

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

February 2019 Meeting Minutes

Monday, February 4, 2019

Review and adoption of Agenda; Approval of November 2018 minutes; Review and approval of excused absences [Drs. Cook and Welsh]. Dr. Welsh requested an excused absence Tuesday after lunch and Wednesday; Dr. Cook requested an excused absence after 3pm to return Tuesday and Wednesday. These absences were approved as excused by the board.

President's Report-Jeff A. Welsh, M.D.

- Jeff Harris, M.D., Introduction and remarks on the opioid crisis and addiction medicine [due to a scheduling conflict, this appearance will be rescheduled]
- Update on MUSC TeleMAT program for pregnant women, Constance Guille, MD, MSCR, Director, Women's Reproductive Behavioral Health Program, MUSC. Motion- approve the proposal that MUSC provided to the board on December 10th, 2018 with the restrictions that the providers listed are the only ones who would be able to participate in this protocol. Those being Dr. Constance Guille, Dr. Lisa Boyars, Dr. Rubin Aujla, Dr. Karen Hartwell, Dr. Kelly Barth and Dr. Claire Smith. Any modifications or amendments to this protocol must receive prior board approval. The parties must reappear before the board in 12 months to present data outcomes and/or complications. Motion Dr. Saad Second Dr. Schabel. Motion Carried.
- Travel Request-AIM Conference, April 24, 2019 <http://docboard.org/aim>; FSMB annual conference, April 25-27, 2019, Ft. Worth, TX, <http://www.fsmb.org/fsmb-annual-meeting/>
The board approved Dr. Cook and Darra Coleman to attend.
- Travel Request-National RX Drug Abuse & Heroin Summit, April 22-25, 2019 (\$645 + hotel) <https://www.rx-summit.com/>
The board approved Darra Coleman to attend.
- Election of Officers
The board elected Dr. Welsh, Dr. Cook and Dr. Saad to serve as president, vice-president and secretary respectively.
- Physician Compounding Advisory Opinion
The board reviewed and approved this advisory opinion.
- Healthcare Collaborative Committee Report
 - a. Update on Seizure Safety in Schools Study Committee. Dr. Saad provided an update to the board on this committee.
 - b. The board addressed questions concerning the scope of practice of licensees in the operation of IV Bars. Traci Collier, Ray Trotter, Board of Pharmacy appeared. Tracy Collier, Pharmacy Board administrator addressed the board. After discussion, the board determined that it would participate in the issuance of a joint advisory opinion with the Nursing and Pharmacy board on this matter.

- c. Update regarding Spartanburg Regional Hospital, Low-dose Ketamine projects update and proposal for expansion-action item and continuation of existing low-dose Ketamine infusion project for pain treatment. The HCC recommended approval. The board accepted the HCC recommendation.
- d. AnMed Health low-dose Ketamine for pain-action item. AnMed Proposal for Pain Management Utilization of Low-Dose Ketamine Infusions was approved by the board.
- e. Discussion topic-Anmed Health, regarding off-label use of low-dose Ketamine of refractory depression. After discussion of the issues and concerns, the board accepted the information.
- f. Discussion topic-SC Association of Nurse Anesthetists regarding Ketamine infusion services by CRNAs in S.C. After discussion of the issues and concerns, the board accepted the information.
- g. Action Item- Question from S.C. Society of Anesthesiologists regarding application of BME Office Based-Surgery regulation for in-office administration of Ketamine, or identification of other applicable standard. After discussion of the issues, the board decided to develop an advisory opinion in the interim before possible submission of a regulation.

Administrator's Report – Sheridan Spoon, Administrator

- 1. Physician Assistant Advisory Committee-after discussion the recommendations of the PAAC were approved. Dr. Steven Gardner appeared and presented information pertaining to pending Physician Assistant legislation.
- 2. Respiratory Care Practitioner Advisory Committee [resignation of Fady F. Nassif, M.D. eff. 1/18/19; consideration of appointment of Sean P. Callahan, M.D.] The board appointed Dr. Callahan. The minutes and other proceedings of the RCP Advisory Committee were approved.
- 3. Acupuncture Advisory Committee-Reappointment of Acupuncturist members Leslie Jafarace and William M. Hendry [terms expiring 1/1/2019]. The board reappointed acupuncturist members Leslie Jafarace and William M. Hendry
- 4. Statement of Economic Interests due March 30, 2019. The board was reminded of this deadline.
- 5. District 6- Notice of Election- Deadline was January 31, 2019. This election is ongoing and one valid petition has been received.

