

EXECUTIVE SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
August 4 - 6, 2014

Board Meeting
Synergy Business Park
The Kingstree Building
110 Centerview Dr., Room 108
Columbia, South Carolina 29210

MEETING CALLED TO ORDER

Dr. Stephen Gardner, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:30 A.M., on Monday, August 4, 2014, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Gardner 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. Stephen Gardner, of Greenville, President
Dr. Jeff Welsh, of Columbia, Vice President
Dr. Robert Turner, of Florence, Secretary
Dr. Jim Chow, of Columbia
Dr. James Hubbard, of Rock Hill
Dr. Timothy Kowalski, of Columbia
Dr. Anne Cook, of Anderson
Dr. Daniel Saad, of Greer
Mrs. Mary Phillips, of Beaufort

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

Sheridon Spoon, Board Administrator
April Koon, Administrative Coordinator
Brenda Eason, Administrative Assistant
Laura McDaniels, Administrative Assistant
Connie Flanery, Administrative Assistant
Kathy Burgess, Administrative Assistant
Latonia Jones, Administrative Assistant
Debra Wade, Administrative Assistant

Office of Disciplinary Counsel

Patrick Hanks, Office of Disciplinary Counsel
Megan Flannery, Assistant Disciplinary Counsel

Office of Advice Counsel

Darra Coleman, Chief Advice Counsel
Wick Stuart, Advice Counsel

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM MAY 5 -6, 2014 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the May 5 -6, 2014 minutes by Dr. Welsh and seconded by Dr. Chow. The motion and the minutes were unanimously passed.

AMERICAN BOARD OF MEDICAL SPECIALTIES REQUEST TO DISCUSS MAINTENANCE OF CERTIFICATION FOR PHYSICIAN RENEWAL

Carol Clothier, Vice President of State Healthcare Policy and Public Affairs with ABMS, came and spoke to the Board about their organization and its many functions including membership and certificate requirements. Ms. Clothier encouraged the Board to accept Maintenance of Licensure to be sufficient for the continuing education requirements for physician license renewal.

The Board took this under advisement at this time.

GOVERNORS PRESCRIPTION DRUG ABUSE PREVENTION TASK FORCE UPDATE

Darra Coleman, Chief Advice Counsel for the Board along with Dr. Louis Costa gave an update on progress the task force is making. The Governor has tasked the committee to create a workgroup to draft clinical guidelines for the Boards consideration and refine the Boards pain policy. This workgroup will work to draft guidelines that create control in prescribing in a safe method for patients and will work to mandate registry of physicians to the Prescription Monitoring Program.

SOUTH CAROLINA MEDICAL ASSOCIATION REQUEST FOR CLARIFICATION OF STATEWIDE ORGANIZATIONS APPROVED TO PROVIDE CONTINUING MEDICAL EDUCATION (CME)

The SCMA asked for direction and clarification from the Board on statewide organizations approved to provide continuing medical education relative to the two hour of prescription writing law passed in Bill 840. The board's position on statewide organizations is inclusive of the entities that are authorized to offer certified CMEs and not exclusive or endorsing one particular one.

Dr. Kowalski made a motion to allow the Board Administrator to amend the renewal application to include language consistent with Senate Bill 840 as signed into effect by the Governor and sees the effective date to be immediately. Motion was seconded by Dr. Saad.

All in favor

Motion carries

LEGISLATIVE UPDATE

Holly Beeson, Office of Communications and Government Affairs with LLR updated the Board on bills that impact the Medical community. Mrs. Beeson's updates included the Telemedicine Bill which did not proceed forward but she expects to see future filings of new bills in 2015. The Marijuana Bill 1035 passed that created an opportunity for people to participate in clinical trials approved by the FDA.

Janet Harris-Hicks, MD

2012-18

Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand

Motion seconded by Mrs. Phillips

All in favor

Motion carries

2013-74

Final Order Hearing

Dr. Cook made a motion to have hearing at the November 2014 Board meeting due to respondent not receiving proper notification of the hearing.

Motion seconded by Mrs. Phillips

All in favor

Motion carries

Wanda May J Starling, MD

2008-190

Final Order Hearing

Dr. Turner made a motion as follows:

- Accept MOA
- Public Reprimand
- Cost of \$900.00 to be paid within six months

Motion seconded by Dr. Kowalski

All in favor

Motion carries

Stephen Stroud, MD

2012-98

Final Order Hearing

Dr. Kowalski made a motion to accept the panel's recommendation for dismissal. Dr. Welsh seconded the motion. All in favor. Motion carries

Christopher MontJoy, MD

2013-7

Final Order Hearing

Dr. Kowalski made a motion as follows:

- Public Reprimand
- Fine of \$2,500 to be paid within six months
- Cost of \$340 to be paid within six months
- Continuance with RPP and all their recommendations
- Practice site and hours must be approved by the Board
- Quarterly reports from Employer and Psychiatrist Dr. Richard Sherman

