

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
November 4 - 6, 2013

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

MEETING CALLED TO ORDER

Dr. Louis E. Costa, II, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:30 A.M., on Monday, November 4, 2013, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Costa 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. Louis E. Costa, II, President, of Charleston
Dr. James Hubbard, of Rock Hill
Dr. Robert Turner, of Florence
Dr. Jeff Welsh, of Columbia, Secretary
Dr. Timothy Kowalski, of Columbia
Dr. Stephen Gardner, Greeville, Vice President
Dr. Jim Chow, of Columbia
Dr. Anne Cook, of Anderson

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

H Rion Alvey, Board Administrator
April Koon, Administrative Coordinator
Brenda Eason, Administrative Assistant
Laura McDaniels, Administrative Assistant
Connie Flanery, Administrative Assistant
Kathy Burgess, Administrative Assistant
Latonia Jones, Administrative Assistant

Office of General Counsel

Patrick Hanks, Assistant General Counsel
Megan Flannery, Assistant General Counsel
Suzanne Hawkins, Assistant General Counsel

Office of Advice Counsel

Sheridon Spoon, Advice Counsel

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM AUGUST 5 -6, 2013 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the August 5 - 6, 2013 minutes by Dr. Welsh and seconded by Dr. Turner. The motion and the minutes were unanimously passed.

FEE ADJUSTMENT PROPOSAL/ MOA's/ INVESTIGATIVE PROCESS

Darra Coleman, Chief Advice Counsel spoke to the Board concerning comprehensive fee analysis for all the boards. She also discussed that there is a new process in place concerning the investigative process and the time it takes for the investigation to be complete. She stated this will be monitored with cycle times meaning, there will be a certain amount of days that each investigator will have to perform the investigation. The Medical Boards cycle days are 150. Mrs. Coleman stated they were working on cycle times for the disciplinary process also but are concentrating on the investigations first. She went on to state that Mrs. Pisarik has employed new employees to OIE and OGC. She also stated that all investigators will be sent through extensive training to perform quality investigations. She went on to discuss with the Board the process of MOA's and collected ideas on how to improve the process. Mrs. Coleman further discussed the fee adjustment process and stated that the Boards were always intended to stand on their own. She asked the Board to approve the new fee proposal of lowering renewal fees five dollars so that the Medical Board would not produce more funds than necessary.

Dr. Hubbard made a motion to approve the fee reduction of five dollars and the motion was seconded by Dr. Welsh. All in favor. Motion carries.

AMERICAN WELLS ONLINE CARE NETWORK PRESENTATION

Dr. Peter Antall, President and Medical Director of Online Care Group presented their policies and procedures to the Medical Board concerning telehealth. The Board took the presentation under advisement and explained to American Wells Online Care that the Board would need proof of a medical home for them to comply with the Medical Boards approved language.

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:**

2012-330

Final Order Hearing

Dr. Gardner made a motion to allow respondent to continue his recovery and monitoring. Private agreement to continue for the full 5 years of his PHP monitoring and should her return to practice in South Carolina that respondent must notify the Board of practice location and notify RPP of the active interest of practicing in this state

Motion seconded by Dr. Welsh
All in favor
Motion carries

Colin Thomas Kelley, MD

2011-44

Final Order Hearing

A motion was made by Dr. Chow for revocation of license.
Motion was seconded by Dr. Gardner
All in favor
Motion carries

2013-55

Final Order Hearing

A motion was made by Dr. Hubbard as follows:

- Accept Memorandum of Agreement
- Private Reprimand
- \$160 Cost
- Complete CME prescription writing course within 12 months

Motion was seconded by Dr. Turner
All in favor
Motion carries

William C Griggs, MD

2010-146

Final Order Hearing

A motion was made by Dr. Turner as follows:

- Public Reprimand
- Respondent agrees to monitoring compliance with RPP indefinitely
- Notify Board of any change in practice setting
- Include court cost if applicable

Motion was seconded by Dr. Turner
All in favor
Motion carries

Myles Goldflies, MD
2011-238/2012-154/2012-337
Final Order Hearing

A motion was made by Dr. Kowalski to accept a voluntary surrender of license in place of revocation.

