

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Board Meeting Minutes
June 26, 2014

The West Virginia Board of Osteopathic Medicine met on Thursday, June 26, 2014, in the Walnut Room at the Bridge Street Bistro, Charleston, West Virginia. President, Ernest Miller, D.O., called the meeting to order at 1:00 PM.

Members Present:

Ernest Miller, Jr., D.O. – President
Arthur Rubin, D.O., Secretary
Robert Whitler, Vice President
Michael Muscari, D.O. – Physician Member
Heather Jones, PA-C – Physician Assistant Member

Staff Members Present:

Jennifer Akers, Esq. – Board Counsel
Diana Shepard – Executive Director

Attendees:

Nicholas Vance, WV Association of PA's

Members Excused:

Elizabeth Blatt, Ph.D.
Joseph Schreiber, D.O.

Invited Guests:

Robert Sutherland, D.O.

Minutes:

The minutes of the January 31st meeting and the February and April 2014 Conference Call meetings were presented for review. Heather Jones, PA-C was omitted from the attendance listing for the April 30, 2014 Conference Call meeting. All minutes were approved as presented and amended. **(Rubin/Muscari)**

Reports:

Licensed Physicians as of June 23, 2014:

1240 – Total Physicians:

902 - In state

338 - Out of state

46 – Newly Licensed Physicians Since Last Meeting

74 – 1st Year Educational Permits (from 7/1/13 thru 6/30/14):

4 - PGY 1 at Access Health

8 – PGY 1 at Bluefield Regional

7 – PGY 1 at Camden Clark

21 – PGY 1 at CAMC

5 – PGY 1 at Greenbrier Valley

3 – PGY 1 at Marietta Memorial

4 - PGY 1 at Marshall University (Cabell/Huntington)

3 - PGY 1 at Mon General/Cornerstone

2 - PGY 1 at Our Lady of Bellefonte

8 – PGY 1 at Ohio Valley Medical Center

3 – PGY 1 at United Hospital Center

6 – PGY 1 at WVU

72 - Educational Permit Renewals:

1 – Access Health

15 – Bluefield Regional

8 – Camden Clark

16 – CAMC

8 – Marshall University (Cabell/Huntington)

15 - Ohio Valley Medical Center

1 - United Hospital Center

2 - Wheeling Hospital

6 - WVU

The figures reported for Educational Permits is based on the 2013/14 academic year. The 2014/15 academic year is just beginning and not all of the applications for Educational Permits have been received. An updated report will be provided at the next regularly scheduled Board Meeting.

- 205- Physician Assistants
 - 155 - Prescriptive Writing Privileges
 - 31 - DO's supervise 2 PA's
 - 7 - DO's supervise 3 PA's
 - 4 - DO's supervise 4 PA's

57 - Corporations

77 - PLLC's

Balance in State Depository Account as of May 31, 2014:	-	\$349,719.59
Beginning Balance as of July 1, 2013	-	373,493.53
Total Receipts as of May 31, 2014:	-	297,597.26
Total Disbursements as of May 31, 2014	-	321,371.20
Fines Deposited in State Treasury as of 12/31/2013	-	7,000.00

Purchasing Card Report - Purchases for January thru May 2014
Monthly Line Item Statements - January thru May 2014

A request was received to add a column to the Monthly Line Item Report to reflect the figures for the same period within the last fiscal year. Motion passed to approve the statistical and financial reports as presented and to provide a fiscal year comparison at the next Board Meeting. (Whitler/Rubin)

OLD BUSINESS:

Monthly/Quarterly Practitioner Reports:

- Mary Coll, D.O.: Received quarterly report of compliance. License still suspended.
- Joseph Freeman, D.O.: Ohio Medical Board reported Dr. Freeman's compliance with Ohio PHP during the last quarter.
- Bruce Gorby, D.O. WVMPHP reports Dr. Gorby has remained in compliance.
- Robert Hogan, D.O. License currently suspended. WVMPHP reported full compliance during last quarter.
- Terry Thomas, D.O. WVMPHP reports full compliance with last quarterly reporting period.

Bi-annual statistical reports were provided by WVMPHP. Board requested that the statistical reports only include the participants of the current calendar year and that the allopathic and osteopathic medical students and residents be reported separately by medical profession.

OLD BUSINESS:

Sharif Shammaa, PA-C:

The application for licensure under the supervision of Gleyнора GilBhrighde, D.O., was approved. (Rubin/Whitler)

Board Suit: The Board Office has been notified by counsel, Perry Oxley, from Anspach Law Firm, that the pending suit against HOPE Clinic, John Pellegrini, D.O. and the WV Board of Osteopathic Medicine has been filed. The Board has not yet been served but is working with Mr. Oxley in preparing the defense.

