

STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
MINUTES

Monday, February 5th, 2018

Members Present:

Dr. Jeff Welsh, of Columbia, President
Dr. Anne Cook, of Anderson, Vice-President
Dr. Daniel Saad, of Greer, Secretary
Dr. Jim Chow, of Columbia
Dr. Scot Dilts, of Sumter
Dr. Ron Januchowski, of Boiling Springs
Dr. Stephen Schabel, of Charleston
Dr. Richard Howell, of Florence
Dr. Christopher Wright, of Simpsonville

LLR Staff present:

Sheridon Spoon, Administrator
Elizabeth Harrison, Compliance Officer
Darra Coleman, Chief Advice Counsel
Adam Russell, Assistant Advice Counsel

Review and adoption of Agenda. After review the meeting agenda was adopted. Motion by Dr. Saad. Second by Dr. Schabel. Motion Carried.

Review and approval of excused absences: All members present.

Approval of November 2017 minutes. After review, the board approved the November 2017 meeting minutes. Motion by Dr. Schabel. Second Dr. Saad. Motion carried.

President's Report – Jeff A. Welsh M.D.

1. S.C. Recovering Professionals Program (RPP), Review of Suggested Revisions to Board Questionnaire. Appearing Rick Wilson, Special Counsel, RPP

Mr. Wilson appeared before the board regarding the RPP questionnaire. After discussion the board approved the questionnaire amending paragraph 44 that provides for a modification of five years in the discretion of RPP as stated in the questionnaire. Motion by Dr. Schabel. Second Dr. Saad. Motion carried.

2. *[Executive Session to Receive Legal Advice on Telemedicine Practice by Physician Assistants]*
3. Joint Cosmetic Procedures Committee Follow-up- Dr. Chow

The board heard from Dr. Chow regarding the Joint Cosmetic Procedure Committee the purpose of which is to establish policy and standards of practice, delegation, and supervision of medical and surgical procedures performed by a medical director or someone who is under the supervision of a medical director or supervising physician; to define what is considered a cosmetic procedure i.e. altering one's appearance by means or methods, device or instrument that can alter or destroy living tissue including skin and subcutaneous tissue. The board discussed the existing joint Medical, Dental and Nursing board policy on Botox. For future joint efforts, the Cosmetology Board will be included as part of this effort for other cosmetic procedures such as laser procedures, dermal fillers and microblading. After discussion, the board passed a motion to allow Dr. Chow to continue his service on the committee, the Joint Cosmetic Procedures

Committee with a multidisciplinary approach utilizing the Board of Nursing, Cosmetology, Dentistry and the Board of Medical Examiners. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

4. Travel Request-National Prescription Drug Abuse and Heroin Conference, Atlanta, GA, April 2-5, 2018
After discussion, the board approved this travel request for Ms. Coleman and up to three OIE staff to attend. Motion by Dr. Saad. Second by Dr. Cook. Motion carried.
5. Travel Request-AIM and FSMB Conference, Charlotte, N.C. April 25-28, 2018
After discussion, the board approved this travel request for Mr. Spoon to attend the AIM conference and Dr. Welsh and Ms. Coleman to attend the FSMB Conference. Motion by Dr. Saad. Second by Dr. Cook. Motion carried.
6. Governor's Executive Orders related to the Opioid Epidemic-EO # 2017-42 and 2017-43
Ms. Coleman briefed the board of two recent gubernatorial executive orders, the first declaring the opioid epidemic a statewide public health emergency and authorizing the Governor to access certain resources and to deploy those resources statewide and allows use of the state emergency response division. The second order charges the S.C. Department of Health and Human Services with formulating a policy by March 1 2018 that restricts reimbursement for initial opioid prescriptions of no more than a five-day supply for acute and postoperative needs.
7. Formation of LLR Opioid Response Team
Ms. Coleman informed the board that LLR has also formed an opioid task force consisting of other professional licensing board boards as well as the Office of the State Fire Marshal to address the opioid issue.
8. Discussion of SCMA Opioid Task Force

Ms. Coleman informed the board that South Carolina Medical Association has also formed an opioid task force, and they support the guidelines developed by the board and are joining the board in partnership.

1. House Oversight Review of LLR

Ms. Coleman mentioned that LLR has been selected by the House Oversight Committee for a regulatory review which is part of the legislative review process. There is a survey for stakeholders. The program evaluation report is due March 9, 2018. Board members and members of the public are an integral part of this process and are invited to share their thoughts with the legislators who evaluating LLR as a state agency and a steward of public resources.