Motion was seconded by Dr. Turner
All in favor
Motion carries

2007-277
Final Order Hearing

A motion was made by Dr. Turner as follows:

- Private Reprimand
- A Prescribing course acceptable to the Board

Motion was seconded by Dr. Hubbard
All in favor
Motion carries

Raymond Krzyzaniak, MD
2013-186
Final Order Hearing

A motion was made by Dr. Kowalski as follows:

- Accept Memorandum of Agreement
- Public Reprimand
- Continued suspension indefinitely
- Requiring successful compliance and enrollment in RPP with proven period of abstinence for a minimum of one year
- Must demonstrate a level of professional competency by a method approved by the board

Motion was seconded by Dr. Hubbard
All in favor
Motion carries

Applicant for licensure

Dr. Chow made a motion to approve applicant to proceed with licensure provided he continue his monitor program by Private agreement with the Board.

Motion seconded by Dr. Gardner
All in favor
Motion carries

Curtis Haskins, MD
2012-340
Final Order Hearing

A motion was made by Dr. Gardner as follows:

- Accept Memorandum of Agreement
- Public Reprimand
- Fine of \$1,000
- Investigative Cost of \$ 1,400
- Completion of coursed in Boundary and ethics as well as prescribing approved by the Board to be completed within 12 months
- Completion of CME on Opioid prescribing, specifically the FSMB book “Responsible Opioid Prescribing” by Scott Fishman

Motion was seconded by Dr. Turner

All in favor

Motion carries

A motion was made by Dr. Costa and seconded by Dr. Welsh to adjourn at 6:50 pm

Reconvened at 8:30 am Tuesday November 5, 2013

OIE REPORT

Althea Myers, chief investigator for Office of Investigations presented the Investigative Review Committee’s Report along with the statistical report. The Statistical report showed 112 cases were received for the third quarter and 105 cases closed.

Dismissals

Cases were presented and approved for dismissal minus number 51 to be sent for a letter of caution. Dr. Kowalski moved to accept the recommendations and Dr. Hubbard seconded the motion and the Board unanimously approved the recommendations.

Formal Complaints

Cases were presented for formal complaint and Dr. Kowalski moved to approve. Dr. Turner seconded the motion and the Board unanimously approved the recommendations.

Letters of Caution

Cases were presented for a letter of caution. A motion was made by Dr. Kowalski to approve the letters of caution to exclude number 92 sent for further review. Dr. Welsh seconded the motion and the Board unanimously approved the recommendations.

The Board had a brief discussion about the Medical Board creating a newsletter with statistical information to discuss substandard care issues along with other Board information. This was discussed with examples using facebook, newsletter or eblast. Dr. Costa noted that the SCMA was willing to allow the Medical Board to have a section in their newsletter.

Michael Myers, MD
2012-482
Final Order Hearing

The respondent requested a permanent relinquishment of license. A motion was made by Dr. Turner to approve the relinquishment and seconded by Dr. Hubbard.

All in favor
Motion carries

2013-95
Final Order Hearing

A motion was made by Dr. Welsh as follows:

- Accept Memorandum of Agreement
- Private Reprimand
- Allow respondent to practice as long as continued enrollment in RPP and compliance with all their recommendations
- Remains in a site specific practice approved by the Board

Motion was seconded by Dr. Kowalski
All in favor
Motion carries

Carl Bailey, MD
Request for reinstatement of license

A motion was made by Dr. Kowalski to approve reinstatement of license with all of the recommendations from BMI in place and remain in place indefinitely. The motion was seconded by Dr. Welsh.

