

STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

August 1-3, 2016

MINUTES [EXECUTIVE SESSION]

Synergy Business Park
The Kingtree Building
110 Centerview Dr., Room 108
Columbia, South Carolina 29210

MEETING CALLED TO ORDER

Dr. Stephen Gardner, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:26 A.M., on Monday, May 2, 2016, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Gardner 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 Kingtree Building where the Board office is located.

Board members present for this meeting were:

Dr. Stephen Gardner, of Greenville, President
Dr. Jeff Welsh, of Columbia, Vice President
Dr. Robert Turner, of Florence, Secretary
Dr. Jim Chow, of Columbia
Dr. Stephen Schabel, of Charleston
Dr. James Hubbard, of Rick Hill
Dr. Mike Vasovski, of Aiken
Dr. Anne Cook, of Anderson
Dr. Daniel Saad, of Greer

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

Sheridon Spoon, Board Administrator
Elizabeth Harrison, Administrative Assistant

Office of Disciplinary Counsel

Patrick Hanks, Office of Disciplinary Counsel
Megan Flannery, Assistant Disciplinary Counsel
Prentiss Shealey, Assistant Disciplinary Counsel
Shanika Johnson, Assistant Disciplinary Counsel

Office of Advice Counsel

Darra Coleman, Chief Advice Counsel
Adam Russell, Advice Counsel

Board convened at 8:12 am

REVIEW/APPROVAL OF AGENDA

Dr. Schabel made a motion to approve the agenda for this meeting. Dr. Turner seconded the motion. All in favor. Motion carries.

REVIEW/APPROVAL OF MINUTES FROM FEBRUARY 1-2, 2016 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the May 2-3 2016 minutes by Dr. Gardner and seconded by Dr. Cook. The motion and the minutes were unanimously passed.

PRESIDENT'S REPORT

Dr. Gardner and various board members and staff updated the board as to the following:

1. Interstate Licensure Compact
2. Applicant Interviews *Ad Hoc* Committee report [Drs. Chow, Cook and Saad]
3. S.C. Domestic Violence Task Force
4. Telemedicine Bill S1035.
5. Cosmetic Procedures *ad hoc* committee
6. Naloxone Joint Protocol Advisory Committee-H5193
7. Healthcare Collaborative Committee
8. Physician Assistant interviews 40-47-945[A][9]; Committee vacancies
9. Conferences for Consideration of Staff/Advice Counsel's Attendance
 - Citizen Advocacy Center 2016 Annual Meeting, September 17-18, 2016, Portland, Oregon
 - FARB 2016 Regulatory Law Seminar, September 29, 2016-October 2, 2016, Chicago, Illinois

LEGISLATIVE UPDATE

Holly Beeson and Rebecca Leach, Office of Communications and Government Affairs with LLR updated the Board on bills that impact the board and the medical community including telemedicine, medical marijuana, Naloxone, APRN scope of practice, eyecare consumer protection bill, abortion legislation, birthing centers, good Samaritan legislation, volunteer licenses, CME credit for volunteer time, and the experimental healthcare treatment act, Margie's law and medical records.

COMMITTEE REPORTS AND RECOMMENDATIONS
PHYSICIAN ASSISTANTS ADVISORY COMMITTEE

Sheridon Spoon, Administrator of the Medical Board presented recommendations from the July 15, 2016 Physician Assistant Committee meeting. After considering the recommendations, additions, deletions and corrections, Dr. Cook made a motion to approve the recommendations. Motion was seconded by Dr. Saad. All in favor. Motion carries.

RESPIRATORY CARE PRACTITIONERS COMMITTEE

Sheridon Spoon, Administrator of the Medical Board presented recommendations from the July 22, 2016 Respiratory Care Practitioners Committee meeting which did not have a quorum.

Dr. Cook made a motion to approve the recommendations for licensure directly. Motion was seconded by Dr. Welsh. All in favor. Motion carries.

ACUPUNCTURE ADVISORY COMMITTEE

Mr. Spoon reported that the committee did not have a quorum and this the applicant, Mona Lee, is appearing at this meeting. Applications were approved for permanent licensure.

Administrator's Report

Sheridon Spoon reported the following:

1. District 1 Election is being conducted. Medical Disciplinary Commission Update: District 3 Appointment- Arthur Jordan, M.D. District 4-Timothy Dancy, William B. Jones, Ashish Shanbhag-replacement. These MDC members were appointed. District 6-vacant as to board member and MDC; BME Public members is addressed by the Office of the Governor
2. CME Audit/ CE Broker-progress on these two items is ongoing.
3. Compliance Report-Elizabeth Harrison briefed the board on the compliance process.
4. E-blast-Contact information and other items will be included in the next e-blast
5. 2017 Board Meeting Dates-were approved.

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:

Final Order and Application Hearings, Monday August 1, 2016

CLYDE CLIMER, MD-APPLICANT FOR LICENSURE

Approval for licensure without condition by Dr. Schabel. Second by Dr. Cook. Motion carries.

APPLICANT FOR LICENSURE

[HEARING CLOSED]

WAJDI A DBOUK, 2014-64-PETITION FOR MODIFICATION OF ORDER

Lift the restrictions on Dr. Dbouk's prescribing ability for prescribing Schedule II substances so long as he is compliant with the other components of the MOA accepted on February 17th, 2015 to vacate item 6 of the previous order. Motion by Dr. Saad. Dr. Welsh second. Motion carries.