Legislative Update, Holly Beeson, Katie Phillips, LLR, Office of Communications and Governmental Affairs

Ms. Beeson and Ms. Phillips presented the status of numerous bills of interest to the board. For example, the JUA bill, Interstate Medical Licensure Compact, Senate Bill 16 has to do with emergency refills, Senate Bill 463 which has to do with 90-day prescriptions, S132 dealing with Physician Assistants, 448 has to do with self-administered hormonal contraceptives or injectable hormonal contraceptives, a bill to regulate Pharmacy Benefits Managers, the APRN Clean Up Bill, H3727 that would require that Medicaid cover opioid treatment, the Community Law Enforcement Partnership bill, the Compassionate Care Bill regarding medical marijuana, the Dept. of Agriculture Program regarding Hemp and the Genetic Counselor's licensure bill.

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:

2017-332, 2017-549, MOA

Respondent has violated the Medical Practice Act, specifically Statute 40-47-110(B) (14). The Memorandum of Agreement is accepted. The Respondent shall receive a private reprimand and a fine of \$5,000 to be paid within six months. \$100 in costs to be paid within six months. Motion by Dr. Saad. Second Dr. Schabel. Motion Carried.

2018-34, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act of South Carolina, specifically 40-47-110(B) (14) and Statute 40-47-110(B)(7). The Memorandum of Agreement in this case is accepted. The Respondent shall receive a private reprimand. Fine of \$5,000 to be paid within six months and investigative costs of \$100 to be paid within six months. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

SCHWACH, Paul P. M.D. Applicant for Volunteer Licensure

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

KAZIE, Nelson O., M.D. Applicant for Licensure

Approved for licensure without condition. Motion Dr. Januchowski. Second Dr. Wright. Motion carried.

KWAKYE, Michael O., M.D. Applicant for Licensure

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

RICHMOND, Gerald E., M.D. [suspended] 2017-73, MOA [Closed Hearing]

The respondent has violated the Medical Practice Act, specifically 40-47-110(B)(4) and 40-47-110(B)(14). The Memorandum of Agreement is accepted. Public reprimand. Costs of \$100 to be paid within six months. Motion by Dr. Saad. Second Dr. Wright. Motion carried.

2015-99, MOA

Letter of Caution. Motion by Dr. Saad Second Dr. Wright. Motion carried.

2017-473, MOA

Private reprimand. Costs of \$2,550 to be paid within six months. Respondent must complete a continuing medical education course on boundaries in the practice of medicine and a course in medical recordkeeping in six months. Motion by Dr. Saad. Second Dr. Wright. Motion carried.

2010-329, MOA

Respondent has violated the Medical Practice Act of South Carolina. The Memorandum of Agreement is accepted. Private reprimand. Investigative costs of \$2,000 even to be paid within six months. Motion by Dr. Saad. Second Dr. Wright. Motion carried.

2013-22, MOA

Respondent has violated the Medical Practice Act of South Carolina, namely 40-47-110(B)(9). The Memorandum of Agreement is accepted. Private reprimand. Costs of \$720 to be paid within six months. Respondent must complete a medical records course within six months. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

Tuesday, February 5, 2019

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 57 active cases. 51 Dismissals, 14 Letter of Caution and 20 Formal Complaint and 4 Orders to Cease and Desist.

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. Wright. Motion carried.

Motion to accept Formal Complaints- Motion by Dr. Saad. Second by Dr. Chow Motion carried.

Motion to accept Order to Cease and Desist Motion by Dr. Saad. Second by Dr. Cook. Motion carried.

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2015-307, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act of South Carolina. The Memorandum of Agreement in this case is accepted. Private reprimand. Costs of \$600 to be paid within six months. Respondent must complete a Responsible Opioid Prescribing course, within six months. Motion by Dr. Cook. Second Dr. Saad. Motion carried.

ABEL-BEY, Geddis, Jr., M.D. Applicant for Licensure

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

OMOIGUI, Nowamagbe A., M.D. 2014-204, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act, specifically 40-47- 110(B) (9). The Memorandum of Agreement is accepted. Public reprimand. Costs of \$1,000 to be paid within 12 months. Respondent may not reapply for permanent medical licensure in South Carolina until successful completion of a full clinical competency evaluation by an institution approved by the board. Motion by Dr. Saad. Second Dr. Howell. Motion carried.

HUNTER, Timothy M., M.D. 2016-580, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act of South Carolina, namely 40-47- 110(B)(9), 40-47-110(B)(17), 40-47-110(B)(24). The Memorandum of Agreement is accepted. Public reprimand. Costs of \$1695 to be paid within 12 months. Respondent shall be permanently restricted from prescribing Schedule II and III drugs. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

DODDS, Nedra R. M.D., [suspended] 2014-272, Panel Report

The board accepts the findings of the panel that respondent has violated Code 40-47-110(B) (9) and 40-47-110(B)(113). Permanent revocation. Motion by Dr. Dilts. Second Dr. Saad. Motion carried.

