

EXECUTIVE SESSION MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA
May 4 -6, 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, May 4, 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
Excused Absence/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
Latonia 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

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM FEBRUARY 2-4, 2015 BOARD MEETING

After considering recommendations, additions, deletions and corrections, a motion was made to approve the February 2-4, 2015 minutes by Dr. Welsh and seconded by Dr. Cook. The motion and the minutes were unanimously passed.

TELEMEDICINE DISCUSSION

1. PRESENTATION FROM DOCTORS CARE P.A.

Will Thomas, Esquire, Dr. Thomas Gibbons, President of Doctor Care P.A., along with Mr. David Bouche, Administrative Operations presented their telemedicine model for Doctors Care P.A. to the Board.

2. PRESENTATION FROM ISELECTMD

Michael Iaquinta, President of iSelectMD, presented their telemedicine model for iSelectMD to the Board.

3. PRESENTATION FROM MEVISIT

Kenneth Johnson, CEO The Aims Group, presented the telemedicine model for meVisit to the Board.

The SC Board of Medical Examiners took all these presentations under advisement at this time.

REQUEST FOR INTERPRETATION OF COLLABORATIVE PRACTICE AGREEMENTS WITH PHYSICIANS

Bob Davis and Bryan Zeigler with The Kennedy Center appeared before the Board for an interpretation of collaborative practice agreements with physicians. The Board took this under advisement at this time.

DHEC/FEDERAL STRATEGIC NATIONAL STOCKPILE RESPONSIBILITIES

Angie Olawsky, RN, State Director of Public Health Nursing with DHEC presented the Federal Strategic National Stockpile Responsibilities plan and asked the Board for their approval in the event of an emergency to implement their head of household model.

Dr. Schabel made a motion to approve this plan and send a letter of approval to mirror the Pharmacy and Nursing Board. Motion 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:**

2012-306

Final Order Hearing

This hearing has been continued until further notice.

2011-344

Final Order Hearing

Dr. Cook made a motion as follows:

- Private Reprimand
- Pay cost of \$1300 within 6 months

Dr. Schabel seconded the motion.

All in favor

Motion carries

2013-405

Final Order Hearing

Dr. Welsh made a motion as follows:

- Issue a letter of caution

Dr. Saad seconded the motion.

All in favor

Motion carries

Edwin Gandy, MD

2012-336

Final Order Hearing

Dr. Vasovski made a motion as follows:

- Public Reprimand
- Pay cost of \$290 within 6 months
- Continued reinstatement order dated February 26th 2015 set by the Board
- Restricted to 40 hour work week
- Prescribing course for controlled substances
- Return to Board in 1 year

Motion seconded by Dr. Schabel

All in favor

Motion carries

2013-11

Final Order Hearing

Dr. Saad made a motion as follows:

- Private Reprimand
- Fine of \$1,000 to be paid within 6 months
- Cost of \$300 to be paid within 6 months
- Boundary Course with BMI
- Prescription writing course
- Only write controlled substances within the Emergency Room with no self prescribing
- Mandated use of the State Scripts program
- 2 hours of CME in opioid prescribing

Motion seconded by Dr. Schabel

All in favor

Motion carries

2012-38

Final Order Hearing Panel

This case has been continued until further notice.

2011-170

Final Order Hearing

This case has been continued until further notice.

A motion was made by Dr. Chow and seconded by Dr. Welsh to adjourn at 6:15pm

Reconvened at 8:39 am Tuesday May 5, 2015

OIE REPORT

Prentiss Shealey, Office of Disciplinary Counsel (ODC) presented the ODC report in Pat Hanks' absence due to military leave. She stated there are 116 open cases, 93 cases pending action, 2 cases pending consent agreements, 4 pending panel hearings, 1 pending a final order, 16 pending Board hearings, and 25 cases have been closed since February 2015.

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

Christie Frick, Director of Prescription Monitoring Program with DHEC, came and presented the web based PMP program to the Board and demonstrated the online program.

