

EXECUTIVE SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
January 31-February 2, 2011

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

MEETING CALLED TO ORDER

Dr. Louis E. Costa, II, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:00 A.M., on Monday, November 8, 2010, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Costa 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. Louis E. Costa, II, President, of Charleston
Dr. David deHoll, of Iva
Dr. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston
Dr. Timothy Kowalski, of Columbia
Dr. Stephen R. Gardner, of Greenville
Dr. Robert E. Turner, of Florence
Dr. Jeff Welsh, of Columbia
Dr. James Hubbard, of Rock Hill

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

Bruce F. Duke, Board Administrator
April Dorroh, Program Assistant

Office of General Counsel

Sheridon Spoon, Assistant General Counsel
Patrick Hanks, Assistant General Counsel
Lil Ann Gray, Assistant General Counsel
Paula Magargle, Assistant General Counsel
Georgia Lewis, Assistant General Counsel

Professional and Occupational Licensing (POL) Division

James Saxon, Hearing Counsel
Dean Grigg, Hearing Counsel

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM NOVEMBER 2010 BOARD MEETING:

After considering recommendations, additions, deletions and corrections, a motion was made to approve the minutes by Dr. Welsh. Dr. deHoll seconded the motion and the minutes were unanimously passed.

BOARD ORDERS ON WEBSITE

Dr. Costa led a discussion on the length of time public Board orders should remain on the website. After a lengthy discussion the Board agreed on the general principle of developing a policy that would keep an order on the Board's Disciplinary website until the respondent had met all terms and conditions and been released from the order by the Board. To facilitate this happening the Board asked staff to inform the Board at its next meeting as to how the technical aspects of the orders worked as they appeared on the Board's Disciplinary website and its relation to the Board's Licensee Lookup website. The Board also asked staff to inquire of the Federation of State Medical Boards as to other states' policies regarding this issue.

TERMINATION OF PATIENT-PHYSICIAN RELATIONSHIP

Dr. deHoll introduced a discussion relevant to the Board developing a policy about proper procedures for termination of a patient-physician relationship. The Board determined that the policy should focus on criteria that facilitated the continuing care and safety of patients. After a lengthy discussion Dr. Ball moved to accept the proposed policy. Dr. Kowalski seconded the motion and the Board unanimously passed the following policy (see attached).

PRACTICE OF ACUPUNCTURE BY LICENSED PHYSICIAN

Dr. Costa proposed a policy that would allow licensed physicians to practice acupuncture as part of their medical practice provided the physician could demonstrate he or she is competent to do so. After a lengthy discussion the Board approved the following policy (see attached).

TELE-INTERVIEW FOR APPLICANTS

Dr. deHoll introduced the subject of tele-interviewing applicants for licensure, specifically those physicians providing tele-technical consultative services. The Board discussed many different aspects of this process, including which specialties were eligible, distance requirements, and the possibility of administering a written test.

EPIDEMIOLOGIC TREATMENT OF SEXUALLY TRANSMITTED DISEASE INCLUDING EXPEDITED PARTNER THERAPY

Margaret Villers, MD, a gynecologist practicing at the Medical University of South Carolina appeared along with counsel, Aaron Kozloski and requested the Board to consider adopting a policy about Expedited Partner Therapy, specifically as it related to sexually transmitted diseases (STDs).

Dr. Villers indicated the Center for Disease Control (CDC) had adopted a policy regarding this issue. She also presented data to the Board regarding the number of specific cases of STDs in

South Carolina and then took questions from the Board. After discussion Dr. Kowalski moved to defer action on a policy until Dr. Ball could interact with Dr. Villers and Mr. Kozloski to formulate a succinct policy. Dr. Turner seconded the motion and the Board unanimously approved.

The Board considered a revised policy of a previously passed Board policy (Post Exposure Prophylaxis) that would include Expedited Partner Therapy. A motion was made by Dr. Kowalski to accept the proposed policy contingent upon approval from the South Carolina Department of Health and Environmental Control (DHEC). Dr. Ball seconded and the Board unanimously approved with the aforementioned contingency adoption of the following motion (see attached).

Ruth S Conner, PhD, RN, FNP-BC

Requesting exemption to the 45 mile requirement for physician supervision

A motion was made by Dr. Ball to approve the request for exemption to the 45 mile requirement for physician supervision contingent upon Dr. Costa meeting with the supervisor Ann Rodden, D.O. with the understanding that she will visit the facility at least on one occasion.

**Motion was seconded by Dr. Welsh
Motion carries**

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 a transcript of each hearing, as well as the Board's Final Order, are 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:**

Renee Michelle Celso, M.D.

