

STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
EXECUTIVE SESSION MINUTES
AUGUST 7-9, 2017

Monday, August 7, 2017

Review and adoption of Agenda. After review the meeting agenda was adopted. Motion by Dr. Turner. Second by Dr. Welsh.

Approval of May 2017 minutes. After review, the board approved the May 2017 meeting minutes. Motion by Dr. Welsh. Second by Dr. Dilts.

Newly elected board members Scot Dilts, M.D. of District 5 and Ronald Januchowski, D.O. [D.O. seat] were seated and introduced to the board.

Review and approval of excused absences. The board approved the absence of Dr. Cook after 5p.m. August 7th and Dr. Januchowski for August 9th. Motion by Dr. Saad. Second by Dr. Welsh.

President's Report

1. Exception for the prescribing of buprenorphine (Suboxone) when care is delivered via Telehealth for specific treatment of opioid addicted pregnant mothers; Exception for the prescribing of opioid medications when care is delivered via Telehealth for the specific treatment of chronic pain conditions among non-addicted pregnant women. Appearing James T. McElligott, MD MSCR, Medical Director-follow-up appearance.
 - a. Exception for the prescribing of buprenorphine (Suboxone) when care is delivered via Telehealth for specific treatment of opioid addicted pregnant mothers. After discussion, the board approved this exception. Motion by Dr. Saad. Second by Dr. Cook. Motion carried.
 - b. Exception for the prescribing of opioid medications when care is delivered via Telehealth for the specific treatment of chronic pain conditions among non-addicted pregnant women. After discussion, the board approved this exception as amended. Motion by Dr. Saad. Second by Dr. Cook. Motion carried.
2. Revised Joint Pain Management Guidelines-review and approval. After discussion, the board approved the guidelines as amended. Motion by Dr. Cook. Second by Dr. Schabel. Motion carried.
3. Definition of Actual Consultation Advisory Opinion. After discussion, the board approved a motion to retract this advisory opinion. Motion by Dr. Saad. Second by Dr. Welsh. Motion carried.
4. Use of Certified Medical Assistants and Certified Nursing Assistant. After discussion, the board directed the Office of Advice Counsel to respond and report back to the board after review of the Medical and Nursing practice acts. Motion by Dr. Cook. Second by Dr. Schabel. Motion carried.
5. Request for guidance on teleprescribing. Appearing Gaye Douglas, DNP, MEd, APRN-BP, Coordinator for Telehealth and Graduate Medical Education, HopeHealth, Inc. After discussion, the board determined that this issue falls within S.C. Code 40-47-113[B] regarding establishment of the physician/patient relationship and not S.C. Code 40-47-37, the Telemedicine Act. The board accepted the request in this form and advised Ms. Douglas to ensure that the protocols are appropriately updated with the Board of Nursing. Motion by Dr. Turner. Second by Dr. Schabel. Motion carried.
6. Regulation of Lay Midwives-discussion of DHEC's request for an Attorney General's opinion. This item was presented to the board as information only and no action was taken.

7. Botox Joint Committee-Advisory Opinion-June 9th, 2017. The board approved this joint opinion of the boards of Medical, Nursing and Dentistry. It will now be taken for approval to the Nursing and Dentistry boards. Motion by Dr. Schabel. Second by Dr. Welsh. Motion carried.
8. H3587-Seizure Safety in Schools Study Committee-Appointment of board member. After discussion the board appointed Dr. Saad to serve in this capacity. Motion by Dr. Gardner. Second by Dr. Schabel. . Motion carried.
9. Tri-regulator conference report. Darra Coleman, Chief Advice Counsel reported of her attendance at which topics including opioid prescribing, CME, EMR, the NC Dental board case and board deregulation and physician burnout were on the agenda.
10. Travel Request-FARB Conference- October 5-8, 2017-Savannah. The board approved a request for Adam Russell and Darra Coleman to attend this conference. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.
11. Travel Request-FSMB Attorney Workshop-November 8-9, 2017-San Diego- The board approved a request for Darra Coleman to attend this conference. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.
12. Governor's Regulatory Review Executive Order-this EO from Governor McMaster directed agencies to review statutes, policies and procedures to determine if either more or less regulation is needed or no change is recommended. The board review a number of these including the regulation referring to a code or principles of ethics. The board recommended promulgation of a regulation to reference in particular the AMA Code of Ethics. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

Other regulations reviewed: Reg. 81-1-no amendment recommended. Reg. 81-12-no amendment recommended. Reg. 81-21-no amendment recommended. Reg. 81-25-no amendment recommended. Reg. 81-31-no amendment recommended. Reg. 81-32-no amendment recommended. Reg. 81-33-no amendment recommended. Reg. 81-40-no amendment recommended. Reg. 81-50-no amendment recommended. Regulation 81-70-no amendment recommended. Motion by Dr. Welsh. Second by Dr. Saad. Motion carried.

