

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Board Meeting
November 6 – 7, 2006
Synergy Business Park
The Kingstree Building
110 Centerview Dr., Room 108
Columbia, South Carolina

MEETING CALLED TO ORDER

Dr. Satish M. Prabhu, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:00 A.M., on Monday, November 6, 2006, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Prabhu 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. Satish M. Prabhu, President, of Columbia
Dr. Louis E. Costa, II, Vice President, of Charleston
Dr. Stephen R. Gardner, Secretary, of Greenville
Dr. Sompong Kraikit, of Florence
Dr. David deHoll, of Iva
Mrs. Jackie D. Black, of Columbia
Dr. Donald W. Tice, of Myrtle Beach
Dr. James L. Hubbard, of Rock Hill
Dr. William M. Simpson, Jr., of Charleston, South Carolina

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

Bruce F. Duke, Board Administrator
Mrs. Annette Disher, Assistant Administrator of Licensure
Mrs. Brenda Eason, Administrative Assistant, PA and RCP Licensure
Mrs. Donna Howard, Administrative Assistant, Physician Licensure
Ms. Thalia Miller, Administrative Assistant
Mrs. Melissa Fulton, Administrative Assistant

Office of General Counsel

Lynne Rogers, General Counsel
Richard P. Wilson, Deputy General Counsel
Marvin G. Frierson, Assistant General Counsel
Sheridan Spoon, Assistant General Counsel
Everett Dargan, M.D., Physician Analyst

Professional and Occupational Licensing (POL) Division
Shirley Robinson, Hearing Counsel

Director's Office
Mrs. Adrienne Youmans, Director

Office of Health and Medically Related Professions
Mrs. Ruby McClain, Assistant Deputy Director

Office of Investigations and Enforcement
Rion Alvey, Assistant Deputy Director
Mrs. Karen Newton, Administrative Coordinator
Mrs. Josie DeGennaro, Investigator
Mr. Mark Kelly, Investigator
Mrs. Cheryl McNair, Investigator
Larry Atkins, Deputy Chief
Kathy Prince, Deputy Chief

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved. Throughout the meeting, other changes to the agenda took place that included:

REVIEW/APPROVAL OF CONSENT AGENDA

The Board reviewed the Consent Agenda and made the following decisions:

Dr. Tice made a motion to approve the Consent Agenda. Dr. Gardner seconded the motion and it was unanimously passed. The Committee recommendations from the Respiratory Care Committee and the Acupuncture Advisory Committee that were approved are as follows:

**DISCUSSION TOPIC: Recommendations from the PA Committee Meeting
September 29, 2006**

**FROM: Harold Harvey, P.A., Chairperson
S.C. Physician Assistant Committee**

The Committee members present were as follows: Mr. Harold Harvey, of Hampton, Chairman; Dr. Philip Honig, Vice-Chair, Columbia; Mr. Arnold Metz, Secretary-Treasurer, Charleston; Ms. Lisa Sand, Columbia; Dr. Richard Rhodes, Charleston and Dr. Stephen Gardner, Greenville;

Absent from the meeting were: Dr. Robert Callis, Columbia, Mr. Graham Adams, Chapin and Ms. Beth Parris, Columbia.

AGENDA TOPIC: REVIEW OF SCOPE OF PRACTICE GUIDELINES

The Committee reviewed the Scope of Practice Guidelines for the following PAs:

1. Acree, Scott
2. Almond, Amanda
3. Barnette, Gloria
4. Brady, George
5. Chavis, Robert
6. Chavis, Robert
7. Edwards, Nyala
8. Haselden, Lisa
9. Holston, Sonya
10. Hutson, Cynthia
11. Jones-Guion, Jeannine
12. Kutch, Phylis
13. Lake, Jonathan
14. Malone, Theresa
15. Nihiser, Jennifer
16. Patel, Sital
17. Pixton, Erin
18. Rade, Rose Ann
19. Rogers, April
20. Rice, Melissa
21. Rigney, William
22. Rumsey, Timothy
23. Terry, Kim
24. Walsh, Kerian
25. Watson, Blythe
26. Williams, Jesse
27. Williams, Lynn

After careful review and discussion, Dr. Honig made a motion to approve the twenty-seven (27) Scope of Practice Guidelines as recorded above. Mr. Metz seconded the motion. The motion passed.

