

THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS
SYNERGY BUSINESS PARK, KINGSTREE BUILDING, ROOM 108
110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210

Meeting Called to Order

Public notice of this meeting was properly posted at the South Carolina Board of Medical Examiners Office, Synergy Business Park, Kingstree Building 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.

Agenda - Monday, May 7, 2018

8:00 a.m. Review and adoption of Agenda; Approval of February 2018 minutes;
Review and approval of excused absences

President's Report – Jeffrey A. Welsh, M.D.

1. Patient Records Transfer Request-St. Francis Physician Services Inc., Jeanne Born, Esq., Chandler Martin, Esq.-appearing
After discussion, the board determined that the notice referenced in the statute was not required and the statute did not apply regarding public notice or transfer of ownership. Motion by Dr. Cook. Second by Dr. Saad. Motion carried.
2. Recognition of outgoing board member Dr. Robert Turner and LLR staff members Brenda Eason and Debra Wade and new staff member Desiray Brown. The board recognized Dr. Turner for his service to the board as well as Ms. Eason for 34 years of service to the board and congratulated Ms. Wade on her promotion to compliance officer.
3. FSMB-visit-November 5, 2018-Request for Information for appearance-the board was informed that the FSMB will appear and present an update of its activities at the November 2018 meeting.
4. Unlicensed Personnel and Corporate Practice of Medicine Advisory Opinion FAQ-this item was carried over to the August 2018 meeting.
5. National Prescription Drug Abuse and Heroin Conference, Atlanta, GA, April 2-5, 2018-Darra Coleman provided an update on this conference which addressed the opioid epidemic, the traveling Pill Wall exhibit, and the Governor's Opioid Emergency Response team.
6. AIM and FSMB Conference, Charlotte, N.C. April 25-28, 2018. The AIM conference was attended by the administrator who participated on a panel discussion on licensure and credentialing. The S.C. Board staff received the AIM Best of Boards Honorable Mention for process improvement. The FSMB conference was attended by Dr. Welsh and advice counsel and addressed the opioid crisis, medication-assisted therapy and other topics of interest.
7. Modification of board advisory opinion on Termination of Physician-Patient Relationship-Balbir S. Minhas, M.D. The board heard from Dr. Minhas and determined that it was not necessary to modify this advisory opinion relative to the issues raised by Dr. Minhas.
8. Healthcare Collaborative Committee meeting April 13, 2018
 - a. Physician compounding-after discussion the board invited Addison Livingston, R.Ph., Member, S.C. Board of Pharmacy to address the board at its August 2018 meeting.
 - b. Clarification on whether school nurses may administer essential oils, vitamins, herbal remedies, and other herbal non-traditional medications- The board heard from Ms. Dawn MacAdams and Ms. Petra Ulch, S.C. Assn. of School Nurses, and Ms. Darce Cruea, concerned parent on this issue. After discussion, the board voted to accept the draft of the current advisory opinion addressing this issue. Motion Dr. Cook. Second Dr. Schabel. Motion carried.
 - c. Collaborative Practice: Michael Staudenmaier, Scott Clark-Humana Pharmacies- Erica Savage Jeter and Viren Patel of Humana on behalf of Mr. Clark. They presented a collaborative practice agreement with agreed-upon practice protocols between a physician, pharmacist or nurse practitioner, or other licensed prescriber for approval. The board confirmed that a physician is the primary caregiver under this protocol. After discussion the board approved the protocol. Motion Dr. Schabel. Second Dr. Cook. Motion carried.

Administrator's Report – Sheridan Spoon, Administrator

1. Physician Assistant Advisory Committee [Scopes-Critical Care, Pulmonary, Genetics] The board approved the proceedings and recommendations of the PA advisory committee from its April 13, 2018 meeting with the exception of the proposed standard scopes for Critical Care, Pulmonary and Genetics Motion Dr. Welsh. Second Dr. Schabel. Motion carried.
2. Respiratory Care Practitioner Advisory Committee. The board approved the proceedings and recommendations of the RCP advisory committee from its April 20, 2018 meeting. Motion Dr. Schabel. Second Dr. Cook. Motion carried.
3. Acupuncture Advisory Committee-committee request for proposed regulations- The board approved the proceedings and recommendations of the Acupuncture advisory committee from its April 17, 2018 meeting with the exception of the committee's recommendation to promulgate a regulation requiring CME for auricular detoxification credential. Motion Dr. Schabel. Second Dr. Cook. Motion carried.
4. CME Audit Update-Mr. Spoon provided the board with an update on the CME audit. As of this meeting, those still not in compliance have been referred to OIE for authorization of a formal complaint. This is approximately 35 licensees of the total 400 audited.
5. Board appointment of MDC members: After review and discussion, the board appointed the two nominees below to the Medical Disciplinary Commission. Motion Dr. Schabel. Second Dr. Cook. Motion carried.
 - a. Cong. District 2, Gokul Gondi, M.D.
 - b. Cong. District 5, Staci Holles-Sobota, D.O.