Dismissals

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

Formal Complaints

20 Cases were presented for formal complaint. Dr. Turner moved to accept the recommendations Dr. Welsh seconded the motion and the Board unanimously approved the recommendations.

Letters of Caution

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

2014-267

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$410 within 6 months
- Reinstate license as of June 30, 2015
- Remain in RPP for a 5 year period
- Continue psychiatric treatment
- Maintain activity in AA or Caduceus.
- Limited to a 40 hour work week at a site approved by the Board
- Maintain MOC in Internal Medicine within the next 12 months and reappear before Board. If not able to maintain MOC in Internal Medicine, respondent must reappear before the Board

Motion seconded by Dr. Saad

All in favor

Motion carries

2013-309

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost \$310 within 6 months
- Must have 2 hours of CME in prescribing and monitoring in controlled substances before renewal by June 30, 2015

Motion seconded by Dr. Schabel

All in favor

Motion carries

2011-201

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$900 within 6 months
- Eligible to apply for reactivation with the following conditions:
 1. Complete reactivation application fully
 2. Maintain compliance with Ohio State Board restrictions
 3. Must enroll in RPP with Quarterly reports to the Board

Motion seconded by Dr. Schabel

All in favor

Motion carries

Kenton England, MD

2011-189

Final Order Hearing

Dr. Gardner made a motion as follows:

- Public Reprimand
- Pay cost of \$160 within 6 months
- Reinstate license with the following conditions:
 - Enroll in RPP with a new evaluation within 30 days and must follow all recommendations
 - 6-12 months alcohol screening by RPP
 - Health care evaluation by physician approved by the Board for a fit to practice evaluation
 - Complete educational module for Board certification

Motion seconded by Dr. Cook

All in favor

Motion carries

2008-229

Final Order Hearing

Dr. Turner made a motion as follows:

- Private Reprimand
- Pay cost of \$2,500 within 6 months
- Complete a boundary course approved by the Board within one year

Motion seconded by Dr. Cook

All in favor

Motion carries

Request to be released from Private Order

Dr. Schabel made a motion as follows:

- Released from Private Agreement with enrollment in the Senior Program with RPP for a minimum of three years

Dr. Saad seconded the motion

All in favor

Motion carries

Charles Gaillard, MD

Required annual appearance/Request for unrestricted license

Dr. Schabel made a motion as follows:

- Released from Restrictions

Dr. Cook seconded the motion

All in favor

Motion carries

Richard Kellett, MD

Request to be released from Final Order

Dr. Vasovski made a motion as follows:

- 2014 Order remains in effect
- Must be enrolled in the Senior Program with RPP for a minimum of three years

Dr. Schabel seconded the motion

All in favor

Motion carries

2009-0353

Request to be released from Private Order

Dr. Gardner made a motion as follows:

- Released from RPP
- 40 hour work week restriction lifted
- Work site approval lifted
- Continued psychiatric treatment with reports sent to the Board every 6 months
- Chaperone restriction is lifted

Dr. Schabel seconded the motion

All in favor

Motion carries

Sudarshan Bhimbra, MD

Request to have license reinstated

Dr. Cook made a motion as follows:

- Deny request to reinstate license
- Will allow reinstatement of license once the following conditions have been met:
 - Intensive professional sexual specific treatment as recommended in Dr. Abel's evaluation at a site approved by Dr. Abel
 - Compliance with the proposed safety plan in Dr. Burke's evaluation specifically as it relates to site-specific items in the safety plan. Those items must be established in advance of any return to practice by Dr. Bhimbra
 - Pass the SPEX exam to display clinical competency
 - Once all the items have been completed, respondent must reappear before the Board for approval of reinstatement

Dr. Schabel seconded the motion

All in favor

Motion carries

A motion was made by Dr. Schabel and seconded by Dr. Saad to adjourn at 8:10 pm

Reconvened at 8:48 am Wednesday May 6, 2015

REQUEST EXEMPTION OF 45 MILE REQUIREMENT FOR PHYSICIAN SUPERVISION/ ADDITIONAL NURSE PRACTITIONERS/DISPENSE MEDICATION

Dr. Schabel made a motion to approve the exemption of the 45 mile requirement for physician supervision for Meredith D'Agostino, APRN, supervised by Dr. Brewerton.