The following Scope of Practice Guidelines were approved pending additional information and/or clarification:

- 1) Dr. Gardner discussed Jonathan Lake's Scope of Practice. Mr. Lake is currently practicing in an NS practice. Dr. Gardner recommended approval with exceptions.

AGENDA TOPIC: CONFIRMATION OF OJT, REQUEST FOR OJT AND ADDITIONAL TASKS

- 1) **Karen Brinson, P.A. and her supervising physician, Dr. Ronnie Dennis (OBGYN) in Sumter, SC.**

The Committee reviewed a request from Dr. Dennis for the additional task to allow Ms. Brinson to perform Colposcopy. Ms. Brinson provided the Committee with a copy of a Certificate of Attendance for participation in the continuing medical education for Colposcopy.

Dr. Gardner moved to approve this request with at least 10 documented procedures. Ms. Brinson must show proof of assisting, observing and performing 10 procedures before approval. Otherwise Ms. Brinson must do OJT for this procedure. Ms. Sand seconded the motion. The motion passed.

- 2) **Bradley Elrod, PA** and her supervising physician, Dr. Jay Gaucher (Cardiovascular) in Greenville, SC.

The Committee reviewed the confirmation for OJT of Stress Testing. Mr. Elrod provided copies of logs of each patient, including patient's names, date, and type of test. Also provided were copies of the Exercise procedures, Dobutamine procedures, Adenosine procedures and Emergency plan.

After discussion, Dr. Gardner moved to approved Mr. Elrod for OJT to perform cardiac stress testing with documentation of five (5), observe five (5) and perform five (5) procedures under the supervision of Dr. Gaucher, with at least 2 of the 5 must be pharmacology assisted stress testing. Mr. Metz seconded the motion. The motion passed.

AGENDA TOPIC: REQUEST FOR OFF-SITE

The following application was withdrawn for off-site practice:

Fritz F. Frye, P.A. and his supervising physician, Dr. James Vest (FP) of Surfside Beach, SC

Mr. Frye notified the Board that the practice had decided not to place him in the off-site location, therefore approval was not necessary.

No action was taken.

NOMINEES FOR COMMITTEE SEATS

The terms of the following members will terminate on January 1, 2007:

Dr. Robert Callis-- Eligible for re-appointment (4 years)

Dr. Philip Honig-- Eligible for re-appointment (4 years)

Arnie Metz, PA—Term expires 1/1/2007

Beth Parris – Term expires 1/1/2007

Harold Harvey, PA—Eligible for re-appointment (4 years)

(Mr. Harvey has advised that he will serve another 4 year term)

The following individuals have submitted letters of interest and curriculum vitae for consideration on the Committee:

Keith Stewart, PA (Marion, SC)

Reamber Bushardt, PA, (Charleston, SC)

Dr. William Hueston (FP- Laurens, SC)

Ms. Jones made a recommendation to nominate the following individuals to the Physician Assistant Committee:

Dr. William Hueston

Reamer Bushardt, PA

These nominees will be recommended to the full Board at the November 2006 meeting. The new member's four-year term will begin January 1, 2007.

Dr. Tice made a motion to approve the nominees. Dr. Gardner seconded the motion and it was unanimously passed. Motion carries.

MEETING DATES FOR 2007

The following dates were set for 2007:

January 5, 2007 (Room 202)
April 6, 2007 (Room 202)
July 6, 2007 (Room 202)
September 28, 2007 (Room 202)

NEXT COMMITTEE MEETING DATE

The next Physician Assistant Committee meeting is scheduled for Friday, January 5, 2007 at 2:00 P.M.

DISCUSSION TOPIC: Recommendations from the Respiratory Care Committee Meeting, October 13, 2006

**FROM: Paul Treffeisen, RCP, Chairman
SC Respiratory Care Committee**

Members in attendance: Mr. Paul Treffeisen, RCP, Anderson; Ms. Connie R. Jones, RCP, Elgin; Mr. Ben F. Rogers, Easley; Dr. Kristin Highland, Mt. Pleasant; Dr. Wayne Hollinger, Greenville; Mr. John A. Evans, RCP, Florence; Vicki Evans, RCP, Charleston and Dr. James Barker, Columbia.

AGENDA TOPIC: APPLICANT APPEARING FOR LICENSURE

Thomas Bridges, RCP—Mr. Bridges appeared before the Committee to discuss his “yes” answer on the application to: “Have you ever been arrested, indicted, or convicted, pled guilty, or nolo contendere for violation of any federal, state or local law (other than a minor traffic violation)?”