2. Controlled Substance Prescribing via Telehealth for Medication-Assisted Therapy for Opioid Use Disorder, *Appearing:* Center for Telehealth, Medical University of South Carolina, Constance Guille, MD, James T. McElligott, MD, MSCR, Kathryn King Cristaldi, MD, MHS, Dr Connie Guille, Director of the MUSC Women's Reproductive Behavioral Health Program

Dr. McElligott, Dr. Christaldi and Dr Connie Guille appeared before the board to present this issue. After review and discussion, the board entered into executive session. Upon return to public session, the board approved the proposal as amended. Amendments were:

- a. submit outcomes on a biannual basis to the South Carolina Board of Medical Examiners with data including the number of patients treated in the program and any adverse outcomes, any overdose cases and also any patients that were in the program that were lost in follow-up.
- b. provide a Naloxone protocol in an exigent circumstance should any of your the clients have an overdose situation that requires exigent reversal of narcotics and to require that only the providers identified in this protocol may participate in this program at this time.

- c. Agree to follow all applicable state and local law to assist law enforcement with drug diversion cases.
- d. change "prescribers providing" to "prescribing physicians" in the protocol where applicable. Motion by Dr. Saad. Second Dr. Chow. Motion carried.

Administrator's Report

1. Physician Assistant Advisory Committee- After discussion, the board approved the proceedings of the Physician Assistant Advisory Committee for the committee's January 12, 2018 meeting including the reappointment of Dr. Stuart A. Smith. Motion by Dr. Cook. Second by Dr. Saad. Motion carried.
2. Respiratory Care Practitioner Advisory Committee-After discussion, the board approved the proceedings of the RCP Advisory Committee for the committee's January 19, 2018 meeting. Motion by Dr. Saad. Second by Dr. Chow. Motion carried.
3. Acupuncture Committee- After discussion, the board approved the license applications reviewed by the Acupuncture Advisory Committee. The committee did not hold a meeting in this interval. Motion by Dr. Saad. Second by Dr. Wright. Motion carried.
4. 2018-Statement of Economic Interests-S.C. Ethics Commission-Mr. Spoon reminded the members that these statements are due March 30, 2018.
5. Elections Update- Mr. Spoon provided an election update; specifically results from District Four-Dr. Wright, District Seven-Dr. Howell and continuing efforts to fill the District Six vacancy.
6. CME Audit update-After discussion, the board directed the administrator to refer all licensees not in compliance to the Office of Investigations and Enforcement as an initial complaint. Motion by Dr. Schabel. Second Dr. Januchowski. Motion carried.
7. Unlicensed Personnel and Corporate Practice of Medicine Advisory Opinion FAQ-this item will be discussed at the May 2018 meeting.
8. Receipt and use of state verifications from the FCVS profile-Mr. Spoon updated the board that the board office is working with the FSMB to use on an initial basis the state verification information from the FSMB profile, Physician Data Center to streamline the application process.
9. Medical Disciplinary Commission – appointment of Gary R. Culbertson, M.D.-After discussion, the board requested that Mr. Spoon ask Dr. Culbertson to serve as an expert case reviewer where there is a great need for his specialty.
10. APRN and HCC committee membership and scheduled meetings-The board approved Dr. Welsh, Dr. Cook and Dr. Saad to serve on the Healthcare Collaborative Committee and Dr. Welsh and Dr. Cook to serve on the APRN Committee. APRN committee meetings are monthly as needed and the next HCC meeting will be held in April 2018.
11. Board Travel Budget-Mr. Spoon informed the board that the board office submits an annual travel budget to the LLR Director for review.

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 pharmacists prescribing hormonal contraceptives, pharmacist compounding, The APRN bill- Senate Bill 345, podiatrist scope of practice bill-House Bill 3642, Compassionate Care bill and other medicinal marijuana-related acts, a total of 10 opioid bills filed, House Bill 4490 which is a diabetes initiative, House Bill 4529- the nursing telemedicine bill, licensing of addiction specialists under the Counselors Board, vision screening at license renewal, POLST- the POLST form would be a uniform document based on standards recommended by the National Physician Order for Life Sustaining Treatment Paradigm, an abortion bill that would add a definition for fetal anomaly and would make an abortion a criminal act during any trimester if the sole reason for the abortion is that the unborn child has a fetal anomaly.

