

**MINUTES**  
**STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA**  
**August 3 -5, 2015**

Board Meeting  
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 8:30 A.M., on Monday, August 3, 2015, 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 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. Robert Turner, of Florence, Secretary  
Dr. Jim Chow, of Columbia  
Dr. Mike Vasovski, of Aiken  
Dr. Anne Cook, of Anderson  
Dr. Daniel Saad, of Greer  
Dr. Stephen Schabel, of Charleston  
Dr. James Hubbard, of Rock Hill

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  
April Koon, Administrative Coordinator  
Brenda Eason, Administrative Assistant  
Laura McDaniels, Administrative Assistant  
Connie Flanery, Administrative Assistant  
Kathy Burgess, Administrative Assistant  
Latonea Jones, Administrative Assistant  
Debra Wade, Administrative Assistant

Office of Disciplinary Counsel

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

Office of Advice Counsel

Darra Coleman, Chief Advice Counsel  
Alex Imgrund, Advice Counsel

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## **REVIEW/APPROVAL OF AGENDA**

Dr. Saad made a motion to approve the agenda for this meeting with the addition of applicant Dr. Naceme Azizzadeh for Wednesday August 5, 2015 and the addition to rehear Case #2012-186 on Wednesday August 5, 2015. Dr. Schabel seconded the motion. All in favor. Motion carries.

## **REVIEW/APPROVAL OF MINUTES FROM MAY 4-6, 2015 BOARD MEETING**

After considering recommendations, additions, deletions and corrections, a motion was made to approve the May 4-6, 2015 minutes by Dr. Cook and seconded by Dr. Hubbard. The motion and the minutes were unanimously passed.

## **TELEMEDICINE DISCUSSION**

### **1. PRESENTATION FROM MYIDEALDOCTOR**

Christian Stegmaier, Esquire, along with Adrian Davis, Chief Executive Officer of MyIdealDoctor, presented their telemedicine model for MyIdealDoctor to the Board.

### **2. PRESENTATION FROM MEDCALLASSIST**

Eric Stirling, MD presented their telemedicine model for MedCallAssist to the Board.

### **3. PRESENTATION FROM CAROLINA HEALTH SYSTEMS**

Roger Ray, MD presented the telemedicine model for Carolina Health Systems to the Board.

### **4. PRESENTATION FROM SC TELEHEALTH ALLIANCE**

Dr. Rick Foster, Senior Vice President at SC Hospital Association, Population Health and Senior Medical Consultant with DHHS and Dr. McSwain from MUSC, represented the SC Telehealth Alliance and asked the Board to have a member serve on the Alliance.

The SC Board of Medical Examiners took all these presentations under advisement at this time. The Telehealth Committee will review these telemedicine companies more thoroughly once the updated protocols have been submitted by each company.

## **DISCUSSION AND APPROVAL OF REVISION TO ADVISORY OPINION “ESTABLISHMENT OF PHYSICIAN PATIENT RELATIONSHIP AS PREREQUISITE TO PRESCRIBING” AND PROPOSED TELEMEDICINE POLICY DRAFTING PROCESS**

Dr. Gardner, President of the Medical Board discussed amendments to the Advisory Opinion for 40-47-113. A motion was made by Dr. Cook to approve the amendments and seconded by Dr. Welsh. All in favor. Motion carries.

Dr. Gardner, President of the Medical Board discussed amendments to the Telemedicine Advisory Opinion that makes a strong reference to the AO regarding the establishment of a physician-patient relationship as a prerequisite to prescribing drugs 40-47-113. He stated these are tandem policies in their intent to describe and define the practice of telemedicine and prescribing therein within the state of SC. Dr. Welsh made a motion to approve the amendment to the Telemedicine Advisory Opinion. Motion was seconded by Dr. Saad. All in favor. Motion carries.

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### **LEGISLATIVE UPDATE**

Holly Beeson, Attorney with the Office of Communications and Government Affairs with LLR updated the Board on bills that impact the Medical community. Four bills were passed by the Legislature. 1) Senate Bill 30-83, SC Overdose Prevention Act. 2) House Bill 34-43 Optometry Bill. 3) Senate Bill 474 Rights of Mental Health Patients. 4) Senate Bill 413 Joint Pharmacist Administered Vaccines Committee.

### **SC BOARD OF NURSING ADVISORY OPINION #65 FOR APPROVAL**

Lena Warner, Chair of Nursing Practice and Standards Committee presented the SC Board of Nursing Advisory Opinion #65 for approval. Dr. Hubbard made a motion to approve AO #65. Dr. Cook seconded the motion. All in favor. Motion carries.

