

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Board Meeting Minutes**  
**February 4, 2010**

The West Virginia Board of Osteopathy met in Room #427 at the Embassy Suites in Charleston, West Virginia. The meeting was called to order at 1:00 PM by Ernest Miller, D.O., President.

**Members Participating:**

Ernest Miller, D.O. – President  
Robert Whitler – Vice President  
Thomas Gilligan, D.O. – Secretary  
Arthur Rubin, D.O. – Physician Member

**Staff Present:**

Diana Shepard – Executive Director  
Doren Burrell, Esq. – Attorney

**Minutes** – The minutes of the November 2009 meeting were approved as presented.  
**(Gilligan/Whitler)**

**Reports** – Licensed Physicians as of February 1, 2010:

1021 – Total Physicians:  
774 - In state  
247 - Out of state

6 – 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

162 – Physician Assistants  
84 – Prescriptive Writing Privileges  
23 - DOs supervise 2 PAs  
15 - DOs supervise 3 PAs

68 – Corporations

63 – PLLCs

Balance in State Depository Account as of December 31, 2009 - \$347,290.33  
Beginning Balance as of July 1, 2009 - \$452,656.58  
Total Receipts as of December 31, 2009 - \$40,336.50  
Total Disbursements as of December 31, 2009 - \$145,702.75

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

The monthly line item statements for October through December 2009 were presented.  
Motion passed to approved the quarterly statements as presented. *(Whitler/Rubin)*

**Attendees:**

**Jack Levine, D.O.** - Addressed the Board regarding Complaint #09-05.

**Steve Smith, D.O.** - Addressed the Board regarding PHP issues under his Consent Agreement.

**David Runyon, PA-C** - Addressed the Board regarding prescriptive privileges.

**Edward Martin, Attorney for Sheila Hockman, D.O.** - Addressed the Board regarding Consent Agreement with the Wisconsin Board.

**Amelia McPeck, D.O. and Amanda Flesher, PA-C, with Attorney, Thomas Rodd** concerning Legislative Rule Change regarding prescriptive privileges for Osteopathic Physician Assistants.

**OLD BUSINESS**

**Jeffrey Kent Bates, D.O.** - Board notified of compliance with monthly reports.

**Robert Crake, D.O.** - Consent agreement has been forwarded to doctor's attorney. The Board Attorney has been unable to contact the physician's attorney in follow up.

**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.

**Physician Assistants:**

- 1) Suzanne Brown, PA-C had applied for licensure with a supervising physician who had not completed the CME hours required under his consent agreement. He did, however, fulfill that requirement in December and the Board has received proper notification of those CME hours. Ms. Brown's application was approved as presented. *(Gilligan/Rubin)*
- 2) Amanda Flesher, PA-C has requested prescriptive privileges for anti-psychotic medications under an Osteopathic Psychiatrist. Both will come before the Board later in the meeting to discuss their request.

**PLLC's and Corporations** – The Board Office reported six (6) PLLC's and two (2) Corporations that have not renewed in 2009. The two corporations have continued to file Annual Reports with the Secretary of State and those licenses may become part of a complaint issue which will be dealt with in Executive Session. The PLLC's will be followed up by the Executive Director with appropriate disposition.

**Rules** – The three (3) Modified Rules for Series 1, 4 & 5 have been moving through the Legislative Session without any revisions to date. The Board Office will continue to follow and report.

### **NEW BUSINESS**

**Charlene DeMarco, D.O.** – Dr. DeMarco made inquiry as to the probability of obtaining a WV license upon her release from prison on a fraud conviction in New Jersey. As long as her license remains revoked in any state, our Board cannot consider her for licensure.

**Kathy Kruger, D.O.** – Board received notification of an action on her Pennsylvania license for an unpaid civil penalty. Dr. Kruger is not currently licensed in West Virginia.

**American Board of Interventional Pain Physicians** – A letter was received requesting Board recognition of the ABIPP as a board-certifying organization. The Executive Director was asked to respond to the ABIPP in writing that our Board does not recognize any board certification in our licensing process.

**AIM** – The annual meeting is scheduled to be held on April 21, 2010 in Chicago, in conjunction with the FSMB meeting. Ms. Shepard will be representing the Board at April meeting.

