

STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Minutes

February 6th and 7th, 2017

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

MEETING CALLED TO ORDER

Dr. Jeffrey Welsh, Vice-President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:08 a.m. on Monday, February 6th, 2017, at SCLLR, 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Welsh 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. Jeff Welsh, of Columbia, Vice President
Dr. Jim Chow, of Columbia
Dr. Stephen Schabel, of Charleston
Dr. Anne Cook, of Anderson
Dr. Daniel Saad, of Greer

Excused Absences: Drs. Gardner, Vasovski and Hubbard

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
Rowland Alston, Assistant Disciplinary Counsel

Office of Advice Counsel

Darra Coleman, Chief Advice Counsel
Adam Russell, Advice Counsel

Board convened at 8:36 am

REVIEW AND APPROVAL OF AGENDA

Dr. Schabel made a motion to approve the agenda. Dr. Saad seconded the motion. All in favor. Motion carries.

REVIEW AND APPROVAL OF MINUTES FROM NOVEMBER 2016 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the November 2016 minutes by Dr. Schabel and seconded by Dr. Cook. The motion was unanimously passed.

PRESIDENT'S REPORT

CAPTA, Program Improvement Plan Update-Dr. Rick Foster, Dr. Jack Emmel-Dr. Jack Emmel and Dr. Rick Foster updated the board on this program. They presented their draft guidelines and discussed the proposed legislation. This program and legislation involves mandated reporting by healthcare professionals of opioid addiction during pregnancy and the screening and testing process for mothers and the process of informing healthcare providers of the requirements.

MANDATE REPORTING OF SUBSTANCE EXPOSED INFANTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63-7-310 is amended by adding:

“(E) Every physician, nurse, or any other medical or allied health professional shall report to the Department of Social Services (1) a child who is diagnosed with neonatal abstinence syndrome or a fetal alcohol spectrum disorder, (2) a child under the age of one year who is affected by the presence of a non-prescribed controlled substance or illegal substance or alcohol or by withdrawal from a substance, or (3) a woman who is pregnant and who has been diagnosed with a substance use disorder where the woman is not cooperating with an established treatment plan. A report pursuant to this subsection shall be made regardless of whether or not the drug or alcohol exposure constitutes child abuse or neglect as defined in Section 63-7-20.”

Draft FSMB Guidelines for the Chronic Use of Opioid Analgesics/Joint Revised Pain Management Guidelines/CDC recommendations/Telemedicine Advisory Opinion

Darra Coleman presented information to the board regarding the Draft FSMB Guidelines for the Chronic Use of Opioid Analgesics, the Joint Revised Pain Management Guidelines, the CDC recommendations and the board's Telemedicine Advisory Opinion. Recommendations to the FSMB were deferred until the FSMB Annual Meeting in April 2017 at which time the guideline should be finalized. The board has submitted two questions to the FSMB: 'Is it appropriate for a physician to prescribe controlled substances for the treatment of chronic pain via telemedicine?' and 'Should e-prescribing be an option for transmitting prescriptions for controlled substances?'

Administration of Botox Joint Advisory Opinion Committee-Ms. Coleman provided a brief update. There are three separate advisory opinions issued by the Boards of Nursing, Pharmacy and Medical Examiners. A meeting of representatives of these boards to address this question will be scheduled after the FSMB conference in April. Committee members are Drs. Gardner, Welsh and Chow.

FSMB Annual Meeting-Travel Request-The board approved a request for Dr. Welsh and Darra Coleman to attend April 20-22, 2017.

LEGISLATIVE UPDATE

Holly Beeson and Rebecca Leach, LLR Office of Communications and Governmental Affairs, updated the Board on bills that impact the board and the medical community including several pharmacy-related bills; one regarding emergency refills, interchangeable biological products, pharmacists prescribing hormonal contraceptive patches, the APRN bill, the update of the nurse licensure compact, a bill regarding the podiatry scope of practice, several long-term healthcare bills, medical marijuana, substance overdose immunity, several abortion bills, birthing centers legislation, a bill to require SCMA membership, the proposed electrology practice act, a bill regarding revocation of DNR orders, and a bill to determine the priority of persons who can make healthcare decisions for individuals who are incompetent

Administrator's Report

Mr. Spoon reported the following:

Reminded board members of the March 31, 2017 deadline for filing the Statement of Economic Interests with the S.C. Ethics Commission.

COMMITTEE REPORTS AND RECOMMENDATIONS

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE

Sheridon Spoon, Administrator of the Medical Board presented recommendations from the January 13, 2017 Physician Assistant Advisory Committee meeting.

After considering the recommendations, additions, deletions and corrections, Dr. Cook made a motion to approve the recommendations. Motion was seconded by Dr. Schabel. All in favor. Motion carries.

