D.; Fady Nassif,M.D.; Christopher Perry,M.D.; Scott Simms, RCP and Allan Dunphy, RCP [terms expiring 1/1/19]. The board re-appointed the above committee members.

3. Acupuncture Advisory Committee--Leslie Jafarace, Committee chair, appearing
 - a. Committee member vacancy--Dr. Nancy T. Tsai [vice] and consideration of appointment of Emily A. Darr, M.D. of Mt. Pleasant, S.C.. The board approved the appointment of Dr. Darr. Leslie Jafarace, committee chair appeared before the committee to propose regulatory changes to the certification requirements for auricular detoxification therapists. After discussion, the board decided not to promulgate these changes at this time.
 - b. District 6 Notice of Election--this Notice of Election will be mailed in December 2018.
 - c. Board public member vacancies--the three public member seats on the board are vacant. Assistance was requested from the board in this regard.
 - d. Use of Twitter for board information and orders--public board orders will be sent to the LLR Communications office for consideration to be communicated to LLR Twitter followers.

Federation of State Medical Boards Liaison Visit

Ian Marquand, FSMB SC Liaison and Lisa Robin, FSMB, Chief Advocacy Officer, appearing. Mr. Marquand and Ms Robin appeared to address the board. This visit occurs every three years. Topics of the presentation were the FSMB's creation of a staff fellow status for board staff, the House of Delegates process, the Interstate Licensure Compact, FSMB publications including a comprehensive one on board operations, the AMA Code of Ethics, the Occupational Licensing Board Antitrust Damages Relief and Reform Act, and opioid legislation.

2007-122, Stipulation of Facts [Closed Hearing]

Respondent has not violated the Medical Practice Act of South Carolina. Dismissal. Motion: Dr. Saad. Second Dr. Schabel. Motion carried.

2017-327, MOA

Respondent has violated the Medical Practice Act, specifically 40-47-110 (B)(9) and 40-47-110(B)(13). The Memorandum of Agreement is accepted. Private reprimand. Civil penalty of \$500 to be paid within six months. Investigative costs of \$100 to be paid within six months. Respondent must also complete a board-approved continuing medical education in professional boundaries within six months. Motion Dr. Saad. Second Dr. Cook. Motion carried.

2014-34, MOA [Closed Hearing]

Dismissal. Motion Dr. Saad. Second Dr. Cook. Motion carried.

PERLMAN, Donald B. of Florham Park, NJ, Applicant for Licensure

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

BURCHELL, Sherry A., M.D. of Orange, CA, Applicant for Reactivation

Approved for license reactivation without condition. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

COOK, Briggs E., Jr., M.D. of Davidson, N.C., Applicant for Licensure

Applicant's request to withdraw application accepted by the board.

ZHADKEVICH, Alexei M. M.D., of Charleston, S.C., Applicant for Licensure [Closed Hearing]

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

LENZ, Thomas W., III, M.D., of Columbia, S.C., Applicant for Licensure [Closed Hearing]

Approved for licensure provided Applicant remains compliant with terms and conditions known to him and the Board. Applicant can only be released from terms and conditions with a Board appearance. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

BARDELL, Craig R., M.D. of Forrest City, AR, Applicant for Licensure

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

BOK, Willem E., M.D. of Odessa, TX, Applicant for Licensure

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

Agenda- Tuesday, November 6, 2018

Office of Disciplinary Counsel and Office of Investigations and Enforcement Report

Pat Hanks, Office of Disciplinary Counsel, Gregg Hinson, Office of Investigations and Enforcement

In addition to the case statistics and training received by OIE staff, there were 238 active cases. 71 Dismissals, 1 Dismissals with an Order to Cease and Desist, 20 Letters of Caution and 16 Formal Complaint IRC recommendations were presented to the board for approval.

Motion to accept Dismissals and Order to Cease and Desist-Motion by Dr. Saad Second by Dr. Schabel. Motion carried.

Motion to accept Letters of Caution- Motion by Dr. Schabel. Motion carried by acclamation.

Motion to accept Formal Complaints- Motion by Dr. Saad. Second by Dr. Dilts. Motion carried.

IGARI, Yuki, M.D., of Dunbarton, NH, Applicant for Licensure

Approved for licensure without condition. Motion by Dr. Cook. Second Dr. Wright. Motion carried.

2016-449, MOA [Closed Hearing]

Private reprimand. Investigative costs of \$160 to be paid within six months. Motion by Dr. Saad Second Dr. Schabel. Motion carried.

2017-47, MOA

Letter of Caution. Motion Dr. Saad. Second Dr. Cook. Motion carried.

2017-412, MOA [Closed Hearing]

Letter of Caution. Motion Dr. Saad. Second Dr. Cook. Motion carried.

2015-248, MOA [Closed Hearing]

Letter of Caution. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2017-90, MOA

Letter of Caution. Motion Dr. Saad. Second Drs. Wright and Howell. Motion carried.

2018-257, MOA [Closed Hearing]

Respondent's request to lift worksite restrictions placed on the Respondent's licensure from May 14th, 2018 board order is granted. Respondent has violated the Medical Practice Act of South Carolina, in particular 40-47-110(B) (4), 40-47-110(B)(14), and 40-47-110(B)(16). The Memorandum of Agreement is accepted. Respondent shall receive a private reprimand with terms and conditions. Respondent must remain compliant with all terms and conditions set forth by the South Carolina Recovering Professionals Program until further notice. Respondent must submit proposed worksites to the South Carolina Board of Medical Examiners for review. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2015-119, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act. Private reprimand. Investigative costs in the amount of \$260 to be paid within six months. Must remain compliant with the South Carolina Recovering Professionals Program. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

FULLER, Virginia A., M.D. of Columbia, S.C., 2013-159, 2014-381, 2016-325, Petition for Release from terms and conditions [Closed Hearing]

Petition denied. Respondent may petition the board no sooner than 12 months for relief. Motion Dr. Saad. Second Dr. Cook. Motion carried.

JEBENS, Daniel H., D.O. of Greer, S.C., [suspended] 2012-442, Panel Report and Recommendations [Closed Hearing]

Respondent has violated the Medical Practice Act of South Carolina, specifically sections 40-47-110 (B)(2), 40-47-110(B)(9), 40-47-110(B)(13), 40-47-110(B)(16), 40-47-113 (a) and 40-47-110(1)(g). The panel report and recommendations are accepted.

Sanction: Permanent Revocation. Motion Dr. Saad. Second Drs. Wright and Dilts. Motion carried.

DBOUK, Wajdi A, M.D. of Anderson, S.C., 2014-64, Petition for release from terms and conditions

Release from terms and conditions granted. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

Public Comment