

**STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA**

**November 7-9, 2016**

**MINUTES [EXECUTIVE SESSION]**

Synergy Business Park  
The Kingstree 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 8:36 a.m. on Monday, November 7th, 2016, at SCLLR, 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 Kingstree 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. Jim Chow, of Columbia  
Dr. Stephen Schabel, of Charleston  
Dr. James Hubbard, of Rock Hill  
Dr. Mike Vasovski, of Aiken  
Dr. Anne Cook, of Anderson  
Dr. Daniel Saad, of Greer

Excused Absence, Dr. Robert Turner, of Florence, Secretary

Members of the S.C. Department of Labor, Licensing and Regulation (LLR) staff participating at various times in the meeting included: Emily Farr, Interim Director, LLR

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 8:36 am

**REVIEW/APPROVAL OF AGENDA**

Dr. Schabel made a motion to approve the agenda. Dr. Cook 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 August 1-3 2016 minutes by Dr. Welsh and seconded by Dr. Schabel. The motion was unanimously passed.

**PRESIDENT'S REPORT**

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

**Presentation from Arnold Alier, DHEC EMS Director re: Overview of Overdose in South Carolina, update of LEON project, and presentation of Joint Naloxone Protocol Advisory Committee's Recommended Joint Protocol and Attachments.** After consideration and discussion, the board voted to accept the protocol. Motion-Dr. Cook. Second-Dr. Hubbard. Motion carries.

**Report from the Telemedicine Committee's October 21, 2016 Meeting**

**Review and consideration of MUSC's revised proposed guidelines for prescribing controlled substances via telemedicine for purposes of treating mental health conditions in the public school setting. Appearance by Dr. James McElligott, MUSC and Dr. Kathryn Cristaldi.** After consideration and discussion, the board voted to accept the protocol outlined in the November 2, 2016 letter. Motion-Dr. Cook. Second-Dr. Schabel. Motion carries.

**Review and consideration of updated telehealth request from Carolinas Healthcare System. Appearance by Natasha T. McKenzie, Esquire, Senior Associate General Counsel, Steve Jones, Dr. Charles Rich and Margaret Forsyth.** After consideration and discussion, the board considered the information presented and did not approve the proposal and referred the parties to the specific procedures for approval regarding specific applicants through the PA and APRN committee.

**Review and consideration of request for a physician located in South Carolina to prescribe Latisse via telemedicine to South Carolina residents. Email request from Allyson Avila, Esquire** After consideration and discussion, the board denied the request based on inconsistency with current law. Motion-Dr. Schabel. Second-Dr. Hubbard. Motion carries.

**Review and consideration of whether certain controlled substances utilized for the treatment of addiction and other mental health issues, such as Subutex (Buprenorphine) and Suboxone (Buprenorphine and Naloxone), may be prescribed by a psychiatrist practicing in a remote location** After consideration and discussion, the board voted to accept the recommendation of the Telemedicine Committee deferral of action because there was a lack of specific information regarding the providers and other relevant information. Motion-Dr.Schabel. Second-Dr. Saad. Motion carries.

**Review of Joint Revised Pain Management Guidelines/CDC recommendations/Telemedicine Advisory Opinion** After consideration and discussion, the board voted to form a committee to address this issue further and make revisions to the existing advisory opinion. Committee members are Drs. Gardner and Welsh and Motion-Dr. Cook. Second-Dr. Hubbard. Motion carries.

**Discussion regarding the regulation of Botox administration in South Carolina** After consideration and discussion, the board voted to form a committee with representatives from the Board of Medical, Nursing and Pharmacy. Motion-Dr. Schabel. Second-Dr. Welsh. Motion carries.

**Report from the Citizen Advocacy Center’s “Modernizing the Regulatory Framework for Telehealth” September 17-18, 2016** Chief Advice Counsel Darra Coleman reported from this conference in written form emphasizing the presentation from Mario Gutierrez, Executive Director of the Center for Connected Health Policy on consumer engagement and also the implication of telemedicine on Medicare and Medicaid reimbursement policies.

**Election of Officers. The board passed a motion to retain the current slate of officers for the coming year.**

*Dr. Gardner-President*

*Dr. Welsh-Vice-President*

*Dr. Cook-Secretary.*

Motion made by Dr. Chow. Second by Dr. Vasovski. Motion carried.

### **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 medical marijuana, Margie’s Law and Telemedicine.

Rick Wilson and Frank Sheheen addressed the board concerning Modification or Termination of RPP Program Requirements after Evaluation of Voluntary Participants with Mild Substance Use Disorder. After discussion, the board approved the proposal from RPP with amended paragraph

2 to end the last sentence ‘may modify or terminate such requirements for the voluntary participant to include as a minimum one year of senior program monitoring. Motion made by Dr. Welsh and seconded by Dr. Cook.

**Administrator’s Report**

Mr. Spoon reported the following:

**COMMITTEE REPORTS AND RECOMMENDATIONS**

**PHYSICIAN ASSISTANTS ADVISORY COMMITTEE**

Sheridon Spoon, Administrator of the Medical Board presented recommendations from the October 28th 2016 Physician Assistant Committee meeting. This included the modification of the appearance requirement. 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**

Mr. Soon presented recommendations from the October 14, 2016 Respiratory Care Practitioner Committee meeting with the exception of Case # 2015-90 which will be a Final Order Hearing at the February 2017 board meeting.

Dr. Schabel made a motion to approve the recommendations. Motion was seconded by Dr. Hubbard. All in favor. Motion carries.