Legislative Update-Holly Beeson, Rebecca Leach provided the board an update on multiple bills of interest including S345 regarding NP practice and PA telemedicine practice, multiple bills aimed at the opioid issue--H3818, H3819, H3824, H3820, H3823, H3826, S918, H4487, H4492, H4600, H4602, and H4603. There was also an update on the podiatry scope of practice legislation, auricular detoxification, the Post Act [H4802], testing waiver for Vocational Rehabilitation physicians, vision screening and the maintenance of certification legislation.

The board appointed Drs. Saad and Chow of the board and Hugh D. Durrence, M.D., R.Ph. of Charleston to the Naloxone Protocol committee as required by H4600.

BLACKSTON, Barry C., M.D. of Greenville, S.C., 2014-276,2015-519, Final Order Hearing-Panel Report, Respondent *Pro Se*, Tina Brown, ODC. Adopt the panel report. Public reprimand. Costs of \$300 to be paid within six months. Suspension of medical license stayed upon completion of a board-approved course on responsible prescribing of opioids and controlled substances and a recordkeeping course approved by the board within six months. Motion by Dr. Saad. Dr. Schabel second. Motion carried.

CABEZA, Hector M., M.D., of Edinburg, TX, Applicant for Licensure

Applicant CABEZA failed to appear.

CHEBUHAR, Craig M., M.D. of Marietta, Ga., Applicant for Licensure

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

APGAR, David A., D.O. of Huntington, WV, Applicant for Licensure

Applicant approved for licensure without condition. Motion by Dr. Cook. Second Dr. Schabel. Motion carried.

OLSON, Leslie G., M.D. of Lansing, MI, Applicant for Licensure [Closed Hearing]

Applicant approved for licensure without condition. Motion by Dr. Saad. Second Dr. Chow. Motion carried.

MOORE, John P., M.D. of Dayton, OH, 2016-610, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand and Permanent Revocation of medical license. Motion by Dr. Saad. Second Dr. Cook. Motion carried.

2016-630 MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Private Reprimand. Respondent's License reinstated with the following conditions. Continue RPP participation in full compliance in monitoring for a total of no less than five years from the initial start enrollment. Respondent must reappear before the Medical Board to be released from these requirements. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2017-495, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Private reprimand. Costs of \$110.00 to be paid within six months. Continue full compliance with RPP. Motion Dr. Saad. Second Dr. Chow. Motion carried.

MILLS, Richard T., M.D. of Anderson, S.C., 2014-425, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand. Costs of \$1,203.00 to be paid within six months. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

Recess

Agenda- Tuesday, May 8, 2018

Office of Disciplinary Counsel and Office of Investigations and Enforcement Report

Pat Hanks, Office of Disciplinary Counsel, Gregg Hinson, Office of Investigations and Enforcement

In addition to the case statistics and training received by OIE staff, there were 94 active cases. 68 Dismissals, 7 Dismissals with an Order to Cease and Desist, 21 Letters of Caution and 19 Formal Complaint IRC recommendations were presented to the board for approval.

Motion to accept Dismissals-Motion by Dr. Saad. Second by Dr. Schabel. 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. Schabel. Motion carried.

2017-124, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Private reprimand. Civil penalty of \$5,000.00 and costs of \$120.00 to be paid within six months. Must remain compliant with the Recovering Professionals Program for no less than five years. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

2017-238, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Private reprimand. Costs of \$200.00 to be paid within six months. Respondent must maintain compliance and active participation in the Recovering Professionals Program for no less than five years after which Respondent may appear before this board to request release from RPP. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

SOUSA, Jo Ann, M.D. of Greenville, S.C., 2017-269, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand. Costs of \$525.00 to be paid within six months. Respondent may not supervise advanced medical practitioners to include physician assistants and nurse practitioners for not less than 12 months from the effective date of this order after which Respondent may reappear before the board to petition for relief from these conditions. Motion Dr. Saad. Second Dr. Wright. Motion carried.