### **ISSUE REGARDING THE SAFEGUARDING OF PATIENT MENTAL HEALTH RECORDS**

Dr. Merlin along with Jake Kennedy, Esquire presented their issue regarding the safeguarding of patient mental health records to the Board and asked for the Boards advice on how to handle the records. A motion was made by Dr. Schabel to draft a letter signed by the president concerning the custodial nature of the medical records currently maintained by Dr. Merlin, and upon receipt of a written request from a healthcare provider and authorization for release signed by the patient or the patient's representative which may include a representative of the patient's estate, that Dr. Merlin may release the requested records to a physician, hospital, or other healthcare organization. The Board appreciates the efforts made by Dr. Merlin to maintain the sanctity of health care and the safety of patient records. Dr. Turner Seconded the motion.

All in favor

Motion carries

### **PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS**

Dr. Gardner presented recommendations from the July 10, 2015 Physician Assistants Advisory Committee meeting. After considering the recommendations, additions, deletions and corrections, Dr. Turner made a motion to approve the recommendations. Motion was seconded by Dr. Cook. All in favor. Motion carries.

### **RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS**

The Respiratory Care Practitioners Committee did not meet at its scheduled meeting July 17, 2015 due to not having a quorum of members. The next regular meeting is scheduled for October 16, 2015.

### **PRESIDENT AND ADMINSTRATOR REMARKS**

1. Mr. Spoon, Medical Board Administrator, alerted the Board members that LLR has issued a new name badge policy that will only allow them access into the building during normal working hours 8:30am to 5:00pm and that they must use the front door only.
2. Mr. Spoon, Medical Board Administrator, asked the Board to appoint new members to the Medical Disciplinary Commission. Dr. Schabel made a motion to appoint Dr. Marcelo Hochman for District One. Motion was seconded by Dr. Welsh. All in favor. Motion carries. Dr. Welsh made a motion to accept Dr. Michael Ervin, Dr. Angela Harper, Dr. Koshy Abraham and Dr. Robert Thompson to District Two. Motion was seconded by Dr. Schabel. All in favor. Motion carries.

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3. Mr. Spoon, Medical Board Administrator, presented the Medical Board's budget balance sheet for information.
  4. Dr. Cook made a motion to approve the transfer of patient records between Groves Enterprises, Inc. d/b/a Doctors Express (Seller) and Bon Secours Ambulatory Services-St. Francis, LLC (Buyer). Dr. Turner seconded the motion. All in favor. Motion carries.
  5. Dr. Gardner, President of the Medical Board discussed the Joint Pharmacist Administered vaccines Committee Member Appointment and noted that two physician members must be appointed. A motion was made by Dr. Saad and seconded by Dr. Hubbard to approve Current president of SC Academy of Family Physicians Dr. Hugh Durrence and SC Medical Board member Dr. Anne Cook. All in favor. Motion carries.
  6. Dr. Gardner asked Dr. Saad to update the Board on the Governor's Task Force on Domestic Violence. Dr. Saad noted the task force discussed the need for adequate training and possibly mandatory online training or at least to accept CME related to Domestic Violence as part of the CME requirements for renewal of licensure. Dr. Saad noted that there was more to come of this topic in the future.
  7. Dr. Gardner discussed the Governor's Prescription Drug Abuse Prevention Task Force. He noted that at the present time, the Task Force is continuing to work on draft legislation possibly but nothing has been drafted yet.
  8. Dr. Gardner discussed the Federation of State Medical Boards Liaison program. He stated that the FSMB has established a one-on-one liaison with a physician or administrator in their organization to a delegate from the Board. Dr. Schabel suggested the acting member of that program should be the President of the Medical Board. Dr. Welsh seconded that motion. All in favor. Motion carries.
  9. Dr. Gardner discussed the Pharmacy Based Influenza Training Program, Collaborative Education Institute. He stated that the program intends to train the pharmacists to be adequate to deliver the immunizations that the recent statute allows them to do. Dr. Schabel made a motion to approve CEI's training program. Dr. Cook seconded the motion. All in favor. Motion carries.
  10. Dr. Gardner discussed the review of Proposed Advisory Opinion regarding Hospice Prescribing. A motion was made by Dr. Schabel and seconded by Dr. Turner to approve the AO. All in favor. Motion carries.
  11. Dr. Gardner discussed the review of Proposed Regulation Regarding Patient Records. A motion was made by Dr. Saad for the proposed regulation to be reviewed by board members and advice counsel along with the agency in general and that it been considered for approval at the next meeting in November 2015. Dr. Welsh seconded the motion. All in favor. Motion carries.