NEW BUSINESS:

Executive Director Report:

Revision to Lease: The renewal lease agreement for office space with Neyer Management does not expire until November 2015. The additional \$55 for parking for a new employee will be added to the budget as a "miscellaneous" charge until the new leasing contract is negotiated. **(Rubin/Whitler)**

2014 Policy Reviews: The Safety Policy and Confidentiality Policy were reviewed by all Board members present and confidentiality statements were signed.

Board Investigator Contracts: The Executive Director received a resume from a trained investigator expressing interest in doing work for the Board. He is currently a WV state vendor for his services and has hospital administration experience. Board approved signing a contract with Michael Hall as a back up investigator. **(Whitler/Muscari)**

Licensing of Pain Management Clinics: The Board has been notified that WVDHHR's Office of Health Facility Licensure and Certification (OHFLAC) will begin requiring licensure of those physician practices that primarily treat patients for chronic pain as of July 1, 2014. The Board was also asked by OHFLAC to identify those practices known to the Board as chronic pain clinics. A letter will be forwarded to Jolynn Marra, Director of OHFLAC, with a physician listing with a caveat that this is not a complete listing as the Board has no way of knowing all physician offices who would meet the pain clinic definition.

Legislative Rules: The proposed changes to the PA Rule 24 CSR 02 have been out for public comment. Three comments have been received; two positive and one negative. The Executive Director responded to the questions posed in the negative comment, but the physician continued to speak against the revisions. These will be reported during the Legislative Review.

Licensing Issues:
MedExpress MedExpress submitted requests for additional work sites for six osteopathic physicians. All have current licenses and have renewed their CSL's.

T. Lauderman, D.O.: Before he renewed his 2014 license, Dr. Lauderman requested his probationary status be lifted. He has met all the requirements of the Consent Agreement. Motion made and approved to lift the probationary status on Dr. Thomas Lauderman. **(Rubin/Whitler)**

License Renewal Update: With only four days left in the 2014 license renewal period, there are still 140 physicians who have not yet renewed their WV license. The Board Staff has made reminder phone calls and sent reminder emails to those licensees with current contact information.

The Board moved into Executive Session at 2:20 PM with the Executive Director and Board Counsel present. **(Whitler/Rubin)**

Motion was made to move back into Public Session at 3:20 PM. (Muscari/Whitler)

Report From the Complaint Committee:

Cases Reviewed By Complaint Committee on April 1, 2014:

2013-42; 2013-47; 2014-01; 2009-02; 2012-31; 2014-02; 2013-36; 2014-04; 2014-03; 2013-09; 2014-11.

Cases Reviewed By Complaint Committee on June 19, 2014:

2014-09; 2014-10; 2014-06; 2014-07; 2003-04; 2012-23; 2013-38.

Following the report of the Complaint Committee, the following actions were taken by the Board:

- A) **Complaints for Dismissal:** 2013-42; 2013-47; 2014-01; 2014-02; 2014-03; 2014-09; 2014-10; 2014-06 and 2014-07. (Rubin/Whitler)
- B) **Dismiss Contingent Upon Receipt of Patient Contract and Dismissal Letter:**
Complaint 2013-36 (Rubin/Whitler)
- C) **Consent Orders:** Complaint 2009-02 and 2014-11. (Rubin/Whitler)
- D) **Dismissal Without Prejudice:** 2003-04 (Rubin/Whitler)
- E) **William Willis, D.O.:** Open a new complaint based on action taken in Kentucky. (Rubin/Whitler)
- F) **Kara O’Karma, D.O.:** Letter of Concern regarding prescribing practices while on medical leave. (Rubin/Whitler)
- G) **Christopher Edmands, D.O.:** Ohio license denied. Need to determine if it was a reinstatement or original license application.

Robert Sutherland, D.O.: Additional information is needed prior to decision for licensure. Board Staff instructed to obtain FSMB and AOA profiles along with additional information from residency programs/directors in which Dr. Sutherland participated. (Rubin/Jones)

John P. Short, D.O.: Need additional information on action taken in Kentucky.

Charles Merrill, D.O.: Had received notification that he is ineligible for licensure in West Virginia. Applicant sent a second request for licensure. Board Counsel asked to send a letter of explanation as to why he is ineligible for licensing in West Virginia.

Frank J. Kadel, D.O.: Received information regarding suspension of hospital privileges for 14 days. The Board requests additional information regarding the “inappropriate” behavior listed as the cause.

Joseph Freeman, D.O.: Dr. Freeman requested early release of his probation. Board did not grant an early release. (Whitler/Jones)

Medical Malpractice Reports: Eight (8) individual cases were reviewed with no further action required.

Meeting was adjourned at 3:35 PM with next scheduled meeting to be held on September 5, 2014, with representatives from the Federation of State Medical Boards in attendance. **(Whitler/Jones)**

Respectfully submitted,



Arthur Rubin, D. O.
Secretary