-
- No prescribing of Controlled substances until successfully completing a prescribing controlled substances course approved by the board

Motion seconded by Dr. Chow

All in favor

Motion carries

Michael Vories, MD

2014-95

Final Order Hearing

Dr. Turner made a motion as follows:

- Public Reprimand
- Cost of \$100 to be paid within six months
- Continuance with RPP for a minimum of five years
- Quarterly reports from Psychiatrist for duration of RPP

Motion seconded by Dr. Cook

All in favor

Motion carries

2011-197

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Fine of 2,500 to be paid within six months
- Cost of \$535 to be paid within six months
- Record keeping and Prescribing courses approved by the Board

Motion seconded by Dr. Saad

All in favor

Motion carries

2010-198

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay Court Cost of \$1,000

Motion seconded by Dr. Kowalski

All in favor

Motion carries

Thomas McFadden, MD

2012-31

Final Order Hearing

Dr. Turner made a motion to accept the panel's recommendation for dismissal. Dr. Welsh seconded the motion. All in favor. Motion carries

A motion was made by Dr. Welsh and seconded by Dr. Saad to adjourn at 7:15 pm

Reconvened at 8:30 am Tuesday August 5, 2014

OIE REPORT

Althea Myers, chief investigator for Office of Investigations presented the Investigative Review Committee's Report along with the statistical report

Dismissals

74 cases were recommended and approved for dismissal. Dr. Hubbard moved to accept the recommendations and Dr. Chow seconded the motion and the Board unanimously approved the recommendations.

Formal Complaints

31 cases were recommended for Formal Complaint. Dr. Kowalski moved to accept the recommendations. Dr. Hubbard seconded the motion and the Board unanimously approved the recommendations.

A motion was made by Dr. Kowalski and seconded by Dr. Welsh to move Case number 2009-213 that was previously approved for a Formal Complaint to an informal conference. The Board unanimously approved the recommendations.

Letters of Caution

23 cases were recommended for a Letter of Caution. A motion was made by Dr. Hubbard to approve the Letters of Caution minus case number 2012-257 which they requested an informal conference. Dr. Welsh seconded the motion and the Board unanimously approved the recommendations.

TELEMEDICINE DISCUSSION

Dr. Roger Ray, Chief Medical Officer with Carolina Health Systems and Dr. Rick Foster with Palmetto Care Connections presented their telemedicine models to the board and asked for clarification on the model of telemedicine they practice. Dr. Gardner asked that the board be given time to work out a policy and implement it. The projected date of this proposed advisory opinion is expected to be within the next few months.

Dr. Gardner suggested that an executive session teleconference be held between now and November 2014 to begin to bring forth a policy for the state concerning telemedicine.

REQUEST FOR EXEMPTION OF MORE THAN THREE NURSE PRACTITIONERS

Dr. David Sherbondy and Elizabeth Shatten, APRN appeared before the Board to request an exemption to allow Ms. Shatten to be the fourth practitioner under Dr. Sherbondy's supervision. A motion was made by Dr. Kowalski and seconded by Dr. Cook to allow for this exemption. The Board unanimously approved the exemption.

Guy R Bibeau, MD

Request to expunge previous agreement

A motion was made by Dr. Hubbard and seconded by Dr. Chow to expunge the previous agreement.

All in favor

Motion carries

Steven Matzinger, MD

Request to be released from Final Order

Dr. Cook made a motion to release respondent from the Final Order. Motion seconded by Dr. Hubbard.

All in favor

Motion carries

Andrew Annand, MD

Request to be released from Final Order

Dr. Welsh made a motion to release respondent from the Final Order. Motion seconded by Dr. Hubbard.

All in favor

Motion carries

Request to be released from Private Agreement

Dr. Kowalski made a motion to release respondent from the Private Agreement at the same time the Ohio license was released. If respondent is not released in Ohio then agreement will remain in place in SC. Motion seconded by Dr. Turner.

All in favor

Motion carries

Jeffrey Hendricks, MD

Applicant for licensure

A motion was made by Dr. Gardner to allow applicant to proceed with licensure. Motion was seconded by Dr. Kowalski.

All in favor

Motion carries

James Fanning, MD

Applicant for licensure

A motion was made by Dr. Hubbard to allow applicant to proceed with licensure. Motion was seconded by Dr. Cook.

All in favor

Motion carries

Marlon Clarke, MD

Applicant for licensure

A motion was made by Mrs. Phillips to allow applicant to proceed with licensure. Motion was seconded by Dr. Welsh.

All in favor

Motion carries

Albert Ford, MD

Applicant for licensure

A motion was made by Dr. Saad to allow applicant to proceed with licensure once he provides proof of all 150 hours of CME's required to obtain licensure. Motion was seconded by Dr. Welsh.

All in favor

Motion carries

Philip Kirn, MD

Applicant for licensure

A motion was made by Dr. Chow to allow applicant to proceed with licensure. Motion was seconded by Dr. Hubbard.

