

THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS

MONDAY, NOVEMBER 6, 2023 AT 8:30A.M.
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE
COLUMBIA, SC 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
Stephen I. Schabel, MD, Vice President
Christopher C. Wright, MD
Robert Kosciusko, MD
Jennifer R. Root, MD
Richard R. Howell, MD
George S. "Scot" Dilts, MD
Dion Franga, MD

SCDLLR STAFF PRESENT:

Bob Horner, Esq., Office of Advice Counsel
Maggie Murdock, Esq., Program Director
Katie Harlacher, Program Coordinator
Others as noted

REPORTED BY:

Tina F. Behles, CVR-M

MONDAY, NOVEMBER 6, 2023

CALL TO ORDER

Meeting was called to order by Dr. Cook at 8:33 a.m.

EXCUSED ABSENCE

Dr. Mills-Floyd was the only excused absence.

REVIEW AND APPROVAL OF AGENDA

Motion to accept the agenda, Dr. Wright. Second, Dr. Dilts. Motion carried.

REVIEW AND APPROVAL OF AUGUST AND SEPTEMBER 2023 MINUTES

Motion to accept the minutes, Dr. Root. Second, Dr. Wright. Motion carried.

PRESIDENT'S REPORT

Legislative Update – None to report.

Certifying Statement on Application – Discussed the Certifying Statement on the initial physician application. The Certifying Statement authorizes personal physicians to release applicant records and information to the Board. Discussed updating the statement, so it is not an automatic release, and adding a sentence saying a release may be required. Motion to accept the update, Dr. Wright. Second, Dr. Root. Motion accepted.

Continuing Education for Physician Assistants – Discussed continuing education for Physician Assistants. Motion to request PA committee to come up with adequate CME requirements for Physician Assistants, Dr. Root. Second, Dr. Dilts. Motion carried.

Athletic Trainers Committee – Discussion regarding appointment of Athletic Trainers Committee members. Motion to executive session to discuss candidates, Dr. Wright. Second, Dr. Schabel. Motion carried. Motion out of executive session, Dr. Wright. Second, Dr. Root. Motion carried.

Motion, from Dr. Wright, to appoint the following to the Athletic Trainers Committee for a 2-year term: Sheila Gordon, Kevin Ennis, Larry Bowman and a community member that is to be assigned; and motion to appoint the following for a 4-year term: Craig Clark, Danny Poole, Clark Haggard, Jeffrey Guy and Charles Wingard. Second, Dr. Schabel. Motion carried.

ADMINISTRATOR'S REPORT

PA Advisory Committee – No recent meeting, next meeting is scheduled for January 12, 2024.

Respiratory Committee – No recent meeting, next meeting is scheduled for January 12, 2024. Discussed candidates interested in serving on the RCP committee. Candidate selection deferred.

Acupuncture Advisory Committee – No recent meeting, next meeting TBD April 2024.

Election Update – Presented, no motions made.

2024 Meeting Dates – Presented the following meeting dates for 2024: February 5-6, May 6-7, August 5-6, and November 4-5. Motion to approve dates, Dr. Root. Second, Dr. Schabel. Motion carried.

FSMB Annual Meeting – Discussed travel for the annual Federation of State Medical Boards conference scheduled for April 18-20, 2024. Motion to approve travel for three attendees, Dr. Schabel. Second, Dr. Dilts. Motion carried.

FARB Conference – Discussed travel for Federation of Associations of Regulatory Boards conference scheduled for January 25-27, 2023. Motion to approve travel for Maggie Murdock, and new Board Administrator, Dr. Schabel. Second, Dr. Dilts. Motion carried.

License issuance totals – Discussed, no motions made.

Agenda Amendment – Motion to amend agenda to include the Election of Officers for 2024, Dr. Root. Second, Dr. Schabel. Motion carried.

ELECTION OF OFFICERS:

Nominations:

Dr. Anne Cook nominated for Secretary by Dr. Root. Second, Dr. Kosciusko. All in favor.

Dr. Christopher Wright nominated for Vice President by Dr. Dilts. Second, Dr. Franga. All in favor.