2009 – 176

Final Order Hearing

A motion was made by Dr. Welsh as follows:

- **Accept Memorandum of Agreement**
- **Public reprimand**
- **Pay investigative costs of \$985.00**
- **Continued enrollment with Recovery Professional Program**

**Motion was seconded by Dr. Kowalski
Motion carries**

OGC-OIE REPORTS

Mr. Hanks from the Office of General Counsel, along with Mr. Dorman and Mr. Faglie from the Office of Investigations and Enforcement presented recommendations from the Investigative Review Committee.

Recommendation from IRC for Dismissal

Cases 1-11

Dr. Turner moved to accept and Dr. Ball seconded the motion

All in Favor

Motion Carries

Recommendation from IRC for Formal Complaint

Case 12

Dr. Gardner moved to accept and Dr. Ball seconded the motion

All in Favor

Motion Carries

Recommendation from IRC for Letters of Caution

Cases 13-20, except case 18 was dismissed, case 19 a prescribing course was recommended, and case 20 the Board asked that all licensees licensed by the agency receive letters of caution.

Dr. Ball moved to accept and Dr. Gardner seconded the motion

All in favor

Motion Carries

ADJOURN

BOARD ADJOURNS AT 6:35 PM

BOARD RECONVENED AT 8:30 AM, TUESDAY, February 1, 2011

Burton Mark, M.D.

Applicant for Licensure

Dr. Kowalski made a motion to allow applicant to pursue licensure in this state.

Dr. Welsh seconded the motion

Motion carries

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS

Dr. Gardner presented recommendations from the January 2011 Physician Assistants Advisory Committee' meeting for the Board's review. Dr. Costa moved and Dr. deHoll seconded the motion to approve the recommendations. The Board unanimously approved the following recommendations (see attached).

Edwin Martinez De Andino, M.D.

2009 - 181

Final Order Hearing

A motion was made by Dr. Turner as follows:

- **Accept Memorandum of Agreement**
- **Public Reprimand**
- **Pay investigative costs of \$941.00**
- **Pay fine of \$2,000.00**
- **Follow the recommendation of Dr. Frierson to engage with a Board approved counselor with periodic, every six months, report to the Board for a period of not less than two years**

Motion seconded by Dr. Gardner

Dr. Hubbard dissented

Motion carries

ADJOURN

THE BOARD ADJOURNED AT 5:20 PM.

BOARD RECONVENED ON WEDNESDAY, FEBRUARY 2, AT 8:30 AM

Michael William, M.D.

Applicant for Licensure

Dr. deHoll made a motion to allow applicant to pursue licensure in this state.

Dr. Turner seconded the motion

Motion carries

Kevin Ammar, M.D.
Applicant for Licensure

Dr. Gardner made a motion to allow applicant to pursue licensure in this state
Dr. Kowalski seconded the motion
Motion carries

James Ingaglio, M.D.
Applicant for Licensure

Dr. Costa made a motion to allow applicant to pursue licensure in this state
Dr. deHoll seconded the motion
Motion carries

M Carola Zalles, M.D.
Applicant for Licensure

Dr. Welsh made a motion to allow applicant to pursue licensure in this state
Dr. Kowalski seconded the motion
Motion carries

Carol Ray Young, M.D.
Request to be released from Applicant Agreement

Dr. Gardner made a motion to remove restrictions on his license
Dr. Ball seconded the motion
Motion carries

Leon Hunt Jr., M.D.
Applicant for Licensure

Dr. deHoll made a motion to allow applicant to pursue licensure in this state
Dr. Ball seconded the motion
Motion carries

Wendy Walker, CNM, MSN
Requesting exemption to the 45 mile requirement for Physician Supervision

A Motion was made by Dr. Gardner as follows:

- **Approval of exemption to the 45 mile requirement for physician supervision**
- **Applicants practice shall be strictly limited to the existing protocols at Carolina Water Birth located eighty nine miles from the supervising physician**

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- **Applicant must provide documentation acceptable to the Board of an emergency protocol addressing referral and transfer of high-risk infants and others to an appropriate facility to ensure patient safety and continuity of care**
 - **Applicant shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Applicant's practice and compliance with the provisions of the agreement**

Dr. deHoll seconded the motion

Motion carries

MEDICAL DISCIPLINARY COMMISSION APPOINTEES

Mr. Duke asked the Board to submit names for the Governor's consideration for the vacant laypersons on the Commission. He reminded the Board that the people serving had to have a bachelor's degree and could not be in the immediate family of a person who was employed in the medical field.

PATHOLOGY SERVICES

Dr. Welsh, chairman of the ad hoc Pathology services committee gave a report to the Board about this issue. Dr. Welsh reminded the Board of the issues pertaining to this subject, i.e., fee splitting between referring physicians and pathologists. He told the Board, after conferring with various people including pathologists, attorneys, LLR staff, and other Board members that he believes this issue was basically a legal one and that the Board should request an opinion from the State's Attorney General's Office to aid the Board in its deliberation about this subject. After a lengthy discussion the Board unanimously approved to request an opinion from the State's Attorney General.