Following the legislative update, the board went into *executive Session to receive legal advice on telemedicine practice by physician assistants*

FINAL ORDER HEARINGS

A MOTION WAS MADE AND PASSED FOR THE BOARD TO GO INTO CLOSED SESSION TO CONDUCT FINAL ORDER HEARINGS. EACH HEARING WAS HELD IN A CLOSED SESSION AND THE BOARD'S FINAL ORDER IS ON FILE AT THE BOARD OFFICE. AFTER TESTIMONY FOR EACH CASE, THE BOARD ENTERED AN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM COUNSEL. 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:

VACLAVIK, John, M.D., Applicant for Licensure [Closed Hearing]

Approved for licensure without condition. Schabel Wright Motion carried.

JAMES, Stephen, D.O., Applicant for Licensure

Approved for licensure without condition. Januchowski Wright Motion carried.

STEWART, Martha J., M.D., Applicant for Licensure

Approved for licensure without condition. Chow Schabel Motion carried.

2013-473, MOA

Respondent has violated the medical practice act. The Memorandum of Agreement is accepted. Private reprimand. Respondent must complete a continuing medical education course on accurate recordkeeping approved by the board within six months. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

2014-518, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Civil penalty of \$4,000 due within six months. Investigative costs of \$497.75 payable within six months. Respondent must complete and pass a board-approved opioid prescribing course within six months. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

WILLIAMS, Tisha A., M.D. 2016-372, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Public reprimand. Suspension of medical license stayed upon payment of a \$2500 civil penalty within 30 days. Motion by Dr. Saad. Second by Dr. Schabel. Motion carries.

Petition for release from Order [Closed Hearing]

Motion is granted. Motion by Dr. Schabel. Second by Dr. Wright. Motion carried.

TAVANA, Manoucher L., M.D. 2016-434, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice. Public reprimand. Investigative costs of \$100 payable within six months. Motion by Dr. Saad. Second by Dr. Wright. Motion carried.

LOBITZ, Bruce H., M.D., 2014-378, 2015-148, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Public reprimand. Respondent must continue quarterly reports from all employers for any kind of complaints that may arise in his practice of medicine. Motion by Dr. Saad. Second by Dr. Januchowski. Motion carried.

After a call for public comment, the board adjourned at 6:43 p.m.

Tuesday, February 6th, 2018

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 94 active cases. 61 Dismissals, 17 Letter of Caution and 14 Formal Complaint IRC recommendations presented to the board for approval.

Motion to accept Dismissals-Motion by Dr. Cook. Second by Dr. Wright. Motion carried.
Motion to accept Letters of Caution- Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.
Motion to accept Formal Complaints- Motion by Dr. Saad. Second by Dr. Dilts. Motion carried.

FINAL ORDER HEARINGS

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2016-428, MOA

The Memorandum of Agreement is accepted. Letter of Caution. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

2015-319, MOA

Respondent has not violated the Medical Practice Act of South Carolina. Dismissal. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

MILLETTE, Theodore J., [Limited] M.D., 2016-313, MOA [Closed Hearing]

Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Public reprimand. The temporary suspension is lifted and the license will be immediately placed in a lapsed status. Should the Respondent wish to reinstate his license, he must appear before the board in person. Motion by Dr. Saad. Second by Dr. Cook. Motion carried.

2016-46, MOA

The Memorandum of Agreement is accepted. Private reprimand. Investigative costs of \$1,000 to be paid within six months. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

2015-226, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Private reprimand. Investigative costs of \$160 to be paid within six months. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

SMITH, Stacy L., Petition for release from supervision requirement, 2011-210 [Closed Hearing]

The petition for release from previous terms and conditions is denied. Respondent may appear before the Board within six to 12 months to request release. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

Petition for release from prescribing conditions, 2015-500 [Closed Hearing]

The petition for release from previous terms and conditions is denied. Respondent may appear before the board no sooner than six months to petition for further relief. Motion by Dr. Saad. Second by Dr. Welsh. Motion carries.

PAI, Suhas, M.D. of Charleston, S.C. Applicant for Licensure

Approved for licensure without condition. Motion by Dr. Saad. Second by Dr. Schabel. Motion carried.

After a call for public comment, the board adjourned at 5:38 p.m.