Mr. Bridges was arrested in 1996 of Forgery in South Carolina and was convicted of Forgery and Theft by Taking in the state of Georgia. These incidents took place prior to Mr. Bridges enrolling in respiratory care.

After review and discussion, Dr. Barker moved to recommend permanent licensure to Mr. Bridges with a Private Agreement to include documentation of completion of the program he attended in Greenwood, SC, quarterly reports from his supervisor and a letter of recommendation from his counselor. Ms. Jones seconded the motion. The motion passed unanimously.

AGENDA TOPIC: APPLICANTS FOR PERMANENT LICENSURE

1. Ayers, Cheryl
2. Barlow, Jayme
3. Bishop, Samantha
4. Bretton, Charlotte
5. Brown, Timothy
6. Carr, Anita
7. Chestnut, Bryan
8. Cook, Angela
9. *Donoho, Patricia
10. Dove, Shannon
11. Flanagan, Tina
12. Fogle, Janice
13. Fort, Kerri
14. Gemmell, Dan
15. Ginesi, Kieran
16. Goldie, Jennifer
17. Grosinsky, Jamie
18. Iferika, Bayo
19. Lancaster, Laura
20. Lawrence, James
21. *Lee, Joseph
22. Martin, Charles
23. Mixson, Miranda
24. Murray, Sandra
25. Mynhier, David
26. Piccioni, Stephen
27. Rossiter, Barbara
28. *Sharpe, Kate
29. *Shingler, Jessica
30. Shirley, Charlotte
31. Simon, Shonda
32. Spells, Cheryllyn
33. Sudderth, Gail
34. Tilson, Angela
35. Trantham, Sean
36. Tyler, Alana
37. Waszkiewicz, Maureen
38. Weekley, Janice
39. Wheeler, Trina
40. Wick, Susan
41. Yuhas, Kimberly
42. Bruton, Jamel

The Committee reviewed the following four (4) individuals had “yes” answers on their application:

- a. **Ms. Patricia Donoho, RCP** – Ms. Donoho answered “yes” on her application “Have you ever been involuntarily discharged from employment?” Ms. Donoho advised that she was terminated for violation of an internal policy that was non-respiratory care related.

After review and discussion, Ms. Jones moved to recommend permanent licensure to Ms. Donoho. Dr. Highland seconded the motion. The motion passed unanimously.

- b. **Mr. Joseph Lee, RCP -** Mr. Johnson answered yes” on his application to “Have you ever been arrested, indicted, or convicted, pled guilty, or nolo contendere for violation of any federal, state or local law (other than a minor traffic violation)? Mr. Lee was arrested in 2001 and charged with possession of alcohol by a minor. Mr. Lee paid a bond and did not contest the charge. Mr. Lee was arrested in 2004 for DUI, reckless driving, open container and failure to maintain lane. The state dismissed the DUI but charged Mr. Lee with the other charges.

After review and discussion, Mr. Evans moved to recommend permanent licensure to Mr. Lee. Dr. Highland seconded the motion. The motion passed unanimously.

- c. **Ms. Kate Sharpe, RCP--** Ms. Sharpe answered yes” on her application to “Currently or within the last 10 years, have you been treated for any physical, mental or emotional condition that might interfere with your ability to competently and safely perform the essential functions of practice as a RCP”? and “Has your ability to practice as a RCP ever been impaired by any physician or mental illness or by the use of alcohol or drugs?” Ms. Sharpe has a form of illness called Pseudo-Tumor cerebri. This requires Ms. Sharpe to have a ventricular peritoneal shunt. The shunt malfunctioned and resulted in bacterial spinal meningitis. She was unable to work from 12/2005 to 7/2006. Her doctor released her back to work in July 2006

After review and discussion, Dr. Highland moved to recommend permanent licensure to Ms. Sharpe. Dr. Hollinger seconded the motion. The motion passed unanimously

- d. **Ms. Jessica Shingler, RCP** – Ms. Shingler answered yes” on her application to “Have you ever been arrested, indicted, convicted, pled guilty, or pled nolo contendere for violation of any federal, state or local law”. Ms. Shingler advised that she was arrested for shoplifting in 1999. Records of the Sheriff’s department indicate that Ms. Shingler paid a fine and there were no other charges. After review and discussion, Ms. Evans moved to recommend permanent licensure to Ms. Shingler. Ms. Jones seconded the motion. The motion passed unanimously