All in favor
Motion carries

Darryl Sugar, MD
Request for reinstatement of license

A motion was made by Dr. Kowalski to approve reinstatement of license with the following conditions

- Continue psychiatric evaluation at least quarterly to the Board with the 1st one preceding his reinstatement
- Accepted into a one year medical education training program acceptable to the Board and unsuccessful completion of this requirement will result in immediate suspension
- Continue with all requirements with RPP
- Must obtain Board approval of his site of practice

Motion was seconded by Dr. Welsh
All in favor
Motion carries

**Interpretation / Clarification of Physician Assistant Practice Act Section 40-47-965/
Discussion on issues related to Inspector General Report concerning Prescription
Monitoring Program**

Dr. Costa spoke to the Board concerning the Healthcare Collaborative Committee that was structured to resolve issues concerning many items. The Governor's office is also creating a task force to address the opioid prescribing crisis referenced in the Inspector General Report. He discussed the IG report and also presented the mission statement of the Healthcare Collaborative Committee. The Strategy is going to include communication between Inter-departmental parties like DHHS and DHEC etc. All parties will work together to establish criteria and the use of PMP to determine who the physicians are that are over prescribing. These may be done without making legislative changes yet some may require statutory language changes. They are already implementing some changes on the Pharmacy side to ensure that the pharmacist are entering the filled opioid prescriptions for narcotics they prescribed that day are entered into the South Carolina Reporting Identification Prescription Tracking System (SCRIPTS) daily every 24 hours. The Medical Board has been asked to revisit the pain management policy. Dr. Costa stated that the Prescription Monitoring Program (PMP) is voluntary however, he stated that it is being suggested that physicians will have to use this program in the future and that the Board needs to work on how to compel physicians to use the PMP.

There were some questions from pharmacist concerning Physicians Assistants and the new practice act concerning the PA's legitimate writing of controlled II substances after 72 hours. The Board feels that there could be no legal liability to the pharmacist if the PA is not writing these prescriptions legitimately. A motion was made by Dr. Hubbard to create an Advisory Opinion that will read as follows.

“The SC Board of Medical Examiners does not interpret the language of the PA Practice Act as amended to impose an obligation upon the pharmacy in question to verify compliance with 40-47-965. Licensees under the SC Board of Medical Examiners, supervising physicians and physician assistants are expected to comply with the Medical Practice Act and are subject to discipline if they do not. Pharmacies may or may not implement their own verification systems for prescriptions in accordance with the pharmacy practice act.” The motion was also amended to include recommendation that the physician needs to co-sign on refill prescriptions. Motion was seconded by Dr. Chow. Dr. Gardner dissented. Motion carries.

The SC Medical Board reappointed new members to the Healthcare Collaborative Committee as follows:

Dr. Stephen Gardner
Dr. Jeffrey Welsh
Dr. Louis Costa

Motion was made by Dr. Kowalski and seconded by Dr. Welsh. All in favor. Motion carries.

David V Rhodes, MD
2011-219
Final Order Hearing

A motion was made by Dr. Cook as follows:

- Accept Memorandum of Agreement
- Continued suspension of medical license pending conclusion of the criminal case at which time respondent can reappear before the board

Motion was seconded by Dr. Hubbard
All in favor
Motion carries

2011-356
Final Order Hearing

A motion was made by Dr. Welsh as follows:

- Accept Memorandum of Agreement
- Private Reprimand
- Court cost of \$480
- Request to supervise PA's from the respondent has been denied

Motion was seconded by Dr. Hubbard
All in favor
Motion carries

Lawrence B Beasley, MD
Request to be released from Consent Agreement

A motion was made by Dr. Kowalski to approve the request for release from consent agreement. The motion was seconded by Dr. Hubbard.

All in favor
Motion carries

Jeffrey J Farricielli, MD
Applicant for licensure

A motion was made by Dr. Welsh to allow applicant to proceed with licensure. Motion was seconded by Dr. Hubbard. All in favor. Motion carries.

RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS

After discussion, a motion was made by Dr. Welsh and seconded by Dr. Hubbard to approve the recommendations of October 18, 2013. All in favor. Motion carries. (See Attached)

ANESTESIOLOGIST ASSISTANT RECOMMENDATIONS

After discussion, a motion was made by Dr. Kowalski and seconded by Dr. Hubbard to approve the recommendations of the November 2013 applicants. All in favor. Motion carries. (See Attached)

TRANSFER OF PATIENT RECORDS

The transfer of patient records from presented requests for the Board consideration about the selling of patient's records to an individual or entity other than a physician or hospital (see attached). After discussion Dr. Welsh moved to accept, with Dr. Kowalski seconding the motion and the requests were unanimously approved.

A motion was made by Dr. Gardner and seconded by Dr. Welsh to adjourn at 5:40 pm

Reconvened at 8:50 am Wednesday November 6, 2013

Inga Gurevich, M.D.

Applicant for licensure

Dr. Welsh made a motion to approve applicant to proceed with licensure.

Motion seconded by Dr. Kowalski

All in favor

Motion carries

Derek Melby, M.D.

Applicant for licensure

Dr. Kowalski made a motion to approve applicant to proceed with licensure.

Motion seconded by Dr. Chow

All in favor

Motion carries

PHARMACY BASED IMMUNIZATION TRAINING PROGRAM APPROVAL

After a brief discussion about the Ohio training program for pharmacist to administer immunizations, a motion was made by Dr. Kowalski and seconded by Dr. Cook. All in favor. Motion carries

Dr. Costa asked to refer the question the Board had to the Healthcare Collaborative Committee concerning what the Pharmacy Boards perspective was on what is expected of their immunizing pharmacists in terms of conveying care rendered to the primary care physician and or medical home.

PRESIDENT AND ADMINISTRATORS REMARKS

- 1.) Dr. Chow addressed concerns he had related to staff being overworked and working late and early hours. He addressed the importance of the practice of medicine and protecting the public being paramount in the Board's mission. Dr. Chow also showed concern that there were a lot of new faces on the investigative team and was concerned about the experience that has left from the Board. Rion Alvey stated that the Director was aware of the staffing issues and they were working hard to find replacements.
- 2.) The Healthcare Collaborative Committee statement was reviewed and approved by the Medical Board. Motion was made by Dr. Gardner to approved and seconded by Dr. Welsh. All in favor. Motion carries. See Attached.
- 3.) The Board briefly discussed creating an Advisory opinion on highly encouraging licensees to obtain the Opioid prescribing booklet by Scott Fisher to use towards their 40 hours of continuing education. Dr. Kowalski has agreed to be proactive in revisiting current policy to revise if necessary.

Kenneth M Lovett, MD

Applicant for licensure

A motion was made by Dr. Cook that applicant is ineligible to pursue licensing at this time until resolution is made in North Carolina of his pending action and applicant provide proof of current DEA.

Motion was seconded by Dr. Kowalski

All in favor

Motion carries

PRESENTATION ON SERVICES FROM PROGRESSIVE PROFESSIONALS PROGRAM

Dr. Dwyer, Director of MUSC CPSPD, presented to the board how his department handled licensees when they contact his department for an evaluation. He stated his department conducts psychiatry and behavioral science along with forensic psychiatry that includes criminal court and civil court evaluations to determine if physicians are fit to practice.

DEA CONTROLLED SUBSTANCE HANDLING ISSUES

Connie Overton, Diversion group supervisor, presented to the board regarding the prescribing authority of physicians here in South Carolina. She stated that her group has responsibilities that include the federal oversight of controlled substances and list one chemical laws. She discussed with the board some of the issues they are dealing with concerning physicians dispensing controlled substances from their offices without the pharmacist in place. She stated that the physician cannot act as their own pharmacist dispensing controlled substances via prescriptions of other physicians. The Board has approved for Mrs. Overton to put together information to educate the physicians on this type of practice. Mrs. Overton and Pat Hanks, OGC will work together to provide the Board with information that can be eblasted out to licensees.

