

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Board Meeting Minutes**  
**September 16, 2009**

The West Virginia Board of Osteopathy met at the Days Inn Conference Center in Flatwoods, WV. The meeting was called to order at 9:35 AM by Ernest Miller, D.O.

**Members Participating:**

Ernest Miller, D.O. – President  
Douglas Wolfe, D.O. – Vice President  
Elizabeth Blatt, PhD – Lay Member  
Robert Whitler – Lay Member

**Staff Present:**

Diana Shepard – Executive Director  
Cheryl Schreiber – Executive Secretary  
Doren Burrell, Esq. – Attorney

**Reports – Licensed Physicians as of September 10, 2009:**

1004 – Total Physicians:

763 - In state

241 - Out of state

29 – Newly Licensed Physicians

49 – 1<sup>st</sup> Year Training Certificates (from 7/1/09 thru 6/30/10):

18 – Interns at CAMC

3 – Interns at GVMC

7 – Interns at OVMC

3 – Interns at UHC

4 – Interns at WVU

6 – Interns at Camden-Clark

1 – Cabell Huntington

7 – Bluefield Regional MC

151 – Physician Assistants

81 – Prescriptive Writing Privileges

24 - DOs supervise 2 PAs

10 - DOs supervise 3 PAs

64 – Corporations

57 – PLLCs

Balance in State Depository Account as of July 31, 2009 - \$445,524.45

Beginning Balance as of July 1, 2009 - \$452,656.58

Total Receipts as of July 31, 2009 - \$16,203.50

Total Disbursements as of July 31, 2009 - \$23,335.63

The purchasing card sheets and documents from June, July and August 2009 were presented.  
Motion passed to approve purchasing card reports. (Blatt/Whitler)  
Motion passed to approve statistical reports. (Whittler/Blatt)

The minutes of the July 1, 2009 meeting were approved with the correction of the proper board member moving and seconding the motion to proceed to executive session to (*Wolfe/Gilligan*) at 4:05 PM and (*Gilligan/Whitler*) at 5:10 PM. The meetings of the July 15, 2009 were approved as read. (Whittler/Blatt)

#### **Attendees**

**David Tolliver, D.O. and Michael Carey, his attorney** - they addressed the board to request early removal of his probation status.

**M. G. Thomas Schauland, D.O.** – he addressed the board regarding his license renewal and the consent order he will be signing with the Minnesota Board.

**Brad Hall, MD** – Dr. Hall provided the Board with an update on West Virginia Physicians Health Program.

#### **OLD BUSINESS**

**Jeffrey Kent Bates, D.O.** – Board notified that he has remained in compliance with his board order.

**Robert McCleary, D.O.** – Board notified that he has remained in compliance with his board order.

**Steven Smith, D.O.** – Board notified that he has remained in compliance with his board order.

**Rules** – Board notified that our revised Rules were filed with the Secretary of State by the 7/31/09 deadline and should be considered at the October Interim meeting.

**WV Board of Osteopathy** – A discussion was held regarding the new location. We are continuing to look for locations with the leasing department and on our own. Decisions on equipment will be made once the location is selected.

#### **NEW BUSINESS**

**AIM Meeting** – The AIM (Administrator in Medicine) 2009 Eastern and Southern Regional meeting will be held in Charleston, WV on September 24-25. Our Board is one of the sponsoring Boards. Cheryl Schreiber and Diana Shepard will both be attending. Motion passed to reimburse Doren Burrell the registration cost of \$100.00 if he wishes to attend the AIM meeting. (Blatt/Whittler)

**Closure of Know Pain Clinic** – Thomas Steele, D.O. requested guidance from the Board regarding pain patients coming to the WV School of Osteopathic Medicine Clinic from the closed clinic. After a discussion the Board determined the Clinic should proceed using their own policies.

#### **Physician Assistants:**

- 1) Suzanne Brown, PA-C - a discussion on her supervision by Dr. Richard Boone was held. The Board requests additional information regarding his practice before any decision will be made.