AGENDA TOPIC: DISCUSSION & CLARIFICATION REGARDING THE SUPERVISION REQUIREMENTS FOR EXEMPTED TRAINEES

The committee received a letter from Dr. Thomas D. Kaelin, Jr., who appeared before the committee to discuss issues regarding supervision for exempted trainees. The first question from Dr. Kaelin was, “can un-exempted PSG trainee perform CPAP titrations under the supervision of exempted technicians?”. The committee answered yes to the first question. The second question Dr. Kaelin asked was “can un-exempted PSG trainee perform diagnostic studies under the supervision of exempted technicians?” In answer to the second question the committee replied that the diagnostic studies must be performed under the direct supervision of and RCP or RPSGT.

AGENDA TOPIC: CONCERNS, QUESTIONS & RECOMMENDATIONS FROM CAROLINA SLEEP SOCIETY

After a lengthy discussion the committee agreed that the Sleep Medicine Subcommittee assume responsibility for regulation of non-Respiratory Care Practitioners PAP providers who work in sleep labs.

AGENDA TOPIC: UPDATE FROM NBRC – CONTINUING COMPETENCY PROGRAM

This discussion was deferred to the next Respiratory Care Committee Meeting.

AGENDA TOPIC: COMPLAINT PROCESS

Mr. Duke discussed the complaint process with the Committee.

AGENDA TOPIC: NOMINEES FOR VACANT RCP COMMITTEE SEATS

The following members’ terms will expire on January 1, 2007:

Dr. Kristen Highland, Mt. Pleasant
Dr. Wayne Hollinger, Greenville
Connie Jones, RCP, Elgin
John Evans, RCP, Florence

The following individuals were recommended to serve on the S.C. Respiratory Care Committee:

Dr. Michael Fuller, Greenville
Dr. Antine Stenbit, Charleston
Patricia Blakely, RCP, Elgin
James Woody, RCP, Greenville
Tracy Hancock, RCP, Florence

The four-year terms of these new members will become effective on January 1, 2007

Dr. Tice made a motion to approve the nominees. Dr. Gardner seconded the motion and it was unanimously passed. Motion carries.

MEETING DATES FOR 2007

January 12, 2007
April 13, 2007
July 13, 2007
September 21, 2007

**DISCUSSION TOPIC: Recommendations from the Acupuncture Committee Meeting
October 6, 2006**

**FROM: Martin Herbkersman, Acupuncturist, Chairperson
S.C. Acupuncture Advisory Committee**

Committee Members Present: Mr. Martin Herbkersman, Columbia; Mr. William Skelton, Columbia; and Ms. Gina Campano, Columbia.

AGENDA TOPIC: Committee Chairman's Report

Mr. Herbkersman updated the committee on the status of the FAOMRA application. He stated that the committee has applied for membership and the \$1000.00 membership fee has been paid.

The chairman also gave a brief legislative update.

AGENDA TOPIC: Financial Records

Ms. Annette Disher distributed the attached memo summarizing the committee's financial statement. Mr. Skelton made a motion to approve the statement, which was seconded by Mr. Herbkersman. The statement was accepted.

AGENDA TOPIC: Applicants for a Permanent License

There were no applicants.

c. **AGENDA TOPIC: Ordering Lab Tests**

After a brief discussion, Ordering Lab Tests was tabled until the next meeting.

D. **AGENDA TOPIC: Title Issuance Determination**

The committee briefly discussed title issuance and will readdress the issue at a later date.

E. **AGENDA TOPIC: Committee Member Replacement**

Mr. Herbkersman reminded the committee that Mr. Skelton's term on the committee is about to expire and it was decided that the committee would notify the appropriate parties of the

upcoming vacancy. Mr. Rick Wilson added that Mr. Skelton is eligible for a four-year term and Mr. Skelton stated that he would be willing to serve.

Action Items for next meeting:

1. Mr. Skelton made a motion to designate Mr. Herbkersman to represent the SC Acupuncture Advisory Committee at the meeting of FAOMRA in Phoenix on October 20, 2006 and report back to the committee. Ms. Campano seconded the motion which passed.

NEXT MEETING DATE

The next Acupuncture Committee meeting is scheduled for January 5, 2007.

Dr. Prabhu made a motion that was seconded by Dr. Gardner and unanimously passed to approve the minutes as amended.