Regulation 81-80 regarding the USMLE. After discussion, the board recommended that the first paragraph be stricken and begin with A [Education requirements] Motion by Dr. Cook. Second Dr. Chow. Motion carried.

Regulation 81-81-no amendment recommended. Regulation 81-90-no amendment recommended. Regulation 81-96-no amendment recommended. Regulation 81-110-no amendment recommended. Regulation 81-200-no amendment recommended. Regulation 81-201-no amendment recommended. Regulation 81-202-no amendment recommended. Regulation 81-203-no amendment recommended. Regulation 81-204-no amendment recommended. Regulation 81-205-no amendment recommended. Regulation 81-300-no amendment recommended. Motion by Dr. Welsh. Second by Dr. Saad. Motion carried.

13. New Licensee Information Packet
After discussion, the New Licensee Information Packet was amended to reflect the protocol when a new licensee is to contact their assigned board member; only if they have questions after review of the medical practice act and to reflect the PMP requirement following passage of H3824. Motion by Dr. Schabel. Second by Dr. Welsh. Motion carried.

Administrator's Report

1. Physician Assistant Advisory Committee- After discussion, the board approved the proceedings of the Physician Assistant's Advisory Committee from its July 7th, 2017 meeting. Motion by Dr. Gardner. Second by Dr. Schabel. Motion carried.
2. Respiratory Care Practitioner Advisory Committee-After discussion, the board approved the proceedings of the RCP Advisory Committee in the absence of a quorum for the committee's July 14th, 2017 meeting. Motion by Dr. Gardner. Second by Dr. Schabel. Motion carried.
3. Board Elections Update-Mr. Spoon gave the board an update of board elections mentioned new members Dr. Dilts and Dr. Januchowski. Upcoming elections are for Districts 2, 3, 6 and 7.
4. CME Audit Update-After discussion, the board directed that the remaining licensees not in compliance with the audit receive notice via letter of the opportunity for a hearing before further action is taken on the license.
5. CME-available from SCMA re: H3824-Mr. Spoon mentioned that the 4-hour CME required for Physician Assistants and Podiatrists pursuant to the passage of H3824 is available from the SCMA.
6. FSMB 2017 Annual Report-Mr. Spoon distributed to the members present a copy of the FSMB Annual Report for 2017.

Legislative Update, Holly Beeson, Rebecca Leach- LLR Office of Communications

Holly Beeson and Rebecca Leach, LLR Office of Communications and Governmental Affairs, updated the board on legislative items of interest including medical marijuana, abortion, and birthing centers and intranasal Midazolam. The Prescription Monitoring Program, Nurse Licensure Compact and Industrial Hemp legislation passed.

FINAL ORDER HEARINGS

A MOTION WAS MADE AND PASSED FOR THE BOARD TO GO INTO EXECUTIVE SESSION TO CONDUCT FINAL ORDER HEARINGS. EACH HEARING WAS HELD IN EXECUTIVE SESSION AND THE BOARD'S FINAL ORDER IS ON FILE AT THE BOARD OFFICE. AFTER TESTIMONY FOR EACH CASE, THE BOARD ENTERED A PRIVATE DELIBERATIVE SESSION. NO VOTES WERE MADE OR ACTIONS TAKEN WHILE THE BOARD WAS IN EXECUTIVE SESSION. A MOTION WAS MADE AND PASSED TO RETURN TO PUBLIC SESSION AND THE BOARD VOTED ON THE FOLLOWING SANCTIONS AFTER EACH FINAL ORDER HEARING:

2007-297, Mandatory reappearance to request release from terms and conditions. [Closed Hearing]

Respondent's motion to be released from terms and conditions is granted.

Motion by Dr. Schabel, Second Dr. Welsh. Motion carried.

Applicant for Licensure [Closed Hearing]

Applicant is granted a license with condition. Motion Dr. Dilts, Second by Dr. Schabel. Motion carried.

CADDELL, Titus D., M.D. of Greenville, S.C., 2016-33, MOA [Closed Hearing] The MOA is accepted. The Respondent has violated the Medical Practice Act. The sanction of the board is revocation of licensure. Motion by Dr. Cook. Second Dr. Welsh. Motion carried.

HARGRAVE, Ronald P. M.D., of Mt. Pleasant, S.C. 2015-173, MOA

Respondent has violated the Medical Practice Act. Public reprimand. Within six months the Respondent shall pay costs in the amount of \$400; complete a recordkeeping course as approved by the board and a prescription-writing course as approved by the board. Motion by Dr. Welsh. Second Dr. Turner. Motion carried.