- 2) Amanda Flesher, PA-C – She requested the ability to prescribe anti-psychotics except clozapine. A discussion on prescriptive privileges including anti-psychotics was held. As the §WV Code 30-14A-1(o) does not allow our physicians to prescribe antipsychotics, she will be notified that her request cannot be granted without a law change.
- 3) A discussion was held regarding the two year of patient care service requirement before submission of a job description for requesting prescriptive privileges. It is the consensus of the Board that the two years is the time frame required and it has no minimum requirement as to amount of time the physician assistant works each week.
- 4) A discussion was held regarding Physician assistants ordering Pro Time and INR testing for patients when not on Coumadin and CT's or MRI's, with or without contrast. It is the consensus of the Board that physicians assistants may order appropriate diagnostic testing even though the code does not allow the physician assistant formulary to include anticoagulants or radiopharmaceuticals.
- 5) John Rice, PA-C- He requested to remove probationary status. Motion passed to lift his probationary as of November 1, 2009. (Whitler/Wolfe)

**PLLC's and Corporations** – A discussion was held regarding corporations and PLLCs that have not submitted renewals. The information will be provided to our attorney to review and follow up with the entities.

**WV Board of Osteopathy –**

- 1) A discussion regarding wording for the cover letter for our application which will be changed to include the new provisions provided by the changes to our code and rules.
- 2) Safety Committee Meeting for BRIM – A review of our safety and sexual harassment policies was held. Additional discussion included the defensive driving course.
- 3) Requests for lists of Osteopathic Physicians – A list will be provided to the Kanawha- Charleston Health Department of physicians practicing in Kanawha County. The request from the Virginia College of Osteopathic Medicine will be reviewed by our attorney and additional information requested regarding fields requested.

A motion was made and passed at 1:10 P.M. to move into Executive Session, with all Board members, the Board's Executive Secretary, Executive Director and Attorney, to continue discussion of ongoing complaints. (Whitler/Blatt)

Meeting continued at 2:50 P.M. after executive session.

**David Tolliver, D.O** – Motion passed to grant Dr. Tolliver's request for early removal of his probationary status effective October 17, 2009. (Wolfe/Whitler)

**Harold Tabaie, D.O.** – Application for Licensure was discussed and license will be granted.

**Report of the Complaint Committee:** Following the report from the complaint committee. Motion passed to dismiss complaints #2006-38; 2009-09; 2009-11; 2009-14 (Whitler/Blatt)

Complaint #2009-02 & 2009-12 – Motion passed for the Board to find probable cause to proceed with formal charges of unprofessional conduct by the physicians named in

the complaints #2009-02 & 2009-12 and that Board requires the physician in Complaint #2009-2 to take a course in geriatric medicine. (Whitler/Wolfe)  
Complaint #2009-15 - Motion was made to stay the decision as to whether charges should be issued. During discussion, a time period of six months was suggested. Motion passed to stay the Board's decision for a period of six months. (Whitler/Wolfe)  
Complaint #2009-34 Motion passed for the Board to initiate a complaint against the physician regarding information received from a health department. (Whitler/Wolfe)

**Joseph R. Freeman, D.O.** – Dr. Freeman signed a Consent Agreement with the State Medical Board of Ohio which included a suspension of his Ohio License. Motion passed to initiate a Board complaint, find probable cause and determine that the continuing licensure of Dr. Freeman is a matter of imminent risk of harm justifying an immediate suspension. (Whitler/Wolfe)

**Complaint #2009-17** – Motion passed to authorize that the information be referred for consult on Standard of Care. (Whitler/Blatt)

**Complaint #2009-25** - Complainant requested to withdraw Complaint. Motion passed to deny the request to withdraw the complaint. (Whitler/Blatt)

**Complaint #2004-16** – Motion passed to dismiss. (Whitler/Wolfe)

The Board would like to thank Dr. Wolfe by general acclamation for his outstanding service to the Board.

Next meeting will be scheduled for November 12, 2009. Motion passed to adjourn the meeting at 3:10 P.M.

Respectively Submitted,



Cheryl Schreiber, Executive Secretary  
in the absence of  
Thomas Gilligan, D.O.  
Secretary