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 a transcript of each hearing, as well as the Board's Final Order, are on file at the Board Office. 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:**

2006-62

Dr. Gardner made a motion that the Respondent has violated the Medical Practice Act and he will remain in a probationary status until the Respondent satisfactory completes the New York state Order in it entire content. The motion was seconded by Dr. Tice and all Board members were in favor. The motion carries.

1. The Respondent has violated Medical Practice Act
2. Probation until satisfactory completion of the New York State order in its entirety

2006-182

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to approve the following sanction:

1. Indefinite suspension stayed immediately

2. Respondent must continue to be an active participant in RPP.
2. Respondent must pay a fine of \$500 and court costs of \$686 within one year

All Board members in favor and Motion carries.

Discussion Topics (D) & (E) were carried over to the next Board meeting, February 5-7, 2007.

**Robert Dennis, P.A. of Evans Georgia FINAL ORDER HEARING
2006-191**

Dr. Gardner made a motion that was seconded by Dr. deHoll to approve the following sanction:

1. Respondent has violated Medical Practice Act.
2. The Respondent will continue with the temporary suspension and submit himself for an evaluation at the Behavioral Modification Institute in Atlanta at his own expense. Following that evaluation he will reappear before the Board for an appropriate sanction.

All Board members were in favor except for Ms. Black and Dr. Hubbard. Motion carries.

**Joseph D. Ewens, M.D., of Summerville, South Carolina FINAL ORDER HEARING
2005-190**

Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:

1. Respondent has violated Medical Practice Act.
3. Public Reprimand
4. Respondent must pay assessment cost of \$282.50 within 30 days

Motion carries.

**Jyotsna K. Dhar, M.D. of Kennesaw, Georgia FINAL ORDER HEARING
2003-84**

Dr. Gardner made a motion that was seconded by Dr. deHoll to approve the following sanction:

1. Respondent is publicly reprimanded
2. Respondent must attend a prescription writing course within six months.
3. Respondent must complete and pass the SPEX exam within 90 days.
4. Respondent must pay court costs of \$257.50 within 30 days.

**Michael K. Chandler, M.D., of Florence, South Carolina FINAL ORDER HEARING
2006-327**

Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:

1. Respondent has violated Medical Practice Act.
5. Suspension stayed with conditions to include continuing RPP for five years from today's date.
4. Respondent must pay assessment cost of \$122.50 within 90 days

Motion carries.

**Jimmy Dean Fowler, M.D. of Union, South Carolina FINAL ORDER HEARING
2005-208**

Due to illness in the family, Respondent was unable to attend. Carry over to February, 2007 Board meeting.

Discussion Topic (I): Medical Practice Act

Rick Wilson presented to the Board the Medical Practice Act Housekeeping Bill Recommendations. They were as follows:

1. Section 40-47-30(A)(5)(c). Delete “readily and insert in its place “immediately.”
2. Section 40-47-30(A)(10). Add a new paragraph (10) to read as follows:

(A) A person may not practice medicine in this State unless the person is twenty-one years of age and has been authorized to do so pursuant to the provisions of this article. Nothing in this article may be construed to:

(10) prohibit a physician from practicing in actual consultation with a physician licensed in this state concerning the care or treatment of a patient in this state.

3. Section 40-47-32(B)(2)(a)(ii). Amend paragraph (ii) to read as follows:

(ii) document a minimum of three years of progressive postgraduate medical residency training in the United States approved by the Accreditation Council for Graduate Medical Education (ACGME), American Osteopathic Association (AOA), or postgraduate training in Canada approved the Royal college of Physicians and Surgeons, except that if an applicant has been licensed in another state for ~~ten~~ five years or more without significant disciplinary action, the applicant is need only ~~required to~~ document one year of postgraduate residency training approved by the board; or ...

Discussion Topic (H): Expert Medical Witness

Bruce Duke and Rick Wilson presented to the Board the recent Supreme Court ruling that negates the Board's ability to issue expert witness licenses in accordance with the revised Medical Practice Act.

Discussion Topic (F): Request from Physician Assistant Advisory Committee regarding interviews of Physician Assistant and their Supervising Physician.

Motion before the Board by Dr. Hubbard to require Supervising Physicians to accompany Physician Assistants to their interview, seconded by Dr. deHoll. All in favor. Motion carries.

Discussion Topic J: Appointment of individuals to review PA's scope of practice guidelines

Bruce Duke and Rick Wilson presented to the Board the process for issuing temporary licenses (90 day) to Physician Assistants pending personal interview for permanent license.