### **PROPOSED REGULATION / SC ELECTROLOGY ASSOCIATION**

Anne Morris, CPE for SC Electrology Association presented her concerns to the Board on electrology and discussed concerns if this is not performed under sterile conditions that there could be a real issue with the spread of blood-borne pathogens. She also discussed concerns from there not being licensure for electrology in SC. Dr. Welsh made a motion for Dr. Chow to work with the interested parties on these issues. Motion seconded by Dr. Turner. All in favor. Motion carries.

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## **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:**

### **2014-11**

#### **Final Order Hearing**

Dr. Chow made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Pay cost of \$100 to be paid within 90 days

Dr. Saad seconded the motion

All in favor

Motion carries

### **Rikki Halavonich, MD**

#### **2012-306**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has Violated the Medical Practice Act
- Public Reprimand
- Fine of \$3,000.00 to be paid within 6 months
- Cost of \$1,500.00 to be paid within 6 months
- If respondent chooses to renew license, she must complete 1 year with RPP and must not write controlled substances for 6 months

Dr. Schabel seconded the motion

All in favor

Motion carries

### **Cynthia Pridgen, MD**

#### **2013-126**

#### **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Fine of \$2,500 within 6 months
- Cost of \$910.00 within 6 months

Dr. Schabel seconded the motion

All in favor

Motion carries

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**Rachael Gross, DO**

**2014-367**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Fine of \$3,000 to be paid within one year
- Cost of \$40.00 to be paid within one year
- Contact Dr. Greg Dwyer at MUSC within 30 days to schedule a sexual evaluation and complete the evaluation within 90 days
- Reappear before the Board after completion of evaluation

Dr. Schabel seconded the motion

Dr. Turner opposed the motion

Motion carries

**Michael Otruba, MD**

**2010-186**

**Final Order Hearing**

Hearing was held in respondent's absence

Dr. Turner made a motion as follows:

- Accept Panel Report
- Public Reprimand
- Indefinite Suspension
- Cost of \$2,200 to be paid within 6 months

Dr. Schabel seconded the motion

All in favor

Motion carries

**Michael Otruba, MD**

**Request to modify order**

Dr. Gardner made a motion for the license to remain suspended pending evaluation by psychiatrist or medical forensic psychiatric service approved by the Board. Respondent can return that evaluation to the Board President to determine the ability to practice medicine.

Dr. Cook seconded the motion.

All in favor

Motion carries

**A motion was made by Dr. Chow and seconded by Dr. Welsh to adjourn at 6:57 pm**

**Reconvened at 8:40 am Tuesday August 4, 2015**

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## **OIE REPORT**

Pat Hanks, Office of Disciplinary Counsel (ODC) presented the ODC Report to the Board. He stated they have 97 cases amongst three attorneys. 21 of those cases are pending Final Order; seven pending Final Order Drafting; and they have closed 43 cases and the remainder cases are in the process of presenting to the Board.

Dr. Saad made a motion to delegate the task of reviewing and approving of the Cease and Desist Orders to the President of the Medical Board. Motion seconded by Dr. Schabel. All in favor. Motion carries.

Dr Turner made a motion that the Administrator of the Board is allowed to sign those non-discretionary Cease and Desist with the accountability to the President of the Board. Motion seconded by Dr. Cook. All in favor. Motion carries.

Althea Myers, chief Investigator for Office of Investigations presented the Investigative Review Committee's Report along with the statistical report. Mrs. Myers noted that key number 56 of the report has been pulled for further action by Office of Disciplinary Counsel.

## **Dismissals**

40 Cases were presented and approved for dismissal. Dr. Welsh moved to accept the recommendations and Dr. Chow seconded the motion and the Board unanimously approved the recommendations.

## **Formal Complaints**

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

## **Letters of Caution**

21 Cases were presented for a letter of caution. A motion was made by Dr. Hubbard to approve the letters of caution. Dr. Schabel seconded the motion and the Board unanimously approved the recommendations.

## **Jose Hernandez, MD**

### **2013-242**

## **Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Cost of \$260 to be paid within 6 months
- Remain in RPP
- If worksite should change, must have approval by the Board
- Quarterly reports to the Board from psychiatrist with ongoing treatment
- Prescription writing course approved by the Board

Dr. Saad seconded the motion

All in favor

Motion carries

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**2014-504**

**Final Order Hearing**

This case has been continued until further notice.