2009-186

Request to be released from Private Agreement

Dr. Turner made a motion to be released from private agreement. Motion seconded by Dr. Cook.

All in favor

Motion carries

Steven Fass, MD

Request for worksite approval

Dr. Welsh made a motion to approve worksite with a stipulation of adequate chaperoning to all diagnostic therapeutic interaction with patients. All current monitoring shall stay in place at this time. Motion seconded by Dr. Chow. All in favor. Motion carries.

James H Phillips, MD

Request to be released from Final Order

A motion was made by Dr. Welsh to approve the release from final order. Motion seconded by Dr. Chow. All in favor. Motion carries.

DATES OF APPROVAL FOR THE 2014-2015 BOARD MEETINGS

The Board members all agreed on these dates.

January 27-29, 2014

May 5-7, 2014

August 4-6, 2014

November 3-5, 2014

January 19-21, 2015

May 4-6, 2015

August 3-5, 2015

November 2-4, 2015

Board adjourned 3:35pm on Wednesday November 6, 2013

Respectfully Submitted

April Koon

Administrative Coordinator

**LLR-BOARD OF MEDICAL EXAMINERS –November 4-6, 2013
ANESTHESIOLOGY ASSISTANT COMMITTEE MEETING**

AGENDA TOPIC: Temporary AA's applying for Permanent Licensure

FROM: Brenda K. Eason, Administrative Assistant

Attached is a AA's who are currently on temporary license. They have met all the requirements for permanent license and are now requesting to update from the temporary license to the permanent license. Those with asterisk (*) have answered "yes" on the application and will be discussed at the AA Meeting.

- 1) **Scott Harvey, AA**
Supervising Physician – Dr. Robert Hass
Coastal Carolina Hospital/ Hilton Head Hospital
1000 Medical Center Drive
Hardeeville SC 29926

Interviewed and approved by Dr. Anthony Beall on 8/6/2013

- 2) **Juliette Burnham, AA**
Supervising Physician – Dr. Joseph Anthony
Grand Strand Regional Medical Center
809 82nd Parkway
Myrtle Beach SC 29572

Interviewed and approved by Dr. Anthony Beall on 8/20/2013

- 3) **Braden Burleson, AA**
Supervising Physician – Dr. James Caswell
Hilton Head Hospital
25 Hospital Center Blvd.
Hilton Head Is SC 29926

Interviewed and approved by Dr. Anthony Beall on 8/22/2013

- 4) **Laura Brichler, AA**
Supervising Physician – Dr. Joseph Maggioncalda
Grand Strand Regional Medical Center
809 82nd Parkway
Myrtle Beach SC 29572

Interviewed and approved by Dr. Anthony Beall on 10/23/2013

Respiratory Care Committee Meeting Recommendations

Held October 18, 2013 at LLR 110 Centerview Drive Columbia, SC 29210 at 10:00 A.M.

The committee members participating were as follows: Connie Jones, RCP of Elgin SC; Garrett Galloway, RCP of West Columbia SC; Dr. Brandi Newsome of Lexington SC; and Debra Polson, RCP of Wallace SC; Staff participating was as follows: Georgia Lewis, Legal Counsel; Ieshia Watson, Administrative Assistant and Kathy Burgess, Administrative Assistant and Dawn Madrid, Administrative Assistant.

The meeting was called to order at 10:53 A.M. **without** a quorum of committee members. Committee members were distributed an agenda and minutes from the July 26, 2013 meeting prior to this meeting. It was noted that LLR announced the meeting through all the proper channels.