The Board discussed and decided to:

1. Allow Past PA Committee members to review scope of practice guidelines.
2. Allow only Physician members of the current PA Committee to do interviews.

Motion to accept the above was made by Dr. Gardner and seconded by Dr. Simpson. All in favor. Motion carries

RECESS AND RECONVENE

The Board recessed at 5:00 P.M. and reconvened Tuesday, November 7, 2006 at 8:00 A.M. with a quorum present.

Discussion Topic (K) Election of Board Officers:

Bruce Duke advised the Board that new Board Officers need to be elected.

After discussion by the Board members, it was unanimously agreed that the Officer seats' would be rotated among the existing Officers. Dr. Costa became President, Dr. Gardner Vice-President and Dr. Prabhu Secretary.

2003-312

Dr. Gardner made a motion that was seconded by Ms. Black to approve the following sanction:

1. Private reprimand.

All Board members were in favor except for Dr. Gardner, Dr. Kraikit and Dr. Costa. Motion carries.

Discussion Topic (G): Medical Board Website.

Bruce Duke presented materials on Public Citizen's 2006 Report on Doctor Disciplinary information on State Board websites.

GENERAL COUNSEL REPORTS

Lynne Rogers, LLR's General Counsel gave the Board an overview of how the Office of Investigations and Enforcement was formed and the problems discovered regarding the backlog of Medical Board cases.

A motion was made and passed for the Board to go into Executive Session to review the General Counsel reports. No votes were made or actions taken while the Board was in Executive Session.

A motion was made and passed for the Board to return to Public Session.

DISMISSALS

Dr. Prabhu made a motion that was seconded by Dr. Costa and unanimously passed approving the following cases for dismissal pursuant to the recommendation of LLR's General Counsel that there is a lack of sufficient evidence to warrant a formal complaint:

2006-135	2006-210	2006-58	2004-100	2004-140	2005-182
2005-288	2006-183	2006-330	2006-367	2006-6	2006-94
2001-262	2005-333	2004-120	2005-156	2005-322	2006-211
2006-291	2006-57	2004-42	2004-43	2004-44	2005-201
2005-211	2005-239	2005-303	2006-168	2004-260	2004-372
2005-7	2005-71	2006-110	2006-319	2004-25	2005-126
2005-139	2005-184	2005-221	2005-229	2005-241	2006-376
2004-112	2004-251	2004-263	2005-3	2005-160	2005-161
2005-162	2006-151	2006-216	2006-220	2006-273	206-274
2006-301	2006-312	2006-73	2002-243	2006-299	2006-339

LETTERS OF CAUTION

Dr. Gardner made a motion that was seconded by Dr. Hubbard and unanimously passed to issue a Letter of Caution in the following cases:

2006-16	2006-185	2006-257	2006-118	2004-384	2005-304
2006-391	2003-203	2005-272	2004-88	2006-321	

FORMAL COMPLAINTS

Dr. Costa made a motion that was seconded by Dr. Gardner and unanimously passed to authorize the issuance of a Formal Complaint pursuant to the recommendation of LLR's General Counsel that there is sufficient evidence to warrant formal proceeding in the following cases:

2003-29	2006-193	2006-311	2006-316	2005-203	2005-207
2005-342	2004-205	2005-38	2006-313	2005-69	2005-110
2006-239	2006-322	2006-325	2006-332	2006-363	2002-245
2006-150	2006-373	2005-118			

CASES ON APPEAL

In Executive Session, the Board reviewed the cases that are now on appeal and received specific briefings from Mrs. Rogers.

COMPLIANCE REPORT

The Board received as information a list of monitoring cases that have been determined as being non-compliant. The Office of General Counsel is currently working on these cases to bring them up-to-date.

LICENSEES BEING MONITORED

The Board received as information a list of all the licensees currently being monitored by the Board.

STATISTICAL REPORTS ON COMPLAINTS

The Board received as information the following statistical reports:

