

WEST VIRGINIA BOARD OF OSTEOPATHY
Board Meeting Minutes
November 12, 2009

The West Virginia Board of Osteopathy met in the Jackson Room at the Greenbrier in White Sulphur Springs, WV. The meeting was called to order at 9:00 AM by Ernest Miller, D.O.

Members Participating:

Ernest Miller, D.O. – President
Thomas Gilligan, D.O. – Secretary
Arthur Rubin, D.O. – Physician Member
Elizabeth Blatt, Ph.D. – 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 November 3, 2009:

1012 – Total Physicians:

770 - In state
242 - Out of state

6 – Newly Licensed Physicians

49 – 1st 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

148 – Physician Assistants

81 – Prescriptive Writing Privileges
24 - DOs supervise 2 PAs
10 - DOs supervise 3 PAs

62 – Corporations

60 – PLLCs

Balance in State Depository Account as of September 30, 2009 - \$413,222.10
Beginning Balance as of July 1, 2009 - \$452,656.58
Total Receipts as of September 30, 2009 - \$28,903.50
Total Disbursements as of September 30, 2009 - \$68,337.98

The purchasing card sheets and documents from September 2009 were presented. Motion passed to approve purchasing card reports. *(Blatt/Rubin)* Motion passed to approve statistical reports. *(Whitler/Gilligan)*

The minutes of the September 23, 2009 Adjudicatory session and the minutes of the October 14, 2009 Board meeting were approved as presented. *(GilliganBlatt)*

Policy for Addressing the Board – A policy was developed to provide guidelines for those wishing to address the Board. Revisions were recommended regarding 10 minute time limit by case rather than by presenter and handouts should be made available to the Board Office prior to the meeting for distribution to Board members. The policy was approved as revised. *(Whitler/Blatt)*

Attendees:

William Randall Hall - Addressed the board regarding Complaint #09-13.

Lawrence Williams, D.O. – Addressed the Board regarding his application for licensure.

John Sharp, D.O. – Addressed the board following his recent sentencing for medical fraud.

Vinson DiSanto, D.O. – Dr. DiSanto was asked to interview before the entire Board as he had not honored several previous interview appointments with individual Board members.

OLD BUSINESS

Educational Permits - The Board requested a revision to the Post Graduate Education Permit Application. Additional information should be requested on the application: 1) What hospital the applicant is currently working in and 2) where they are in the process of completing their training.

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

Robert Crake, D.O. - Awaiting receipt of consent agreement. Board Attorney reported that the consent order has been forwarded to Dr. Crake's attorney.

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.

John King, D.O. – Nothing new to report on the lawsuit. The Board Office has been notified that Dr. King has been excluded by DHHS from federal program participation. The Board Attorney reported on some negative comments that were alleged to have been made in another forum about the Board's handling of the case. The Executive Director offered to provide factual clarifications in an appropriate manner.

AIM Meeting – The regional meeting of the Administrators in Medicine was held in Charleston, WV in September. Mr. Burrell, Ms. Schreiber and Ms. Shepard represented the WV Board of Osteopathy and reported a good information sharing session.

Physician Assistants:

- 1) Suzanne Brown, PA-C has applied for licensure with Dr. Richard Boone as supervising physician. She did provide a supervision schedule with Dr. Boone. The Board tabled Ms. Brown's application until such time that Dr. Boone has completed the CME hours required under his consent agreement. *(Gilligan/Whitler)*
- 2) John Rice, PA-C has been notified of the lifting of his probationary status as of November 1, 2009. Final reports were filed with Mr. Rice in full compliance. The Board Office has been notified by Mr. Rice that he will be applying for licensure with a new DO.

PLLC's and Corporations – The Board Office reported eight (8) PLLC's and eight (8) Corporations that have not renewed in 2009. The Board Attorney was requested to forward a letter to each of the entities who have not renewed. The Board Attorney also requested a review of the statute regarding PLLC's during the next legislative cycle.

Rules – The Modified Rules for Series 1 and Series 5 were filed with the Secretary of State's Office on October 23, 2009. Series 4 rule has been placed on the agenda at the November 17th meeting of the Legislative Review Committee. Mr. Burrell will represent the Board at the review session.

WV Board of Osteopathy Relocation – A lease has been secured with the State Leasing Department for Suite 402 at the 405 Capitol Street site. The monthly lease is for \$1,351.25 which includes utilities and three parking spaces. A moving date has been scheduled for Friday, December 11, 2009 with the moving costs quoted at \$1,771.38. The Executive Director is currently working on securing office furniture, equipment, communication lines and apartment accommodations for Ms. Wroniak for the transition.

NEW BUSINESS

Election of Officers – The following slate of officers was recommended:

President:	Ernest Miller, D.O.
Vice President:	Robert Whitler, Lay Member
Secretary:	Thomas Gilligan, D.O.

On a motion by Dr. Blatt and seconded by Dr. Rubin, the slate of officers was elected by acclamation.