HAWKEY, Thomas E., D.O., of Sumter, S.C., 2016-243, MOA [Closed Hearing] The MOA is accepted. Respondent has violated the Medical Practice Act. The sanction of the board is as follows: Public reprimand, a civil penalty of \$3,000.00 and investigative costs of \$400. Motion by Dr. Cook, Second by Dr. Chow. Motion carried.

BERDECIA, Joseph, M.D., of Lexington, S.C., Applicant for Reactivation of Licensure
Respondent's request to withdraw the application for reactivation is accepted. Motion by Dr. Schabel. Second by Dr. Saad. Motion carried.

KARVAR, Serhan, M.D. of Mt. Pleasant, S.C., Applicant for Academic Licensure
The board deferred action on this application pending additional information and clarification from Dr. Dubois as to the need for this academic medical license in the current position that Dr. Karvar holds at the MUSC Department of GI. Motion by Dr. Saad. Second by Dr. Januchowski. Motion carried.

DOBSON, Joseph V., M.D. of Charleston, S.C., 2016-224, 2016-424 MOA [Closed Hearing] Respondent has violated the medical practice act. Public reprimand; payment of investigative costs of \$440.00 within 90 days and conditions. Motion by Dr. Gardner. Second by Dr. Januchowski. Motion carried.

Tuesday, August 8, 2017

Office of Disciplinary Counsel and Office of Investigations and Enforcement Report-Pat Hanks, Office of Disciplinary Counsel, Jason Haynes, Office of Investigations and Enforcement

In addition to the case statistics and training received by OIE staff, there were 75 Dismissal, 16 Letter of Caution and 13 Formal Complaint IRC recommendations presented to the board for approval.

Dismissals-Motion by Dr. Saad. Second by Dr. Welsh. Motion carried.
Letters of Caution- Motion by Dr. Gardner. Second by Dr. Welsh. Motion carried.

Formal Complaints- Motion by Dr. Saad. Second by Dr. Welsh. Motion carried.

WERTHEIMER, James L., PA of South Haven, MI, 2014-283, MOA, Shanika Johnson, ODC [Closed Hearing]
Revocation of license. Motion by Dr. Gardner. Second by Dr. Cook. Motion carried.

2016-27, MOA

Respondent has not violated the Medical Practice Act. Motion by Dr. Cook. Second by Dr. Schabel. Motion carried.

2015-510, MOA, Respondent has violated the Medical Act. Private reprimand and payment of investigative costs of \$2,450.00. Motion by Dr. Cook. Second by Dr. Saad. Motion carried.

2012-325, 2014-255, 2014-428, 2015-223, Petition for Reinstatement [Closed Hearing] The decision of the board is reinstatement of license with conditions. Motion by Dr. Cook. Second by Dr. Schabel. Motion carried.

2016-416, Petition for reconsideration [Closed Hearing] The board defers action on this case until demonstration of clinical competence. Motion by Dr. Cook. Second by Dr. Saad. Motion carried.

DOLLISON, Clarence J., M.D. of Columbia, S.C., 2016-320, MOA, Respondent Pro Se, Rowland Alston, ODC [Closed Hearing] The MOA is accepted. Respondent has violated the Medical Practice Act. The sanction of the board is as follows: A public reprimand and an admonishment that the issue of patient records be corrected. Motion by Dr. Cook. Second by Dr. Welsh. Motion carried.

2015-252, Request for worksite approval. Approved worksite with limit of 36 hours per week. Respondent may not supervise an APRN or PA. The physician who is Respondent's immediate supervisor should submit quarterly reports to the board for one year regarding Respondent's clinical effectiveness and benefit to the community. Motion by Dr. Gardner. Second by Dr. Schabel. Motion carried.

2017-184, Petition for Reinstatement [Closed Hearing] Reinstatement of license with conditions. Motion by Dr. Cook. Second by Dr. Turner. Motion carried.

2015-157, 2016, 187, 2016-199, Petition for release from terms and conditions. [Closed Hearing] Respondent's motion to remove the sanctions previously applied is denied. Motion by Dr. Schabel. Second by Dr. Cook. Motion carried.

Applicant for Licensure [Closed Hearing] As a condition of licensure, applicant must enter into a contract with RPP and commit to total sobriety for five years. Motion by Dr. Schabel. Second Dr. Saad. Motion carried.

WILLIAMSON, Mark B., M.D. of Statesville, N.C., Applicant for Licensure
Applicant approved for licensure without condition. Motion by Dr. Dilts. Second Dr. Saad. Motion carried.