MEDICAL BOARD COMPLAINTS RECEIVED 1/1/05 – 12/31/05

Alleged Issue	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Alcohol and Other Substance Abuse	3	2	1		
Allowing Unlicensed Person to Practice	4	2	1	1	
Disclosure of Patient Information	5		1	2	2
Drug Violation	10	2	4	2	2
Failure to Maintain/Provide Records	13	1	5	5	2
Insurance Fraud (Non-Govt or Private Insurance)	2			2	
License Action by Fed State Local Licensing Auth	2				2
Loss of Hospital Privileges	1			1	
Medication Errors	1			1	
Mental Disorder	1		1		
Mental Incompetence	1			1	
No Jurisdiction	2		1		1
Patient Neglect/Abandonment	11	3	1	5	2
Prescribing Matters	8	3	4	1	
Sanctioned by Other Board	5	1		2	2
Sexual Misconduct	5		1	2	2
Sub-Standard Patient Care	124	38	23	28	35
Unlicensed Practice	13	4	5	3	1
Unprofessional Conduct	88	39	19	19	11
Violation of Final Order/Agreement	2			1	1
TOTALS	301	95	67	76	63
Cases Pending as of 12/31/05	451				

MEDICAL BOARD COMPLAINTS CLOSED 1/1/05 – 12/31/05

Resolution	Total	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Administrative Dismissal	27	7	4	10	6
Cease and Desist	1				1
Complaint Dismissed with No Action Taken	15		4	2	9
Consent Agreement/Private	2			1	1
Consent Agreement/Public	1		1		
Dismissed (Licensee)	164	45	35	47	37
Dismissed (Unlicensed)	1		1		
Final Order	7			3	4

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Letter of Caution	13	2		1	10
No Issue Found	1	1			
No Jurisdiction	2				2
Private Reprimand	3		3		
Public Reprimand	5		1	4	
Stay of Suspension	1				1
TOTALS	243	55	49	68	71

FORMAL COMPLAINTS AUTHORIZED 1/1/06 – 9/30/06

Alleged Issue	Number
Alcohol and Other Substance Abuse	4
Disclosure Violation	1
Drug Violation	3
Prescribing Matters	8
Sanctioned by Other Board	7
Sub-Standard Patient Care	15
Unlicensed Practice	1
Unprofessional Conduct	8
Violation of Final Order/Agreement	4
Sexual Misconduct/Boundary Issues	2
TOTALS	53

MEDICAL BOARD PANEL HEARINGS HELD 1/1/06 – 9/30/06

Alleged Issue	Number
Alcohol and Other Substance Abuse	1
Criminal Conviction	1
Insurance Fraud	1
Loss of Hospital Privileges	1
Prescribing Matters	1
Substandard Patient Care	2
Unprofessional Conduct	1
TOTALS	9

TEMPORARY SUSPENSION/ EVALUATION ORDERS ISSUED 1/1/06 – 9/30/06

Alleged Issue	Temporary Suspension	Evaluation Order
Alcohol or Substance Abuse	4	
Criminal Conviction	1	
Patient Neglect/Abandonment		1
Prescribing Matters	1	
Sexual Misconduct/Boundary Issues	1	
Unprofessional Conduct		1
Violation of Final Order/Agreement	10	
TOTALS	17	3

REQUESTS TO WITHHOLD IDENTITY OF COMPLAINANTS 1/1/06 – 6/30/06		
Alleged Issue	Withhold Identity	Do Not Withhold Identity
Improper Supervision		3
Substandard Patient Care		1
Unprofessional Conduct	1	
Totals	1	4

MEDICAL BOARD COMPLAINTS RECEIVED 1/1/06 – 9/30/06				
Alleged Issue	Total	Qtr 1	Qtr 2	Qtr 3
Allowing Unlicensed Person to Practice	6	2	3	1
Criminal Conviction	2	2		
Criminal Conviction Not Classified	1			1
Disclosure of Patient Information	7	4	3	
Discriminatory Misleading False Deceptive Advertise	1		1	
Drug Violation	14	7	4	3
Failure to Maintain/Provide Records	12	5	4	3
Insurance Fraud (Medicaid or Other Fed Gov Prog)	1			1
Insurance Fraud (Non-Govt or Private Insurance)	3	1	2	
License Action by Fed State Local Licensing Auth	1		1	
Loss of Hospital Privileges	2	1	1	
No Issue Found	6	2	4	
Other (Not Classified)	1	1		
Patient Neglect/Abandonment	28	9	8	11
Prescribing Matters	8	1	7	
Prescription Fraud	2		2	
Sanctioned by Other Board	5	1	3	1
Sexual Misconduct	6	3	1	2
Sub-Standard Patient Care	138	49	38	51
Unlicensed Practice	2	2	3	1
Unprofessional Conduct	49	15	13	21
Violation of Final Order/Agreement	10	5	2	3
TOTALS	310	110	100	100