2015-347, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Letter of Caution. The board strongly recommends that Respondent complete a recordkeeping course. Motion Dr. Saad. Second Dr. Chow. Motion carried.

2017-372, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Respondent must remain compliant with the Recovering Professionals Program. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

SHORTT, Kevin G. M.D., of Suffolk, VA, 2014-86, Final Order Hearing-Panel Report

Panel report adopted. Respondent has violated the Medical Practice Act of South Carolina. Respondent has violated 40-47-110(B)(9) and 40-47-110(B)(12). Public reprimand. Civil penalty of \$10,000.00 and costs of \$680.00 to be paid within six months. Respondent must reappear before the board to request reinstatement. Motion Dr. Saad Second Dr. Schabel. Motion carried.

2015-261, MOA [Closed Hearing]

The Memorandum of Agreement in is accepted. Respondent has violated Medical Practice Act. Private reprimand. Civil penalty of \$1,000.00 and \$300.00 in costs to be paid within six months. Respondent must also complete a responsible prescribing continuing medical education course approved by the board within six months. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

KELLETT, Richard S., of Daniel Island, S.C., M.D. of Petition for release from terms and conditions. [Closed Hearing] Petition for release from terms and conditions granted. Motion Dr. Schabel. Second Dr. Cook. Motion carried.

-Recess

Agenda- Wednesday, May 9, 2018

2016-558, Stipulation of Facts

Respondent has violated the Medical Practice Act of South Carolina, Code 40-47-110(B)(9). The Stipulation of Facts is accepted. Private reprimand. Payment of investigative costs of \$130.00 and a prescribing course approved by the board to be completed within six months of the effective date of the order. Motion Dr. Cook. Second Dr. Wright. Motion carried.

2016-233, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Private reprimand, \$300.00 in costs to be paid within six months. Respondent must successfully complete a prescribing course approved by the board to be completed within six months. Motion Dr. Cook. Second Dr. Schabel. Motion carried.

2015-8, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Private reprimand. Civil penalty of \$20,000.00 and \$650.00 in costs to be paid within six months. Motion Dr. Cook. Second Dr. Wright. Motion carried.

PULLEKINES, Joseph W., of London, Ky., Applicant for Licensure

Applicant approved for licensure without condition. Motion Dr. Schabel. Second Dr. Dilts. Motion carried.

2012-401, Stipulation of Facts [Closed Hearing]

Respondent has not violated the Medical Practice Act. Letter of Caution. Motion Dr. Cook. Second Dr. Schabel. Motion carried.

LOE, William A., M.D. of Summerville, S.C., Applicant for Licensure

Applicant approved for licensure without condition. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

LAURENS, Richard G., M.D. of Greenville, S.C., 2016-493, MOA

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand. Civil penalty of \$1,500.00 and costs of \$200.00 to be paid in six months. If Respondent wishes to reactivate his medical license in the future he must present evidence prior to that reactivation of successful completion of an evaluation by a sexual boundary evaluator approved by the board and compliance with the recommendations of that evaluation. Motion Dr. Schabel. Second Dr. Dilts. Motion carried.

BURDETT, Maureen G. of Rock Hill, S.C., 2018-257, Petition for Reinstatement [Closed Hearing]

Petition for Reinstatement granted. Respondent's worksite must be approved by the board. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

2015-419, MOA [Closed Hearing]

The MOA is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Costs of \$450.00 to be paid within six months. Motion Dr. Schabel. Second Dr. Howell. Motion carried.

FALLON, Scott L. of Reston, Va., Applicant for Licensure

Applicant approved for licensure without condition. Motion by Dr. Schabel. Second Dr. Wright. Motion carried.

BELLER Thomas C. M.D. of Hilton Head Island, S.C., 2015-212 [Closed Hearing]

The MOA is accepted. Respondent has violated the medical practice act. Public reprimand. Costs of \$800.00 to be paid in six months. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

-Adjourn-