**ACUPUNCTURE ADVISORY COMMITTEE**

The Acupuncture Advisory Committee did not meet. The Board has posted a vacancy for an acupuncturist seat on the committee due to the resignation of Ms. Temellini.

**Federation of State Medical Boards—[FSMB] State Medical Board Liaison Program presentation**

Stephen Heretick, J.D., FSMB Liaison Director and Jonathan Jagoda, MPP, Director of Federal Government Relations

The FSMB presented information to the board concerning issues of interest. This presentation occurs every three years. Issues included the interstate licensing compact, CDC guidelines for pain prescribing, marijuana legislation and telemedicine.

**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 November 7, 2016**

**Muhammad A. MIRZA, M.D. of Cedar Grove, New Jersey, Applicant for Licensure**  
Applicant's request to withdraw application accepted. Motion by Dr. Schabel. Second by Dr. Welsh. Motion carries.

**Arie BLITZ, M.D., of Pharr, TX, Applicant for licensure**-approved for licensure without condition. Motion by Dr. Saad. Second by Dr. Schabel. Motion carries.

**William KODZAI, M.D. of Charlotte, N.C., Applicant for Licensure**- approved for licensure without condition.  
Motion by Dr. Welsh and Saad. Second by Dr. Chow. Motion carries.

**Frank M. SUTTON, M.D. of Asheville, N.C., Applicant for Licensure**-approved for licensure without condition.  
Motion by Dr. Welsh. Second by Dr. Hubbard. Motion carries.

**Benjamin HINMAN, M.D., of Florence, S.C., Applicant for Licensure**- Applicant's request to withdraw application accepted. Applicant may reapply for a limited license.  
Motion by Dr. Schabel. Second by Dr. Saad. Motion carries.

*At 5:35 pm, a motion was passed to adjourn.*

*The board reconvened at 8:14 am, Tuesday, November 8th 2016 for the second day of its November 2016 regular meeting.*

**OIE/ODC REPORT**

Pat Hanks and Prentiss Shealey, Office of Disciplinary Counsel (ODC) presented the ODC Report to the Board.

Gregg Hinson, of the Office of Investigations presented the Investigative Review Committee's statistical report.

The board passed a motion to enter into executive session to receive legal advice relating to a pending claim. Upon passage of a motion to return to public session, the board began final order hearings.

Upon return from executive session, the board continued the ODC/OIE report to include the investigator training information.

### **Dismissals**

73 cases were presented and approved for dismissal. Dr. Schabel moved to accept the recommendations and Dr. Welsh seconded the motion. The Board unanimously approved the recommendations.

The Orders to Cease and Desist were accepted.

### **Formal Complaints**

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

### **Letters of Caution**

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

The board recognized and welcomed medical students from A.T. Still School of Medicine.

### **FINAL ORDER HEARINGS**

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#### **Final Order and Application Hearings, Tuesday, November 8th, 2016**

##### **2014-265, MOA**

[Hearing closed at the request of ODC]

##### **2015-298, MOA**

[Hearing closed at the request of ODC]

##### **Xia Xiao LING-COOK, ACUP, of Spartanburg, S.C., 2013-57, MOA**

License suspension until respondent appears before the board to offer proof that she understands state law pertaining to her practice. Further disciplinary action may be taken upon reappearance. Motion by Dr. Cook. Second by Dr. Hubbard. Motion carries.

##### **2015-41, MOA**

[Hearing closed at the request of ODC]

##### **Gonzalo Perez DEL PUERTO, M.D. of Plano, TX, Applicant for Licensure**

Applicant's request to withdraw application accepted.  
Motion by Dr. Schabel. Second by Dr. Hubbard. Motion carries.

**Timothy BELL, M.D. of Long Beach, California, Applicant for Licensure**

Approved for licensure without condition. Motion by Dr. Saad. Second by Dr. Welsh. Motion carries.

Deputy Director Dean Grigg addressed the board. He announced the promotion of Mr. Jason Haynes to OIE Chief Investigator.

**2012-367, MOA**

[Hearing closed at the request of ODC]

**Elvira A. CORNELIUS, RCP, of Fort Mill, S.C., 2015-193, MOA**

Dismissal. Motion by Dr. Welsh. Second by Dr. Schabel. Motion carries.

**2012-322, MOA**

[Hearing closed at the request of ODC]

**2013-280, MOA**

[Hearing closed at the request of ODC]

*At 6:10 pm, a motion was passed to adjourn.*

*The board reconvened at 8:40 am, Wednesday, November 9th 2016 for the third day of its November 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 November 9th, 2016**

**2013-10, MOA**

[Hearing closed at the request of ODC]

**2015-500, MOA**

[Hearing closed at the request of ODC]

## **NCCPA Presentation-Physician Assistant Workforce Data and Maintenance of Certification Process**

Ms. Dawn Morton-Rias addressed the board concerning the activities and functions of the NCCPA. They have completed a survey of 12,000 PAs. She mentioned major specialties and sub-specialties, the number of PAs in South Carolina, workplace issues facing PA practice, workforce statistics, supervisory issues, prescriptive authority, and proposed changes to the certification process.

### **2014-466, MOA**

[Hearing closed at the request of ODC]

### **2015-133, 2015-527, MOA**

[Hearing closed at the request of ODC]

### **Isaac R. KIRK, M.D. of Houston, TX, Applicant for Licensure**

Approved for licensure without condition.

Motion by Dr. Schabel. Second by Dr. Welsh. Motion carries.

### **Kevin O'DELL M.D., of Gastonia, N.C., Applicant for Licensure**

[Hearing closed at the request of ODC]

The board adjourned at 5:40 p.m. on November 9th, 2016

Minutes Submitted by Sheridan Spoon, Administrator