RESPIRATORY CARE PRACTITIONERS COMMITTEE

Mr. Spoon presented recommendations from the January 20, 2017 Respiratory Care Practitioner Advisory Committee meeting.

After considering the recommendations, additions, deletions and corrections including the reappointment of Mr. Galloway and Mr. Crego, Dr. Schabel made a motion to approve the recommendations. Motion was seconded by Dr. Turner. All in favor. Motion carries.

ACUPUNCTURE ADVISORY COMMITTEE

The Acupuncture Advisory Committee met on January 11, 2017. After considering the recommendations, additions, deletions and corrections, Dr. Cook made a motion to approve the recommendations, including adoption of the committee's proposed statement on Daith piercing and the appointment of a new acupuncturist committee member, Mr. James Hogg. Motion was seconded by Dr. Saad. All in favor. 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 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 February 6th, 2017

REILLY, Preston M.D. Applicant for Licensure. MOTION by Dr. Cook to approve for licensure without condition. Second by Dr. Saad. Motion carried.

2014-473, MOA
Hearing closed at the request of ODC

2013-249, MOA
Hearing closed at the request of ODC

BLUSEWICZ, Tracy A., M.D. 2010-149, 2011-235, 2011-290, Final Order Hearing-Panel Report. Panel report and findings accepted. Respondent has violated the Medical Practice Act. Public reprimand. Payment of investigation costs of \$960.00 within 6 months. Motion by Dr. Cook. Second by Dr. Turner. Motion carries.

2010-233, 2011-93, Petition for Reinstatement
Hearing closed at the request of ODC

2012-244, MOA. Motion to dismiss by Dr. Saad. Second by Dr. Schabel. Motion carries.

2012-325, 2014-255, 2014-428, 2015-223, MOA
Hearing closed at the request of ODC

At 6:42 pm, a motion was passed to adjourn. The board reconvened at 8:19 am, Tuesday, February 7th 2017 for the second day of its February 2017 regular meeting.

OIE/ODC REPORT

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

Jason Haynes of the Office of Investigations and Enforcement presented the Investigative Review Committee's statistical report. Introduction of new investigator David Pike and upcoming investigator training such as Medical Terminology (Midlands Technical Collage), Council on Licensure, Enforcement & Regulation (CLEAR) Investigator-Basic Program, Threat Assessment (SLED), LRADAC Science of Addiction Workshop, National Association of Drug Diversion

Investigators (NADDI) Annual Carolinas Conference and Reid Technique of Investigative Interviewing and Advanced Interrogation Techniques.

Dismissals

66 cases were presented and approved for dismissal. Dr. Saad moved to accept the recommendations and Dr. Schabel seconded the motion. Motion carried.

Cases 2014-65, 2016-80, and 2016-281 were indicated for further review. Cases 2016-165 and 2016-168 were designated as Letter of Caution.

Formal Complaints

14 cases were presented for formal complaint. Dr. Saad moved to accept the recommendations. Dr. Cook second. Motion carries.

Letters of Caution

19 cases were presented for a Letter of Caution. A motion was made by Dr. Cook moved to approve the letters of caution. Dr. Schabel seconded the motion. Motion carries.

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Final Order and Application Hearings, Tuesday, February 7th, 2017

THOMPSON, John R., M.D. Applicant for Licensure. MOTION by Dr. Welsh to approve for licensure without condition. Second by Dr. Saad. Motion carried.

BULLARD, J. Christopher, RCP, 2015-90, Final Order Hearing.
Motion by Dr. Turner for revocation of license and assessment of \$200.00 in costs.
Second by Dr. Schabel. Motion carried.

REACH, Ralph Applicant for Licensure
Closed hearing

2016-416, MOA
Hearing closed at the request of ODC

2016-66, MOA
Hearing closed at the request of ODC

VALENTINE, Darryl, P.A. Request for modification of Final Order. Motion to amend order as to paragraph 2-change 'revoked' to 'limited' and remove reference to drug possession conviction which was expunged. Motion by Dr. Schabel. Second by Dr. Cook. Dr. Chow opposed. Motion carries.

2014-435 MOA

Hearing closed at the request of ODC

DRAGO, Paul C., M.D. 2015-436,477, 440. MOA is accepted. Respondent has violated the Medical Practice Act. Public Reprimand. License must remain suspended for a minimum of five [5] years and with the following conditions for reinstatement. Respondent must successfully complete criminal probation. Respondent may have no further criminal activity. Respondent must pay \$460.00 in investigative costs within six months. At the end of the five-year period, Respondent may petition the board for reinstatement. Motion by Dr. Cook. Second by Dr. Schabel. Motion carries.

GREEN, Derrick, M.D., Applicant for Licensure

Closed hearing

The board adjourned at 6:46 p.m. on Tuesday, February 7th, 2017

Minutes Submitted by Sheridan Spoon, Administrator