PIAZZA, Joseph F., M.D. [suspended] 2014-310, Panel Report

The board accepts the findings of the panel that respondent has violated the provisions of the medical practice act as alleged. Permanent revocation. Motion by Dr. Dilts. Second Dr. Schabel. Motion carried.

CREMER, Steven M., M.D., [suspended] 2013-204, Panel Report

The board accepts the findings of the panel that respondent has violated the provisions of the medical practice act as alleged. Permanent revocation. Motion by Dr. Dilts. Second Dr. Schabel. Motion carried.

HAWKEY, Thomas E., D.O. 2016-243, Petition for release from terms and conditions [Closed Hearing]

Respondent's Petition for Relief from the Terms and Conditions of the Public Order dated September 25, 2017 is denied. Motion by Dr. Saad. Second Dr. Howell. Motion carried.

BOTELHO, Tina M., M.D. 2015-53, Petition for release from terms and conditions [Closed Hearing]

Respondent's request for relief from terms and conditions is granted. Motion by Dr. Saad Second Dr. Schabel. Motion carried.

VORIES, Michael W., M.D. 2014-95, Petition for release from terms and conditions [Closed Hearing]

Respondent's request to be released from terms and conditions is granted. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

PATEL, Nick, M.D. Applicant for Licensure [Closed Hearing]

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

BROWN, Mark G., M.D. Applicant for Licensure

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

EICHLER, Derek, M.D. Applicant for Licensure

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

Wednesday, February 6, 2019

FINAL ORDER HEARINGS

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JAROSZ, Todd S., M.D. 2018-60, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act. The Memorandum of Agreement is accepted. Public reprimand. Costs of \$100 to be paid within six months. Follow all guidelines and recommendations of the South Carolina Board of Medical Examiners, may not work *locum tenens* positions. Respondent may continue to work at his most recent employer (ARH Regional Medical Center), no more than 50-55 hours per week; no more than 15 call shifts per month; must have a chaperone present for all female patient interactions, including during call shifts, with such chaperone having relevant information of Respondent's history; may not meet alone with female coworker and a third person should be present for needed private encounters with female coworkers; must maintain appropriate boundaries with his cell phone number, patients should not have access to his personal cell phone number, and he should be extremely cautious about providing his cell phone number to coworkers, may not attend social events with patients or staff; and may not treat or prescribe for family, friends, or coworkers.

Respondent must reappear before the board for relief from these conditions. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

MORELAND, Benjamin W., P.A. 2017-548, MOA [Closed Hearing]

Respondent has violated the Medical Practice Act of South Carolina, specifically Statute 40-47-1005(7). The Memorandum of Agreement is accepted. Public reprimand. Respondent's continued practice shall be conditioned upon the following: Any change in practice site must be approved by the Board. Respondent must be accompanied by a chaperone during all patient encounters. Respondent must provide a copy of the order in this case to his supervising physician to ensure compliance with these conditions. Costs of \$100.00 to be paid within six months. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

MARKO, Bruce H. Applicant for Reactivation

Approved for reactivation of license without condition. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

FAABERG, Jeffrey E. M.D. [suspended] 2016-467, MOA [Closed Hearing]

Permanent Revocation. Motion by Dr. Saad. Second Dr. Wright. Motion carried.

2011-210, Petition for release from terms and conditions [Closed Hearing]

Respondent's petition is granted. Motion by Dr. Saad. Second Dr. Wright. Motion carried.

GRABER, Katherine M., M.D., [suspended] 2017-595 [Closed Hearing]

Respondent has violated the Medical Practice Act, specifically Statute 40-47-110(B)(3), 40-47-110(B)(9), 40-47-110(B)(12), 40-47-110(B)(14), 40-47-110(B)(16). The Memorandum of Agreement is accepted. Public reprimand. Civil penalty of \$10,000 and costs of \$220 to be paid within six months. License is reinstated. Motion by Dr. Saad. Second Dr. Januchowski. Motion carried.

DALLAS, Anthony V. Jr., M.D. Applicant for Reactivation

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

2013-187, 2013-436, Petition for Release from Terms and Conditions [Closed Hearing] Petition is granted. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

CAMPBELL, Heather A., M.D., Applicant for licensure [Closed Hearing]

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

2018-575, MOA [Closed Hearing]

Letter of Caution. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

MONTJOY, Christopher S., M.D. 2013-7, Petition for release from terms and conditions [Closed Hearing]

Petition is granted. Motion by Dr. Saad. Second Dr. Schabel. Motion carried.

LECHE, Amanda R., P.A. Petition for Reinstatement, 2018-325, MOA [Closed Hearing]

Permanent and immediate license revocation. Motion by Dr. Saad. Second Dr. Januchowski. Motion carried.

UPCOMING MEETINGS:

May 6-8, 2019, August 5-7, 2019, November 4-6, 2019