PHYSICIAN ASSISTANT ISSUES

Dr. Gardner presented four separate issues presented to the Advisory Committee pertaining to physician assistants for the Boards consideration.

- Interpretation of what constitutes supervision of 2 physician assistants by the supervising physician.
- The interview process for physician assistants and their supervising physician when the PA is changing their supervising physician.
- The Board's position on allowing physician assistants to have authority to write prescriptions for class two narcotics.
- The idea of having general scope of practices for the various medical specialties for the physician assistant population.

After discussion the Board agreed to the following:

- A physician could only supervise two physician assistants.

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- a physician assistant only had to interview once if after a change in supervising physicians the new supervising physician had previously supervised PA's.
 - Agreed to allow the State Physician Assistant Association to submit these scopes for Board review.

RESPIRATORY CARE ADVISORY COMMITTEE RECOMMENDATIONS

Mr. Duke presented the recommendations from the Respiratory Advisory Committee's January 2011 meeting. Dr. Kowalski moved to accept the recommendations. Dr. deHoll seconded the motion and the Board unanimously approved the recommendations. See below.

Respiratory Care Committee Meeting Recommendations

Held January 21, 2011 at LLR 110 Centerview Drive Columbia, SC 29210 at 10:00 A.M.

The committee members participating were as follows: Patricia Blakely, RCP of Elgin; Dr. Timothy Whelan of Charleston; Dr. Catherine Chang of Greenville; Debra Polson, RCP of Wallace; Cindy Farmer, RCP of Easley, and Joanne Sandefur, RCP, of Charleston. Staff participating was Bruce Duke, Administrator; Sheridan Spoon, Legal Counsel; April Dorroh, Program Assistant; Ieshia Watson, Administrative Assistant.

The meeting was called to order at 10:00 am with a quorum of committee members. Committee members were distributed an agenda and minutes from the September 17, 2010 meeting prior to this meeting. It was noticed that LLR announced the meeting through all the proper channels.

Minutes from September 17, 2010 were approved as written without concern.

Applicant Appearance:

Shellie Tyrrell appeared before the Committee to explain "yes" answers on her application. After further discussion the committee did not approve or deny her temporary licensure.

The committee requested applicant to provide committee a copy of her HR file from Carolinas Specialty Hospital where she was terminated to show proof of her termination and causes. The committee also wants two letters of reference and recommendations from her current direct supervisor and Branch Manager.

Other Discussion Points:

Robin G Fornari made a request for exemption from policy on RCP licensure reinstatement. After discussion the committee decided they are making no exemption for policy 40-47-590 and the request was denied.

Applicants with "yes" answers on application:

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1. **Lora Andes** – answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the committee denied the application and is requesting more information as to why she hasn’t work for 11 years. The committee agreed that this can be reviewed by Bruce Duke, Administrator and with his approval she can be licensed.

2. **Audrey Bell** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

3. **Hillary Burchfield** – answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

4. **Kristi Chapman** – answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

5. **Shaun Conry** - answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

6. **Jillian Dillon** - answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

7. **Thomas Edwards** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?” --answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

8. **LaQuivia Hand** – answered “yes” on the application to question #1: “Has your Respiratory Care Practitioner certificate/license ever been revoked, suspended, reprimanded, restricted, or placed on probation by any licensing board or any other entity?” --answered “yes” on the application to question #14: “Have you ever been discharged involuntarily from employment?”

After discussion the applicant was approved for licensure.

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9. **Saundra Harris** - answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

10. **David Humphrey** – answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

11. **Courtney Mullins** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

12. **Tracy Nichols** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

13. **Maureen O’Brien** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

14. **Catherine Sapp** - answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

15. **Michael Scott** - answered “yes” on the application to question #11: “Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state, or local law (other than a minor traffic violation)?”

After discussion the applicant was approved for licensure.

16. **Ruline Scott** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

17. **John Straser** - answered “yes” on the application to question #10: “Have you ever discontinued practicing as a Respiratory Care Practitioner for any reason for one month or more?”

After discussion the applicant was approved for licensure.

Respiratory Care Practitioners with Temporary Licenses applying for Permanent Licensure:

After review, a motion was made to approve the list of 61 applicants with temporary licensed for permanent licensure.

Election of Officers:

Connie Jones, RCP was elected as Chair for the committee; JoAnne Sandefur, RCP was elected for Vice Chair; Debra Polson was elected for Secretary.

CEU'S:

There was brief discussion that Patricia Blakely, RCP, JoAnne Sandeful, RCP and Connie Jones, RCP will be reviewing and approving CEU'S for the committee.

Patricia Blakely made a motion to adjourn at 12:35 pm and JoAnne Sandeful seconded the motion.

The next meeting is scheduled for April 15, 2011 at 10:00 A.M.

THE BOARD ADJOURNED AT 1:30 pm

**Respectfully Submitted
Bruce Duke
Administrator**