Dr. Welsh seconded the motion

All in favor

Motion carries

Dr. Cook made a motion to approve the addition of one Nurse Practitioner for Dr. Michael Bernardo. Dr. Schable seconded the motion.

All in favor

Motion carries

Dr. Cook made a motion to approve Jill Lewis, NP to dispense medication from her onsite pharmacy. Motion was seconded by Dr. Saad.

All in favor

Motion carries

Stephanie Brown, MD

Applicant for licensure

Applicant hearing continued until August 2015.

Mary Miller, MD

Applicant for licensure

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

Dr. Turner abstained

Motion carries

Cara Bostrom, MD

2012-84

Final Order Hearing

Dr. Gardner made a motion as follows:

- Accept Panel Report for dismissal

Motion seconded by Dr. Schabel

All in favor

Motion carries

Ross Moorman, MD

Applicant for licensure

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

All in favor

Motion carries

David Hull, MD

Applicant for licensure

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

All in favor

Motion carries

Charles Bruyere, MD

2010-102

Final Order Hearing

Dr. Gardner made a motion as follows:

- Revocation of license

Motion seconded by Dr. Schabel

Dr. Vasovski and Dr. Turner dissented

Motion carries

PHYSICIAN ASSISTANTS ADVISORY COMMITTEE RECOMMENDATIONS

Dr. Gardner presented recommendations from the April 10, 2015 Physician Assistants Advisory Committee meeting. After considering the recommendations, additions, deletions and corrections, the Board is all in favor and approved the recommendations.

RESPIRATORY CARE PRACTITIONERS COMMITTEE RECOMMENDATIONS

After considering the recommendations, additions, deletions and corrections, the Board is all in favor and approved the recommendations from the April 3, 2015 Respiratory Care Practitioners Committee meeting.

ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDATIONS

After considering the April 28, 2015 Acupuncture Committee recommendations, a motion was made by Dr. Schabel to accept the nomination of officers and send a letter stating three points; 1. Committee should meet when statutory meetings are required. 2. Committee should meet only under circumstances required for credentialing or sanctioning, or as determined by law. 3. Dry Needling motion is denied and closed until statutory change requires other action. Motion was seconded by Dr. Saad.

All in favor

Motion carries

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.

PRESIDENT AND ADMINSTRATOR REMARKS

1. Dr. Gardner presented the Joint Advisory Opinion of the South Carolina Board of Medical Examiners and the South Carolina Board of Nursing concerning the administrative process for the approval of the exemption request involving Advance Practice Registered Nurses. A motion was made by Dr. Gardner and seconded by Dr. Cook to approve the Joint Advisory Opinion.
2. Dr. Gardner discussed member appointments for an Ad Hoc committee to address the different telemedicine companies and needs in SC within the next 60 days. Dr. Schabel made a motion to appoint Dr. Gardner, Dr. Cook, Dr. Welsh and Dr. Turner to the committee. Motion was seconded by Dr. Saad. All in favor. Motion carries.
3. Dr. Gardner discussed revising the AMA/CME Policy adding AOA to include Osteopathic Physicians. A motion was made by Dr. Schabel and seconded by Dr. Turner to approve the addition of AOA to the policy. All in favor. Motion carries.
4. Dr. Gardner differed the Safeguarding of patient medical records and the proposed Advisory Opinion on Hospice and end of life care to the August 2015 Board meeting.
5. Dr. Gardner discussed attendance to the Tri-Regulator Conference. Dr. Schabel made a motion, seconded by Dr. Cook to allow Dr. Gardner and Executive staff to attend the conference and for LLR to allow funding. All in favor. Motion carries.

Board adjourned 4:25pm on Wednesday, May 6, 2015

Respectfully Submitted

April Koon

Administrative Coordinator