**FSMB** - The annual meeting will be held in Chicago on April 22 thru 24. Again, scholarships of \$1600 will be provided for the President and Executive Director of each Board. Dr. Miller and Ms. Shepard will be attending representing their respective positions. Mr. Whitler expressed interest in going as the public representative and the Board Office will complete the paperwork for his scholarship.

Dr. Miller's name was placed in nomination by the Board for the FSMB Nominating Committee. Elections will be held Saturday, April 24<sup>th</sup> at the FSMB Annual Meeting.

The Advisory Group of the FSMB has prepared a draft report on Maintenance of Licensure to insure competency of licensed practitioners. The draft has included three (3) areas of competency: 1) Reflective Self Assessment; 2) Assessment of Knowledge and Skills; and 3) Performance in Practice.

**MedExpress** – The following Osteopathic Physicians have been employed by MedExpress for medication dispensing programs:

Darrell K. Boggess, DO  
Claudia J. Duncan, DO  
David Hefner, DO  
John Pellegrini, DO

Gregory K. Burnette, DO  
Jennifer Frangos, DO  
Suzan R. Myles, DO  
Emily S. Clagg, DO

Letters will be forwarded to each physician notifying them of their acceptance into the MedExpress dispensing program.

**Physician Assistants** – The application of Holly Thompson, PA-C was presented as she had received a reprimand from the WV Board of Medicine while licensed with them. The reprimand addressed a seven (7) week period prior to Ms. Thompson passing her NCCPA certification. This Board did not feel the reprimand should have any affect on her current application.

Mr. Ronald Whitner, PA-C is currently licensed with the Board under the supervision of Dr. Marisa Holland. He is requesting prescriptive privileges with documentation of a 4 hour, Level 1 Pharmacology course from Creighton University. The Board Attorney was requested to review the current Rules for PA prescriptive privileges to clarify the pharmacology requirements.

Tabitha Cox, PA-C, under the supervision of Lori Tucker, D.O., has requested IUD and Implanon implantation procedures. She has been certified by the company, however, Dr. Tucker's name is not listed on their website as a certified provider. Contingent upon verification of Dr. Tucker's certification, the Board approved the additional procedures for Tabitha Cox, PA-C. **(Whitler/Gilligan)**

**WV Board of Osteopathy** – The Executive Director has developed a retention policy for the Board and conducted an inventory for 2009 and 2010. Based upon that policy and as outlined through State regulations and Medical Practice Act, documents scheduled for destruction have been shredded. As funds become available, the Board would like to move to digital storage for permanent records.

The Executive Director has disposed of, through Surplus Property, several old computers, printers and copiers moved from the Weirton Office.

The P-Card Audit has been finalized and a Representation Letter on our new letterhead has been signed by the President and forwarded to the Auditor's Office. One recommendation from the audit was for the Board to appoint a CFO to regularly review and sign off on expenditures. This alleviates possibility of fraud issues with the Executive Director being both the Purchasing Card holder and the Coordinator. Mr. Whitler, with his local availability, was appointed CFO for the Board. **(Gilligan/Rubin)**

Senator Dan Foster met with representatives of the Board in January to discuss a potential new bill to be introduced which would make the rules for Physician Assistants licensed with the Board of Osteopathy and the Board of Medicine be more congruent. The Board had no objections to such a bill and requested the Board Attorney prepare a draft for Senator Foster.

Clarification was requested regarding the 40 hour requirement for OMT training for those applicants who choose an ACGME approved clinical training program. At least 10-12 hours of the 40 should be hands-on training. The remaining should be AOA approved, Category IA. WVSOM is willing to work with leadership from the WV Osteopathic Society to develop a program to meet these requirements.

The 2009 CME Audit has been completed. A 10% random review was conducted with 100% compliance. The report is on file in the Board Office.