Randall James, D.O. – Dr. James presented a letter along with certificates of training for acupuncture. The Board questioned their responsibility in granting/approving privileges, however, the Board has accepted the AOA's position regarding the acceptance of training programs in acupuncture. The Board tabled Dr. James' request in order to conduct primary source verification of training and to review policies on approving the practice of acupuncture.

David Whitmore, D.O. – A letter was received from Dr. Whitmore expressing concern over pharmacists participation in area clinics. Dr. Gilligan reported that this is a pilot program which only includes five sites in West Virginia and was agreed upon by the Board of Pharmacy, Board of Medicine and Osteopathic Board about two years ago. With appropriate training, Pharmacists could provide the following services:

- 1) Anti-coagulant therapy education
- 2) Diabetic teaching
- 3) Administration of non-live vaccines
- 4) CLIA waived testing
- 5) Hypertension monitoring

The Executive Director will forward a letter to Dr. Whitmore regarding the pilot program and notify him that if his clinic wishes to be one of the five pilot sites, he can submit an application.

PA Pharmacology Course Review – A discrepancy had been noted between the transcript and the verification letter on Pharmacology credits for the Drexel University Physician Assistant Program and a letter was forwarded from the Board Office asking for clarification. Upon review of the second response from Drexel University, the Board accepted the Pharmacology credits as described by the University.

WV Board of Osteopathy:

- 1) Annual Report – A copy of the 2009 Annual Report for the WV Board of Osteopathy is ready for distribution to State Offices. It was presented to the Board for their review. A question was posed as to how/when we report disciplinary actions to the Legislature. If an action has been taken by the Board it should then be deleted from the Disciplinary Report section of the Annual Report.
- 2) Acceptance of FSMB's FCVS Reports – Currently, twenty-six (26) national boards accept the FSMB's FCVS reports. Board members recommended we check our contract with the FSMB for "hold harmless" clauses. If none exists, perhaps such a contract should be agreed upon before accepting FSMB reports as primary source verification. The Board agreed to accept the FSMB report for Sean Stiltner, DO.
- 3) Review of Disciplinary Complaint Procedure Policy - The Board Attorney requested a review of the current disciplinary complaint procedure policy and presented a summary of those items which may need revision at a later meeting.

A motion was made and passed at 1:25 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. *(Gilligan/Rubin)*

Meeting continued at 2:50 P.M. following Executive Session.

Vinson DiSanto, D.O – Application for Licensure Approved. *(Blatt/Whitler)*

Report of the Complaint Committee: Following the report from the complaint committee. Motion passed to dismiss complaints #2009-13; #2009-16; #2009-21; #2009-28; #2009-29; #2009-31 and #2009-33. Complaint #2009-13 will result in letters to the complainant, WVSOM and the State Osteopathic Society regarding provision for CME activity dealing with esophageal cancer. Complaint #2009-33 will result in an advisory letter to the physician, named in the complaint, to be timely, thorough and truthful on all components of applications for license renewals. *(Whitler/Blatt)*

Barry Belcher, D.O. – Check next renewal application for licensure to make sure the physician reports the Kentucky action taken in 2009.

Paul Cochrane, D.O. – Applied for WV license renewal with action taken against his Massachusetts license. Motion passed to deny license renewal. *(Rubin/Gilligan)*

Aginah DeBerry, D.O. – Applied for re-instatement of license with action taken in Colorado. Motion passed to deny license. *(Rubin Gilligan)*

Complaint #2009-15 – Clarification is needed for the Complaint Committee from Attorney.

Complaint #2009-05 – Ohio Board action is being appealed by physician. Board will continue to monitor until final action in Ohio.

Complaint #2009-37 – Tabled for further investigation with request for office medical records.

Sameh Moawad, D.O. – Application for Licensure. Recommend continuation of educational permit until program is completed. *(Rubin/Gilligan)*

Complaint #2009-39 – Self-reported DEA issues. Motion to obtain Pharmacy Profile for further investigation. *(Gilligan/Whitler)*

Complaint #2009-38 – Board-issued complaint regarding prescribing practices.

Marvin Schauland, D.O. – Consent agreement with Minnesota. Motion passed to hold Board action until Dr. Schauland has completed the requirements of the Minnesota agreement. *(Gilligan/Whitler)*

Brian Seyler, D.O. – Colorado license denied. Unable to locate physician via certified mail. Motion to immediately suspend WV license with notification to Board of Pharmacy and WVHA. Procedure from WV Rules will be followed. *(Gilligan/Whitler)*

Nelson Velazquez, D.O. – Release scheduled for November 12, 2009. Motion to remove suspension, effective today, pursuant to his consent order while continuing with one year probation. *(Whitler/Gilligan)*

Complaint #2009-40- Update provided on investigation for possible patient abandonment. Motion to proceed with a Board-issued complaint. *(Whitler/Gilligan)*

Lawrence T. Williams, D.O. – Application for Licensure. Consent agreement with Alabama Board. The Board can only issue a WV license with restrictions or the physician may withdraw his application. *(Blatt/Rubin)*

Next meeting will be scheduled in February, 2010. Motion passed to adjourn the meeting at 3:10 P.M.

Respectively Submitted,



Thomas Gilligan, D.O.
Secretary