Dr. Anne Cook nominated for President and Dr. Jennifer Root nominated for Secretary, by Dr. Wright. Second, Dr. Franga.

Confirmation of Officers:

Dr. Root nominated as Secretary, Dr. Wright nominated as Vice President, and Dr. Cook nominated as President. All in favor, none opposed.

CLOSED SESSION

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

PATRICK KAVANAGH, M.D., CONSENT AGREEMENT CASE NO. 2022-352

[CLOSED]

Discussed Consent Agreement process. Motion to executive session, Dr. Wright. Second, Dr. Franga. Motion carried. Motion out of executive session, Dr. Wright. Second, Dr. Dilts. Motion carried. Motion to accept consent agreement, Dr. Franga. Second, Dr. Schabel. Motion carried.

CARRIE WATTERS, RCP, MOA FINAL ORDER HEARING CASE NO. 2022-366

[CLOSED]

Motion to executive session, Dr. Wright. Second, Dr. Schabel. Motion carried. Motion out of executive session, Dr. Schabel. Second, Dr. Franga. Motion carried. Public reprimand.

Respondent's license will remain indefinitely suspended until Respondent complies with terms and conditions known between her and the Board. Motion, Dr. Root. Second, Dr. Schabel. Motion carried.

MOA FINAL ORDER HEARING CASE NO.: 2022-121 [CLOSED]

Motion to accept MOA and continue temporary suspension until such time as Respondent is reinstated in North Carolina. Respondent must reappear before the before should she seek reinstatement of her South Carolina license. Motion, Dr. Franga. Second, Dr. Wright. Motion carried.

STIPULATION OF FACTS, FINAL ORDER HEARING CASE NO. 2020-521 [CLOSED]

Recusals: Dr. Wright

Motion to executive session for legal advice, Dr. Schabel. Motion to dismiss, Dr. Franga. Second, Dr. Dilts. Motion not carried. Motion to second Dr. Schabel, Dr. Root. Motion carried. Motion out of executive session, Dr. Franga. Second, Dr. Schabel. Motion carried. Motion to dismiss, Dr. Franga. Second, Dr. Schabel. Motion carried.

OPEN SESSION

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

MUSC TELEMEDICINE REQUEST

Appearing in Person: Dr. James McElligott, Ryan Burnaugh and Ragan Richardson
Appearing via Webex: Elizabeth Player, Esq., Dr. Robert Borowski, Dr. Dee Ford, and Andrea Rinn

Motion to executive session, Dr. Howell. Second, Dr. Kosciusko. Motion carried.
Motion out of executive session, Dr. Schabel. Second, Dr. Howell. Motion carried.

Motion to consider a protocol that includes a relationship with primary care as a mechanism prior to prescribing. Once the updated protocol is produced for the Board, reappearance is not necessary. Motion by Dr. Root. Second, Dr. Howell. Motion carried.

Discussed the need for further board-approval if additional providers are to be added to the list approved at the November 2023 Board Meeting.

SERGIO PINKSI, M.D., ACADEMIC APPLICANT

Appearing alongside department chair, Dr. Tom DeSalvo
Motion to executive session, Dr. Schabel. Second, Dr. Howell. Motion carried. Motion out of executive session, Dr. Schabel. Second, Dr. Howell. Motion to allow applicant to proceed with academic license, Dr. Dilts. Second, Dr. Schabel. Motion carried.

LUNCH

Motion to adjourn for lunch, Dr. Franga. Second, Dr. Howell. Motion carried.

OPEN SESSION

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

LOUIE LAWSON, M.D., TELEHEALTH REQUEST

Appearing via Webex.
Motion to grant telemedicine request, Dr. Root. Second, Dr. Howell. Motion carried.

CLOSED SESSION

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

OFFICE OF DISCIPLINARY COUNSEL AND OFFICE OF INVESTIGATIONS AND ENFORCEMENT REPORT [CLOSED]

OIE presented status report and training report. No motions made.

OIE presented the following cases on the IRC Report: 45 Dismissals, 14 Letters of Caution, and 12 Formal Complaints.

Dismissals

Motion to approve dismissals, Dr. Schabel. Second Dr. Dilts. Motion carried.