2007-367-PETITION FOR REINSTATEMENT
[HEARING CLOSED UPON MOTION OF ODC]

2013-324, MOA
[HEARING CLOSED UPON MOTION OF ODC]

MARKETA WILLS, APPLICANT FOR LICENSURE
[HEARING CLOSED UPON MOTION OF ODC]

2015-234, PETITION FOR REINSTATEMENT
[HEARING CLOSED UPON MOTION OF ODC]

At 6:31 pm, a motion was passed to adjourn.

The board reconvened at 8:14 am, Tuesday, August,2 2016 for the second day of its August2016 regular meeting.

OIE/ODC REPORT

Patrick Hanks, Office of Disciplinary Counsel (ODC) presented the ODC Report to the Board.

Althea Myers, Chief Investigator for Office of Investigations presented the Investigative Review Committee's Report along with the statistical report and investigator training.

Dismissals

62 cases were presented and approved for dismissal. Dr. Schabel moved to accept the recommendations and Dr. Vasovski seconded the motion and the Board unanimously approved the recommendations.

2015-439-Dissmissal

Formal Complaints

7 cases were presented for formal complaint. Dr. Saad moved to accept the recommendations Dr. Hubbard seconded the motion and the Board unanimously approved the recommendations.

2015-263-Formal Complaint.

Letters of Caution

25 cases were presented for a letter of caution. A motion was made by Dr. Saad to approve the letters of caution. Dr. Cook seconded the motion. Motion carries.

FINAL ORDER HEARINGS

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Final Order and Application Hearings, Tuesday, August 2, 2016

2012-221 PETITION FOR REINSTATEMENT

[HEARING CLOSED UPON MOTION OF ODC]

STEPHEN LLOYD, MD 2015-179,184, 185 REQUEST FOR RELEASE FROM TERMS AND CONDITIONS

Continued.

2011-70 REQUEST FOR RELEASE FROM TERMS AND CONDITONS

[HEARING CLOSED UPON MOTION OF ODC]

REQUEST FOR RELEASE FROM TERMS AND CONDITONS

[HEARING CLOSED UPON MOTION OF ODC]

NANCY NETTER MD, 2013-236 MOA

[HEARING CLOSED UPON MOTION OF ODC]

CATHERINE HAWTHORN, MD-APPLICANT FOR REACTIVATION

Approved to proceed with licensure. Motion by Dr Chow. Second Byrd. Schabel. Motion carries.

AMIT BHANDARKAR, MD-APPLICANT FOR LICENSURE

Application withdrawn.

APPLICANT FOR LICENSURE

[HEARING CLOSED UPON MOTION OF ODC]

NESREEN KAUFMAN, MD- APPLICANT FOR LICENSURE

Application deferred for a period of up to two years until such time as applicant can prove clinical competence by having passed the emergency medical board certification, both parts.

LISABETH WILLIAMS, MD- APPLICANT FOR LICENSURE

Application withdrawn

REQUEST FOR RELEASE FROM TERMS AND CONDITIONS

[HEARING CLOSED UPON MOTION OF ODC]

2013-486, MOA

[HEARING CLOSED UPON MOTION OF ODC]

ANTHONY ROYEK, MD- APPLICANT FOR LICENSURE

Allowed to proceed with licensure without condition. Motion by Dr. Hubbard. Second by Dr. Schabel. Motion carries.

PETITION FOR REINSTATEMENT

[HEARING CLOSED UPON MOTION OF ODC]

At 8:00 pm, a motion was passed to adjourn.

The board reconvened at 8:11 am, Wednesday, August,3 2016 for the third day of its August 2016 regular meeting.

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:

Final Order and Application Hearings, Wednesday August 3, 2016

REQUEST FOR RELEASE FROM TERMS AND CONDITIONS

[HEARING CLOSED UPON MOTION OF ODC]

2012-170, MOA

[HEARING CLOSED UPON MOTION OF ODC]

XIA XIAO LING- COOK, ACUP 2013-57, MOA

Continued.

2014-441, MOA

Dismissed. Motion by Dr. Cook. Second by Dr. Schabel. Motion carries.

2015-53, MOA

[HEARING CLOSED UPON MOTION OF ODC]

The board here approved an amended draft of its advisory opinion concerning establishment of the physician-patient relationship. Motion made by Dr. Cook. Second by Dr. Turner. Motion carries.

2013-53 MOA

[HEARING CLOSED UPON MOTION OF ODC]

2013-474 MOA

[HEARING CLOSED UPON MOTION OF ODC]

2012-245 MOA

[HEARING CLOSED UPON MOTION OF ODC]

MONA LEE, ADT-APPLICANT FOR LICENSURE

Grant permanent license under probationary status for two years practicing ADT only for the indications as listed in the statute and that she may not begin practicing until such time as she has a supervising physician or acupuncturist who can qualify for the statute driven supervision status. Motion by Dr. Cook. Second by Dr. Chow.

CHRISTOPHER BETTS, MD-APPLICANT FOR LICENSURE

Application for licensure deferred until such time as the applications are complete with significant information for us to make a determination in either category. Motion by Dr. Gardner. Second by Dr. Cook. Motion carries.

2015-157 MOA

[HEARING CLOSED UPON MOTION OF ODC]

The board adjourned at 7:30 p.m. on August 3, 2016

Minutes Submitted by Sheridan Spoon, Administrator