All in favor

Motion carries

2012-287

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Fine of \$1,000 to be paid within six months
- Cost of \$40 to be paid within six months

Motion seconded by Dr. Saad

Dr. Gardner dissented

Motion carries

A motion was made by Dr. Welsh and seconded by Dr. Kowalski to adjourn at 6:10 pm

Reconvened at 8:30 am Wednesday August 6, 2014

EMERGENCY UNIVERSITY/CPR TRAINING COURSE PRESENTATION

Erin Massey with Emergency University presented their CPR training course and asked for the course to be certified for approval by the board to be used for any individual needing to have

their CPR requirements per regulation. A motion made by Dr. Chow to deny approval of CPR course. Motion was seconded by Dr. Hubbard.

All in favor

Motion carries

Leilani Lee, MD

Applicant for licensure

A motion was made by Dr. Hubbard to allow applicant to proceed with licensure. Motion was seconded by Dr. Chow.

All in favor

Motion carries

Serrie Lico, MD

Applicant for licensure

A motion was made by Dr. Chow to allow applicant to proceed with licensure. Motion was seconded by Dr. Saad.

All in favor

Motion carries

Melissa Bailey, DO

Applicant for licensure

A motion was made by Mrs. Phillips to allow applicant to proceed with licensure. Motion was seconded by Dr. Kowalski.

All in favor

Motion carries

Ronald Lewis, MD

Applicant for licensure

A motion was made by Dr. Saad to allow applicant to proceed with licensure. Motion was seconded by Dr. Cook.

All in favor

Motion carries

Akili Graham, MD

Applicant for licensure

A motion was made by Dr. Hubbard to deny the application. Motion was seconded by Mrs. Phillips.

All in favor

Motion carries

Lisa Sanders, DO

Applicant for licensure

Applicant withdrew application. No motions were made by the Board.

David Rodriguez, MD

2014-244

Final Order Hearing

Dr. Kowalski made a motion as follows:

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- Public Reprimand
 - Fine of \$1,000
 - Cost of \$240
 - Abide by CME orders from hearing officer
 - Take CME coursed in record keeping and prescribing within the next six months and reported to the Board
 - Limited to site specific practice including Lake City Emergency Room, Crescent Family Medicine and current nursing home patients with no additional patients
 - Must avoid pain clinic and avoid hospice patients
 - Must register for the prescription management program within the next 30 days and use the prescription management program for every controlled substance that is written for the next two years
 - May not supervise APRNs' or PAs' with prescriptive authority or other licensed medical personnel for level two drugs
 - May petition the Board about these sanctions in one year

Motion seconded by Dr. Cook

Motion carries

John Billinsky, MD

Applicant for licensure

A motion was made by Dr. Kowalski to allow applicant to proceed with licensure. Motion was seconded by Dr. Hubbard.

All in favor

Motion carries

Richard Adams, MD

Applicant for licensure

A motion was made by Dr. Saad to allow applicant to proceed with licensure. Motion was seconded by Dr. Cook.

All in favor

Motion carries

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS

Dr. Gardner presented recommendations from the July, 11 2014 Physician Assistants Advisory Committee meeting for the Board's review. After considering the recommendations, additions, deletions and corrections, Dr. Kowalski moved to accept and Dr. Turner seconded the motion to approve the recommendations. All in favor. Motion carries. (See Attached)

RESPIRATORY CARE PRACTITIONER ADVISORY COMMITTEE RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections, a motion was made by Dr. Cook and seconded by Mrs. Phillips to approve the recommendations of the July 18, 2014 meeting. All in favor. Motion carries. (See Attached)

ANESTHESIOLOGIST'S ASSISTANT ADVISORY COMMITTEE RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections a motion was made by Dr. Welsh and seconded by Dr. Kowalski to approve the recommendations of the AA applicants.

All in favor

Motion carries (See Attached)

ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDATIONS

After considering the recommendations, a motion was made by Dr. Kowalski to accept the recommendations for informational purposes, but to decline to accept the proposed definition and claim reference to the statutory definition of Acupuncture as set forth in 40-47-705, subparagraph one. Motion was seconded by Dr. Chow.

All in favor

Motion carries

PRESIDENT AND ADMINSTRATOR REMARKS

- 1.) Mr. Spoon spoke to the Board concerning the interview process and ways to make this process more efficient for all members and licensees. The Board took this under advisement.
- 2.) Mr. Spoon spoke to the Board concerning the *Termination of the Physician Patient Relationship* policy and asked for a revision so that individuals that want to dismiss patients no longer have to copy the certified letter to the board . Mrs. Phillips made a motion to amend the policy to delete “and a copy to the Medical Board Administrator”. Motion was seconded by Dr. Hubbard. All in favor. Motion carries

Board adjourned 5:10pm on Wednesday, August 6, 2014

Respectfully Submitted

April Koon

Administrative Coordinator