

THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS

MONDAY, FEBRUARY 6, 2023 – TUESDAY FEBRUARY 7, 2023 AT 8:30 A.M.
SYNERGY BUSINESS PARK, KINGSTREE BUILDING, ROOM 108
110 CENTERVIEW DRIVE,
COLUMBIA, SOUTH CAROLINA 29210

Public notice of this meeting was properly posted at the South Carolina Board of Medical Examiners Office, Synergy Business Park, Kingstree Building 110 Centerview Drive Columbia, SC 29210 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.

BOARD MEMBERS PRESENT:

Anne G. Cook, MD, President – Absent Tuesday, February 7, 2023
Stephen I. Schabel, MD, Vice President
Ronald P. Januchowski, DO, Secretary
Christopher C. Wright, MD
Robert Kosciusko, MD
Jennifer R. Root, MD
Theresa R. Mills-Floyd, MD
Richard R. Howell, MD
George S. "Scot" Dilts, MD

SCDLLR STAFF PRESENT:

Bob Horner, Esq., Office of Advice Counsel
Maggie Murdock, Esq., Board Administrator
Katie Phillips, Dir. of Governmental Affairs, Office of Communication & Governmental Affairs
Katie Harlacher, Program Coordinator
Pat Hanks, Esq., Office of Disciplinary Counsel
Rowland P. Alston, III, Esq., Office of Disciplinary Counsel
Prentiss Shealey, Esq., Office of Disciplinary Counsel
Tina L. Brown, Esq., Office of Disciplinary Counsel
Casey Smith, Esq. Office of Disciplinary Counsel
Shanika Moore, Esq., Office of Disciplinary Counsel
Jennifer Cooper, Administrative Coordinator, Office of Disciplinary Counsel
Sonya Morse, Paralegal, Office of Disciplinary Counsel
Donnell Jennings, Esq. Asst. Dep. Dir. of Enforcement, Office of Investigation & Enforcement
Amanda Branham, Chief Investigator, Office of Investigations & Enforcement
Byron Ray, Office of Investigations & Enforcement
Jennifer Harris, Investigator, Office of Investigations & Enforcement
Pete Siepert, Investigator, Office of Investigations & Enforcement
Doris Cochran, Investigator, Office of Investigations & Enforcement
David Escalante, Investigator, Office of Investigations & Enforcement
Ashley Bailey McNair, Investigator, Office of Investigations & Enforcement

Lolei Bristow, Investigator, Office of Investigations & Enforcement
Ratisha Brisbon, Investigator, Office of Investigations & Enforcement
Jessi Rish, Investigator, Office of Investigations & Enforcement
Bianca Smith, Investigator, Office of Investigations & Enforcement
Xavier Keitt, Division of operations technology and security

PRESENT:

Katherine Boone, Court Reporter
Latecia Cobbs, SCRPP
Robyn Madden, Esq., SCRPP
Amy Hand, Ph.D., SCAT, ATC
Zachery Richards, MS, SCAT, ATC
Kevin Herod, MS, ATC, SCAT
Heather Brannon, M.D. (via videoconference)
Apryl Watson, FNP-BC (videoconference)
Melvin Morse. M.D.
Ayanna Swinton-Jamison, M.D.

CALL TO ORDER

Meeting called to order by Dr. Anne Cook at 8:30a.m. on Monday, February 6, 2023.

REVIEW AND ADOPTION OF AGENDA/APPROVAL OF ABSENCES

The appearances at the following times were removed from the February 6th Agenda: 10:30a.m., 2:40p.m., and 3:00p.m. Motion to approve agenda with amendments, Dr. Wright. Second Dr. Schabel. Motion carried. The following absences were approved with approval of the agenda: Dr. Franga (Both Days) and Dr. Cook (Tuesday, February 7th). A quorum was still present for both days.

PRESIDENT'S REPORT

Legislative Update – Katie Phillips, LLR Director of Governmental Affairs, provided a legislative update. No motions made.

South Carolina Joint Protocol for Pharmacists Administering and Dispensing Hormonal Contraception ratification of change to Section IV- Joint protocol was discussed. Motion to approve joint protocol, Dr. Wright. Second Dr. Root. Motion carried.

CDC Pain Management Guideline 2022/BME Pain Management Guideline 2023 – Discussed Pain Management Guidelines. Motion to approve BME Pain Management Guidelines 2023, Dr. Wright. Second Dr. Root. Motion carried.