**WVMPHP** – The following information was provided by the WV Medical Professional Health Program:

- 1) The Board has received three (3) notifications of confidential participants in the program
- 2) The PHP has opened a “northern” office in Bridgeport, WV. This is in addition to the Charleston office
- 3) The 2009 Bi-Annual statistical summary was presented

A motion was made and passed at 3:30 P.M. to move into Executive Session, with all Board members, the Board’s Executive Director and Attorney, to continue discussion of ongoing complaints. *(Whitler/Rubin)*

Meeting continued at 4:00 P.M. following Executive Session and recessed at 4:20 P.M. to receive Dr. Amelia McPeak, Amanda Flesher, PA-C and Thomas Rod, Dr. McPeak’s attorney. Open meeting continued again at 4:20 P.M. **(Gilligan/Rubin)**

**Report of the Complaint Committee:** Following the report from the complaint committee. Motion passed to dismiss complaints: 2009-22; 2009-24; 2009-30; 2009-32 and 2009-41. The Board Attorney has been issued parameters with which to negotiate consent orders on the following complaints: 2009-19; 2009-25; 2009-26; 2009-35 and 2009-39. **(Gilligan/Rubin)**

**Complaint 2009-27** was recommended for dismissal due to lack of jurisdiction and the complainant will be referred to the Board of Medicine in Ohio. *(Gilligan/Whitler)*

**Complaint 2009-19** – The Board finds Probable Cause exists for a disciplinary hearing. The physician will be asked to show cause why his two Corporations should not be dissolved. **(Gilligan/Rubin)**

**Complaint 2008-28** – Upon securing an expert witness, this matter will be set for hearing.

**Complaint 2010-03** – Motion passed for Board to issue a complaint against this physician based on anonymous complaint of substance abuse/drug diversion. **(Gilligan/Whitler)**

**Complaint 2009-10** – License was suspended at last meeting due to inability to locate the physician. He notified us of his new address and expressed interest in surrendering his license. The Board orders the license suspension lifted. **(Gilligan/Rubin)**. The Board Attorney will draft a surrender of license with the physician's understanding that this is a reportable action. **(Rubin/Whitler)**

**Complaint 2009-05** - Board determined Probable Cause and ordered a summary suspension of license with right to an immediate hearing. **(Whitler/Gilligan)**

**Complaint 2009-06** – Board requests response from supervising physician with request for policies/procedures on patient dismissal. **(Whitler/Gilligan)**

**Sheila Hockman, D.O.** – Motion passed to rescind the previous order dated, September 4, 2009. **(Rubin/Whitler)**

**Sameh Moawad, D.O.** – Is currently working under an education permit which is scheduled to expire in March 2010. His application for licensure reported breaks in training involving three different clinical programs. He is scheduled to attend the Board presentation on licensure this Saturday with the WVSOM interns and is scheduled for interview at that time.

**Complaint 2010-04** – Board notified of Maryland action regarding insurance billing fraud. Board will open a complaint regarding the Maryland action. **(Whitler/Gilligan)**

**Lonnie K. Sipsy, D.O.** – Motion passed to deny license. **(Rubin/Gilligan)**

**Robert Summers, D.O.** – Motion passed to deny license due to revocation in Ohio. Board Attorney will send a letter of denial explaining WV law regarding revocations from other states. **(Whitler/Rubin)**

**Aaron Tragos, D.O.** – Inquiry regarding licensure. Board Attorney will draft a letter outlining requirements of WV law.

**Nelson Velazquez, D.O.** – Board Attorney will request documentation from physician attorney that he is eligible for licensure in Virginia. **(Gilligan/Whitler)**

**Steven Smith, D.O.** – The Board did not recommend any changes to Dr. Smith's current Consent Agreement, but did offer him the opportunity to look into different monitoring programs. **(Rubin/Whitler)**

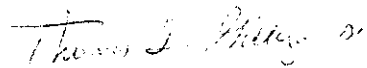
**David Runyon, PA-C** – Board recommends completion of Pharmacology courses as defined in current rules and in conjunction with WV Physician Assistant School programs. **(Whitler/Rubin)**

**Amelia McPeak, D.O.** has requested prescriptive privileges for her PA, Amanda Flesher, to include anti-psychotics. The Board Attorney and Executive Director will prepare a draft for Legislative submission to incorporate changes to bring the Osteopathic PA Rules in correlation with the Board of Medicine PA rules.

**Medical Malpractice Reports** – Only one to review and discuss. No action required.

Motion passed to adjourn the meeting at 5:15 P.M. **(Whitler/Rubin)**

Respectively Submitted,



Thomas Gilligan, D.O.  
Secretary