Letters of Caution

Motion to dismiss case no. 49, Dr. Kosciusko. Second, Dr. Dilts. Motion carried.

Motion to dismiss case no. 47, Dr. Franga. Second, Dr. Schabel. Motion carried.

Motion to dismiss case no. 52, Dr. Howell. Second, Dr. Franga. Motion carried.

Motion to dismiss case no. 59, Dr. Kosciusko. Second, Dr. Schabel. Motion carried.

Motion to approve the letters of caution, except for those that were already dismissed, Dr. Howell. Second, Dr. Schabel. Motion carried.

Formal Complaints

Motion to approve formal complaints, Dr. Schabel. Second, Dr. Dilts. Motion carried.

OPEN SESSION

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

ADMINISTRATOR’S REPORT – RESPIRATORY CARE COMMITTEE REVISITED

Motion by Dr. Root to nominate Dr. Michael Fields and Dr. Vinod Jona for the physician vacancies on the Respiratory Care Committee. Second, Dr. Schabel.

Motion by Dr. Root to nominate Sonya Bracone, Michelle Parker Sawyer, Marissa Clark, Joseph Ariaie and Laurel Glover for the five RCP vacancies on the Respiratory Care Committee. Second, Dr. Schabel. Motion carried.

KRISHNA BHANDARI, M.D., ACADEMIC APPLICANT

Applicant and Department Chair, Dr. Prabhakar Baliga, appearing via Webex.

Motion to executive session, Dr. Howell. Second, Dr. Root. Motion carried. Motion out of executive session, Dr. Schabel. Second, Dr. Dilts. Motion carried.

In lieu of academic licensure, the Board will accept Dr. Bhandari’s three years at MUSC as meeting requirements for permanent licensure. Motion Dr. Root. Second, Dr. Schabel. Motion carried.

STIPULATION OF FINAL ORDER HEARING CASE NO. 2021-344 [CLOSED]

Motion to executive session, Dr. Wright. Second, Dr. Schabel. Motion carried. Motion out of executive session, Dr. Schabel. Second, Dr. Root. Motion carried. Motion to accept Stipulation of Facts, find a violation of S.C. Code §§ 40-47-110(B)(9) and 40-47-110(B)(14), issue a public reprimand, costs of \$400, and a monetary sanction of \$10,000. Motion, Dr. Franga. Second, Dr. Wright. Motion carried.

Dr. Schabel excused for the day.

STIPULATION OF FACTS FINAL ORDER HEARING CASE NO. 2021-343 [CLOSED]

Motion to executive session, Dr. Wright. Second, Dr. Howell. Motion carried. Motion out of executive session, Dr. Howell. Second, Dr. Dilts. Motion carried. Motion to accept Stipulation of Facts, find a violated of S.C. Code § 40-47-195(B), issue a private reprimand and a monetary sanction of \$10,000. Motion, Dr. Wright. Second, Dr. Howell. Motion carried.

STIPULATION OF FACTS, FINAL ORDER HEARING CASE NO. 2017-496 [CLOSED]

Motion to executive session, Dr. Dilts. Second, Howell. Motion carried. Motion out of executive session, Dr. Root, second Dr. Howell. Motion carried. Motion to accept Stipulation of Facts, find no violation of the Medical Practice Act, but issue a letter of caution. Motion Dr. Root. Second Dr. Howell. Motion carried.

MEMORANDUM OF AGREEMNT, FINAL ORDER HEARING CASE NO. 2023-01 [CLOSED]

Motion to executive session, Dr. Franga. Second, Dr. Kosciusko. Motion carried. Motion out of executive session, Dr. Howell. Second, Dr. Dilts. Motion carried. Motion to accept the Memorandum of Agreement, find a violation of S.C. Code §§ 40-47-110(B)(9), 40-47-110(B)(14), 40-47-110(B)(17), and 40-47-113(A), issue a private reprimand with four hours of continuing medical education on prescribing scheduled drugs, and \$220 in costs. Dr. Root, motion. Dr. Dilts, second. Motion carried.

Motion to adjourn. Dr. Kosciusko, motion. Dr. Franga, second. Motion carried.

Adjourned 6:28 p.m.