SC RPP guidance on voluntary participants - Discussed voluntary enrollment reporting requirements. Motion to allow RPP to release voluntary participants if they see fit, without notifying the Board, Dr. Schabel. Second Dr. Wright. Motion carried.

Completion of RPP term before disciplinary case is completed [Executive/Closed] – Motion to executive session for legal advice Dr. Schabel. Second Dr. Root. Motion carried.
Motion to return to closed session, Dr. Root. Second Dr. Schabel. Motion carried.

Discussion: Replacement IRC Member [Closed] – Discussed replacement IRC member. No Motions made.

Reciprocal Discipline Cases [Closed] – Reciprocal discipline cases to be solved via consent agreement approved by the Board chair. Motion Dr. Schabel. Second Dr. Kosciusko. Motion carried.

Motion to return to open session, Dr. Schabel. Second Dr. Root. Motion carried.

IV Hydration BME draft document – Discussed IV Hydration BME draft document. Motion to approve draft, Dr. Root. Second Dr. Schabel. Motion carried.

Approval of training program for Pharmacy Access Act – Discussed training program for Pharmacy Access Act. Motion to approve training, Dr. Root. Second Dr. Howell. Motion carried.

Medical Disciplinary Committee term limits – Medical Disciplinary Commission Members should have a term limit of three terms, with each term lasting 3 years. Motion Dr. Schabel. Second Dr. Howell. Motion carried.

ADMINISTRATOR’S REPORT

Licensing totals since last meeting – 305 MDs, 52 DOs, 4 MD Limited Licensees, 3 DO Limited Licensees, 80 PAs, 27 Temporary RCPs, 17 Permanent RCPs, 5 Volunteer Physicians, 3 Acupuncture, 2 Anesthesiologist Assistants, 2 CIS, and 1 RPT. 33,207 total licensees.

Physician Assistant Advisory Committee – Last meeting was held January 13, 2023. Jessica Seal’s term is expiring. Motion to reappoint her if willing, Dr. Schabel. Motion Dr. Wright. Motion carried. Board reviewed the Physician Assistant Committee meeting minutes. Motion to accept the minutes as written, Dr. Wright. Second Dr. Schabel. Motion carried.

Respiratory Care Practitioner Advisory Committee – Last meeting held January 13, 2023. Board reviewed the RCP Advisory Committee minutes. Motion to accept the minutes as written, Dr. Wright. Second Dr. Schabel. Motion carried.

Acupuncture Advisory Committee – Last meeting held November 18, 2022. Review and approval of Minutes differed to Tuesday, February 7th.

Election Update - Dr. Cook nominated for president by Dr. Wright. Second Dr. Schabel. Motion carried. Dr. Schabel nominated for Vice President by Dr. Wright. Second Dr. Howell. Motion

carried. Dr. Januchowski nominated for Secretary, Dr. Schabel. Second Dr. Wright. Motion carried.

FSMB Annual Meeting – Discussed May 4-6, 2023 meeting in Minneapolis. Motion to approve three people going to the FSMB meeting, with one of the three participating as a representative of the Board, Dr. Wright. Second Dr. Howell. Motion carried.

Meeting dates for 2023 – Discussed the remaining meeting dates for 2023: May 1-2, August 7-8, and November 6-7.

CASE NO. 2014-291 & 2015-31 SOF [CLOSED]

SOF accepted and respondent violated the Medical Practice Act, specifically 40-49(B)(9) and (B)(17). Respondent issued a private reprimand, costs of \$2,637, and a 4 hour CME record keeping course approved by the Board. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

CASE NO. 2020-409 MOA [CLOSED]

MOA accepted and respondent violated the Medical Practice Act, specifically 40-47-110(B)(17) and 40-17-113(A). Respondent issued a private reprimand, costs of \$1,080, and a 4 hour CME prescribing course approved by the Board. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

MORSE, Melvin Lee, M.D., Applicant

Discussed requirements for licensure. No motions made.

CASE NO. 2017-627 MOA [CLOSED]

MOA accepted and respondent violated the Medical Practice Act, specifically 40-47-110 (B)(7). Respondent issued a private reprimand and costs of \$1,451.65. Motion Dr. Januchowski. Second Dr. Wright. Motion carried.