Because of the urgency, the Committee members decided, with Advice Counsel's approval, to proceed with the applicant appearance and to discuss the Committee Vacancy. The Committee held a teleconference on October 25, 2013 to ratify these decisions. All other Agenda items were postponed for the next RCP Committee Meeting.

Applicant Appearances

Thomas Enright- appeared before the Committee to explain a "yes" answer on question #11, "Have you ever been arrested, indicted, or convicted, pled guilty, or pled nolo contendere for violation of any federal, state or local law (other than a minor traffic violation)". Mr. Enright explained he was arrested when he was in his early twenty's with a group of friends who thought it would be cool to steal a soda machine for their apartment. Mr. Enright explained he made a poor choice and since it was his first offence he was allowed to enter into a deferment program. Mr. Enright explained he was required to pay a fine, perform 80 hours of community service and write an apology letter to the owner of the machine. In exchange for these conditions, the charges would be dropped and the arrest was to be removed from his record. Mr. Enright was also arrested in 2007 while in the Air Force. He explained he was in a relationship with a young lady who surprised him on his birthday with cocaine. He stated he thought he was in love and her influence caused him to make a career ending decision to experiment with the drug for the first and last time. The very next day he was randomly chosen for a drug screen and tested positive for cocaine. Mr. Enright spent six months in lock down at Shaw Air Force Base. Due to work ethic and his loyalty to commanding officers, co-workers, and other enlisted personnel his commanding officer recommended a general discharge with honors. Mr. Enright stated he was ashamed and embarrassed of his poor choices in the past and has worked hard to accomplish his goal to become a Respiratory Care Practitioner. He explained he was top three in his class for the Respiratory Program and asks for a chance to prove himself and his ability to help others.

No action was taken due to a quorum of members not being present, however, a meeting will be held at a later date to ratify the decision to issue a license to Mr. Enright without condition.

Review Letters of Interest to vote on Committee Member Vacancy

The Committee discussed asking Scott Crego to fill the vacancy on the RCP Committee. A decision was not made due to not having a quorum of members present, however, a meeting will be held at a later date to ratify the decision to ask Mr. Crego to fill the vacancy on the RCP Committee.

Adjourn

Ms. Jones made a motion to adjourn at 11:40.

The Committee scheduled a Teleconference meeting for October 25, 2013 at 12:00 P.M.

Respiratory Care Committee Teleconference Meeting

Held October 25, 2013 at LLR 110 Centerview Drive Columbia SC 29210 at 12:00 P.M.

The committee members participating were as follows: Connie Jones, RCP of Elgin SC; Dr. Brandi Newsome of Lexington SC; Debra Polson, RCP of Wallace SC; Cindy Farmer, RCP of Easley SC; and Marie Whitner, RCP of Greenville SC; Staff participating was as follows: Sheridan Spoon, Legal Counsel; Rion Alvey, Medical Board Administrator; Ieshia Watson, Administrative Assistant; and Dawn Madrid, Administrative Assistant.

The meeting was called to order at 12:02 P.M. with a quorum of committee members. It was noted that LLR announced the meeting through all the proper channels.

After discussion, the Committee decided to approve Mr. Enright for full licensure without condition. Motion Carried.

After discussion, the Committee decided to approve asking Scott Crego to fill the vacancy on the RCP Committee. Motion Carried.

Adjourn

Ms. Bostic made a motion to adjourn at 12:07 and Ms. Polson seconded the motion.

The next meeting is scheduled for January 24, 2014 at 10:00 A.M.

Healthcare Collaborative Committee

Mission Statement

The protection of the public is paramount.

This Committee shall foster a collaborative, symbiotic interaction between all Boards, Agencies, and Institutions responsible for the public's general health.

It establishes a dialectic venue to determine the most efficient integration and utilization of regulatory resources as provided by law.

It is to be proactive in the codification process by identifying those needed provisions to assure the safest and best access for the public's acquisition of health related services.

In so doing will assure a reasonable, productive environment for the healthcare professionals rendering those services.