**Joe Hendrix, MD**

**2010-160**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Accept Panel Report
- Permanent revocation of license in South Carolina

Dr. Schabel seconded the motion

All in favor

Motion carries

**2012-426**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Fine of \$1,000 to be paid within 6 months
- Cost of \$240.00 to be paid within 6 months

Dr. Saad seconded the motion

Dr. Turner opposed the motion

Motion carries

**2014-534**

**Final Order Hearing**

Dr. Schabel made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Fine of \$1,000 to be paid within 6 months
- Cost of \$100.00 to be paid within 6 months
- Complete a prescribing course within 6 months

Dr. Saad seconded the motion

All in favor

Motion carries

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**Mary Chrostowski, MD**

**2008-378**

**Final Order Hearing**

Dr. Cook made a motion as follows:

- Accept Panel Report Recommendations
- Permanent Revocation of License

Dr. Hubbard seconded the motion

All in favor

Motion carries

**Jerome Degen, MD**

**2013-177, 2013-210, 2013-220, 2013-230, 2013-265, 2013-381**

**Final Order Hearing**

Dr. Hubbard made a motion as follows:

- Accept Panel Report Recommendations
- Permanent Revocation of license

Dr. Schabel seconded the motion

All in favor

Motion carries

**David Kulbersh, MD**

**2015-89**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Public Reprimand
- Fine of 2,500 to be paid within 6 months
- Cost of \$160.00 to be paid within 6 months

Dr. Schabel seconded the motion

All in favor

Motion carries

**Darlene Bernard, MD**

**Request to be released from Consent Agreement**

Dr. Chow made a motion as follows:

- Released from Consent Agreement

Dr. Turner seconded the motion

All in favor

Motion carries

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**Kevin Burnham, PA**

**Request to be released from Final Order**

Dr. Cook made a motion as follows:

- Released from Final Order

Dr. Schabel seconded the motion

All in favor

Motion carries

**A motion was made by Dr. Turner and seconded by Dr. Chow to adjourn at 6:34 pm**

**Reconvened at 8:45 am Wednesday August 5, 2015**

**2013-187, 2013-436**

**Petition to reconsider sanctions**

Dr. Welsh made a motion as follows:

- Remove # 1 of the Private Order dated April 22, 2015
- All other portions of the Private and Public Orders remain in effect

Dr. Saad seconded the motion

All in favor

Motion carries

**2014-294**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Cost of \$100.00 to be paid within 6 months

Dr. Vasovski seconded the motion

All in favor

Motion carries

**2014-226**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Private Reprimand
- Fine of \$1,000 to be paid within 6 months
- Cost of \$160.00 to be paid within 6 months

Dr. Schabel seconded the motion

All in favor

Motion carries

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**Nimish Patel, MD**

**Applicant for licensure**

Applicant did not appear for applicant hearing.

**Stephanie Brown, MD**

**Applicant for licensure**

Applicant did not appear for applicant hearing.

**Edwin Ozua, MD**

**Applicant for licensure**

Dr. Turner made a motion to allow applicant to proceed with licensure. Dr. Cook seconded the motion.

All in favor  
Motion carries

**John Arnold, MD**

**Applicant for licensure**

Dr. Schabel made a motion to allow applicant to proceed with licensure. Dr. Turner seconded the motion.

All in favor  
Motion carries

**Robert Gray, MD**

**Applicant for licensure**

Dr. Gardner made a motion to differ the application, pending the status of indefinite suspension in North Carolina. If applicant can prove he is not indefinitely suspended in North Carolina, application may proceed if he commits to a lifetime of sobriety and lifetime monitoring with a contract with RPP.

Dr.Schabel seconded the motion.  
All in favor  
Motion carries

**Orrin Walker, MD**

**2014-412**

**Final Order Hearing**

Dr. Turner made a motion as follows:

- Has violated the Medical Practice Act
- Indefinite Suspension
- Cost of \$200.00 to be paid within 1 year

Dr. Schabel seconded the motion  
All in favor  
Motion carries

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**Titus Caddell, MD**

**Request to modify order**

Dr. Turner made a motion as follows:

- Deny request to modify order

Dr. Schabel seconded the motion

Dr. Turner and Dr. Gardner dissented

Motion carries

**Naceme Azizzadeh, MD**

**Applicant for licensure**

Dr. Gardner made a motion to defer application until applicant takes and passes certifying exam.

Applicant may reactivate the application process once she has passed certifying exam. Present

Board president may approve application without Board appearance.

Dr. Schabel seconded the motion.

All in favor

Motion carries

**Board adjourned 5:24pm on Wednesday, August 5, 2015**

**Respectfully Submitted**

**April Koon**

**Administrative Coordinator**