CASE NO. 2021-569 MOA [CLOSED]

MOA accepted and respondent violated the Medical Practice Act, specifically 40-47-110(B)(3), (B)(14) and (B)(17). Respondent issued a private reprimand, costs of \$210 and a Board approved 2-hr ethics course. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

MOTION TO ADJOURN

Motion to adjourn Dr. Schabel. Second Dr. Wright. Motion carried. Adjourned at 4:28p.m.

CALL TO ORDER

Meeting called to order by Dr. Ronald Januchowski at 8:30a.m. on Tuesday, February 7, 2023

Motion to closed session, Dr. Schabel. Second Dr. Howell. Motion carried.

ODC/OIE REPORT [CLOSED]

Pat Hanks, Esq., ODC and Amanda Branham, OIE

Investigation and Enforcement Board Report – Amanda Branham, OIE, presented a total of 92 cases.

Dismissals

56 dismissals were presented to the board. Motion to approve dismissals, Dr. Schabel. Second Dr. Root. Motion carried.

Letters of Caution

26 letters of caution were presented to the board. Motion to move item #64 to dismissal, Dr. Kosciusko. Second Dr. Dilts. Motion carried. Motion to move item #68 to dismissal, Dr. Kosciusko. Second Dr. Wright. Motion carried. Motion to accept letters of caution except for items #64 and #68, Dr. Root. Second Dr. Schabel. Motion carried.

Formal Complaints

10 Formal Complaints were presented to the board. Motion to accept formal complaints, Dr. Schabel. Second Dr. Howell. Motion carried.

ODC Walk-backs – Prentiss Shealey, Esq., ODC, presented a total of 3 cases. Motion to accept ODC walk-backs, Dr. Dilts. Second Dr. Schabel. Motion carried.

Informal Conferences – Prentiss Shealey, Esq., ODC, presented a total of 6 cases. Motion to accept informal conferences except for case 2021-578, Dr. Dilts. Second Dr. Howell. Motion carried.

CASE NO. 2022-12 MOA [CLOSED]

MOA accepted and respondent violated the Medical Practice Act, specifically 40-47-110(B)(14) and (B)(17). Respondent issued a private reprimand, \$300 fine, and 2 hour CME course on medical ethics. Motion Dr. Wright. Second Dr. Schabel. Motion carried.

Motion to open session from closed session, Dr. Howell. Second Dr. Schabel. Motion carried.

APPROVAL OF ACUPUNCTURE MINUTES

Motion to approve the minutes, Dr. Dilts. Second Dr. Howell. Motion carried.

APPROVAL OF NOVEMBER 2022 BOARD MEETING MINUTES:

Motion to approve the minutes, Dr. Howell. Second Dr. Wright. Motion carried.

2021-317 PANEL REPORT [CLOSED]

Panel findings accepted and respondent violated the Medical Practice Act, specifically 40-47-110(B)(3) and (17). Respondent issued a private reprimand, 4 hour CME recordkeeping course and \$2,710 in costs of investigation. Motion Dr. Wright. Second Dr. Howell. Motion carried.

BRANNON, Heather, M.D. and WATSON, Apryl, FNP-BC, Greenville ADHD Specialists, Requesting Permission to Prescribe Schedule II Non-Narcotics via Telehealth to New Patient Residents of SC Without an in Person Encounter.

Motion to allow these two providers to prescribe schedule two non-narcotics via telemedicine, Dr. Root. Second Dr. Kosciusko. Motion carried.

Motion to executive session for legal advice, Dr. Schabel. Second Dr. Dilts. Motion carried.

Motion back to open session, Dr. Schabel. Second Dr. Howell. Motion carried.

DISCUSSION/PRESENTATION: ATHLETIC TRAINING

Discussed. No motions made.

Motion to closed session, Dr. Wright. Second Dr. Schabel. Motion carried.

2021-532 MOA [CLOSED]

MOA accepted and Respondent violated the Medical Practice Act, specifically 40-47-110 (B)(9), (B)(8), and (B)(14). Respondent issued a private reprimand and costs. Respondent's license has been reinstated. Additional terms known between the respondent and the Board. Motion Dr. Wright. Second Dr. Schabel. Motion carried.

SWINTON, Ayanna, M.D. Requesting telemedicine waiver

Motion to grant the exception, Dr. Wright. Second Dr. Mills-Floyd. Two abstentions. Motion carried.

MOTION TO ADJOURN

Motion to adjourn, Dr. Schabel. Second Dr. Root. Motion carried. Adjourned at 3:55 p.m.