MEDICAL BOARD COMPLAINTS CLOSED				
1/1/06 – 9/30/06				
Resolution	Total	Qtr 1	Qtr 2	Qtr 3
Administrative Dismissal	11	1		10
Complaint Dismissed with No Action Taken	6	2	4	
Consent Agreement/Private	4		3	1
Consent Agreement/Public	16		9	7
Dismissed (Licensee)	146	44	53	49
Dismissed (Unlicensed)	1	1		
Final Order	23	5		18
Letter of Caution	10	4	3	3
No Issue Found	9	1	9	
Private Reprimand	2	2		
Public Reprimand	14	12		2
Relinquish License	4	2		5
Revocation	4	1	2	1
Suspension	2	2		
TOTALS*	256	77	83	96

*These numbers do not reflect cases closed on previous computer system

A motion was made and passed for the Board to return to Public Session.

2002-293

Licensure reinstated and have Practice site approved.

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to approve the following sanction:

1. Respondent is limited to the North Hills Pelham office site pending designation of a specific physician, Board certified in Family Practice or Internal Medicine.
2. Dr. Desai will perform oversight for Respondent. Dr. Desai will monitor 20% of Respondents charts every day and quarterly reports will be forwarded to the Board by designee physician and Dr. Desai.
3. Respondent will not prescribe controlled substances and will be limited to 40 hours of work for the first six months.
4. Respondent will continue RPP requirements already placed upon him.

Motion carries.

2006-218

Dr. Gardner made a motion that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:

1. Dismissal with letter of Concern.

Motion carries.

**James L. Floyd, Jr., M.D., of Myrtle Beach, South Carolina
Licensure reinstated and have Practice site approved.**

Dr. Gardner made a motion that was seconded by Dr. Costa and unanimously passed to approve the following sanction:

1. Respondent license is reinstated with suspension stayed.
2. Respondent must continue RPP indefinitely.
3. Respondent must submit letter from Dr. John Jordan, M.D., expressing his willingness to accept responsibility for supervising Respondent's medical practice at Dunes Urgent Medical Care.
4. Dr. Jordan will submit quarterly reports to the Board based on 20% chart review of daily visits.
4. Respondent will be limited to 40 hours per week, eight to ten hours a day and any changes in practice site must be approved by the Board.

Motion carries.

DISCUSSION TOPICS.

During the two days of the regular meeting, the following discussion topics were reviewed:

(A) Committee Reports

1. Legislative Impact Committee – *Costa, Gardner, Prabhu, Black*
2. Medical Practice Advisory Committee – (meeting only when needed) *Prabhu, Kraikit, Gardner, Black, Tice*
3. Recovering Professional Program Advisory Committee - *Prabhu*
4. Office Based Surgery Ad Hoc Committee – *Costa, Prabhu,*
5. Editorial Committee – *Costa, Prabhu, Gardner*
6. Executive Committee – *Costa, Prabhu, Gardner, Rick Wilson, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee - *Prabhu, Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee – *Kraikit, Hildebrand, Prabhu, Rick Wilson, Andrew Savage, Esquire*
9. Medical Practice Act (MPA) Revision Committee- *All Board members*
10. Physician Delegation of Permanent Cosmetic Application Ad hoc Committee – *Costa*
11. Athletic Trainers Committee – *Gardner*
12. Continuing Medical Education Committee – *Hubbard, Kraikit*
13. Surgical Technologists/First Assistant Legislative Committee – *Gardner (chair), Prabhu, Reba Revan, Maggie Harvey*

(B) Report from Administrator – *Bruce Duke*

(C) “Yes” answers not appearing before the Board (no discussion necessary; list pre-approved by the President)

(D) Request to extend forty-five mile limit for nurse practitioners employed by DHEC.

(E) Request to extend forty-five mile limit for Joe Turner ANP, employed by Dept. of Urology at MUSC.

(F) Request for Physician Assistant Advisory Committee regarding interviews of Physician Assistants and their Supervising Physician.

(G) Report from Public Citizen on SC Medical Board web site.

(H) Expert witness discussion – *Bruce Duke and Rick Wilson*

(I) Medical Malpractice Act housekeeping discussion – *Bruce Duke and Rick Wilson*

(J) Discussion of appointment of individuals to review PA’s scope of practice guidelines. *Bruce Duke and Rick Wilson*

(K) Election of Board Officers – *Bruce Duke*

ADJOURNMENT.

There being no additional business the meeting was adjourned at 6:00 P.M. on Tuesday, November 7, 2006.

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/maf