GIORDANO, Stephen R., D.O. of Mooresville, N.C., Applicant for Licensure [Closed Hearing]
Applicant's request to withdraw application is accepted. Motion by Dr. Schabel. Second by Dr. Dilts. Motion carried.

2013-474 Petition for Reinstatement, [Closed Hearing] Petition for reinstatement of license is granted with conditions: Motion by Dr. Cook. Second by Dr. Saad. Motion carried.

Wednesday, August 9, 2017

MAYER, Marion J., D.O. of Charleston, S.C., 2011-40 Final Order Hearing – Panel Report [Closed Hearing] The board accepts the panel report and recommendations. Sanction: Revocation of license. Motion by Dr. Turner. Second by Dr. Saad. Motion carried.

2010-332 Final Order Hearing [Closed Hearing]
The board accepts the panel report and recommendations. Motion by Dr. Chow. Second Dr. Schabel. Motion carried.

2007-367 Petition for release from terms and conditions [Closed Hearing] Petition for release from terms and conditions is denied. Motion by Dr. Gardner. Second by Dr. Schabel. Motion carried.

CHU, John R., M.D. of Blythewood, S.C., Applicant for Licensure
Applicant approved for licensure without condition
Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

CANOVAS, Bernardo F. of Rochester, MN, Applicant for Licensure
Applicant is approved for licensure. If his board certification through the American Board of Surgery is not attained, the license will become inactive at the end of 24 months from the date of issuance. Motion by Dr. Schabel. Second by Dr. Saad. Motion carried.

LIVERNOIS, Richard G., M.D. of Newnan, GA, Applicant for Licensure
Applicant approved for licensure without condition. Motion by Dr. Cook. Second Dr. Schabel. Motion carried.

Domestic Violence & Vulnerable Adult Abuse Strangulation training update, Brian K. Bennett, Instructor, S.C. Criminal Justice Academy.

Officer Bennett gave a follow-up presentation to his 2015 presentation to the board focusing on strangulation incidents, non-fatal, with child abuse, vulnerable adults, sexual assault victims, and kidnapping victims.

2012-217, Final Order Hearing - Panel Report [Closed Hearing]
The board accepts the panel report and recommendations. Motion by Dr. Cook. Second by Dr. Chow. Motion carried.

2014-84, 2015-456, MOA, [Closed Hearing] Respondent has violated the Medical Practice Act. The sanction of the

board is as follows: A private reprimand, payment of costs in the amount of \$4,740.00. Respondent must take and pass an opioid-prescribing course [20 hours CME credit], an electronic health record course [10 hours CME credit]. Respondent must post a copy of CDC Guidelines in examination rooms and should present to the board within the next quarter a log of 60 consecutive days of patient encounters with the Morphine-equivalent dosing prescribed for patients on those days. Motion by Dr. Cook. Second by Dr. Turner. Motion carried.

Joint Underwriters Association (JUA)/Department of Insurance (DOI) Discussion of possible adjustments to the licensing fee structure. Appearing: Kendall Buchanan, Deputy Director, Market and Consumer Services, S.C. Dept. of Insurance. Ms. Buchanan and Gwen McGriff, DOI General Counsel made an informational presentation to the board on this matter. DOI representatives identified the board as a stakeholder and indicated this would require legislative action. The board received the presentation as information.

2016-196, MOA [Closed Hearing] The MOA is accepted. Respondent has violated the Medical Practice Act. The sanction of the board is as follows: A private reprimand, payment of investigative costs of \$240, and participation in a CME course in prescribing as approved by the board. Motion by Dr. Cook. Second by Dr. Welsh. Motion carried.

EARLY, Ira G., M.D., of Spartanburg, S.C., 2016-419, MOA. Respondent has violated the Medical Practice Act. The sanction of the board is as follows: Public reprimand. Indefinite suspension immediately subject to the following conditions: Respondent must provide certified letters to the board monthly demonstrating compliance with expired medication guidelines and appropriate disposal of medical waste for the period of one year. Respondent must be available for unannounced inspections of his office by the board. Any violation of these conditions may result in license suspension. Respondent is assessed a \$4,000.00 civil penalty and \$2,480.00 in investigative costs. Motion by Dr. Cook. Second by Dr. Turner. Motion carried.

DANFORTH, Wendell C. of Honolulu, HI, 2013-255, 2016-331, [Closed Hearing] Respondent has violated the Medical Practice Act. Public reprimand. License suspension is lifted subject to conditions. \$300.00 in investigative costs. Motion by Dr. Cook. Second by Dr. Chow. Motion carried.

COHEN, Alan, D.O. of North Myrtle Beach, S.C., Applicant for Licensure
Applicant approved for licensure without condition. Motion by Dr. Gardner. Second by Dr. Schabel. Motion carried.

Public Comment