

WEST VIRGINIA BOARD OF OSTEOPATHY
Board Meeting Minutes
July 15, 2010

AMENDED COPY

The West Virginia Board of Osteopathy met on Thursday, July 15, 2010 in the Daniel Boone Room at the Charleston Board Office. The meeting was called to order at 1:20 PM by Vice President, Robert Whitler.

Members Present:

Ernest Miller, D.O. – President
Arthur Rubin, D.O. - Physician Member
Joseph Schreiber, D.O. – Physician Member
Robert Whitler – Vice President
Elizabeth Blatt, Ph.D. – Lay Member

Staff Members Present:

Diana Shepard - Executive Director
Doren Burrell – Legal Counsel

Attendees:

Representatives of the **WV REDI** (Responder Emergency Deployment Information System) spoke to members of the Board asking for the Board's voluntary participation in the pre-approval of those osteopathic physicians who may volunteer to assist in emergency/disaster events.

Mr. Thom Stevens, Esq., presented as a representative for the **WV Association of Physician Assistants** to address their concerns with the proposed PA Rule changes.

Minutes:

The minutes from the May 13, 2010 regular meeting and minutes from the June 10, 2010, conference call meeting were approved as presented. **(Blatt/Rubin)**

Reports:

Licensed Physicians as of July 12, 2010:

1008 - Total physicians
774 - In-state
234 - Out of state

30 - Newly Licensed physicians

70 – 1st Year Educational Permits (from 7/1/10 thru 6/30/11):

- 20 – Interns at CAMC
- 4 – Interns at GVMC
- 9 – Interns at OVMC
- 4 – Interns at UHC
- 10 – Interns at WVU
- 6 – Interns at Camden-Clark
- 4 – Interns at Cabell Huntington
- 1 – Wheeling Hospital
- 9 – Bluefield Regional MC
- 3 – Our Lady of Bellefonte

With the expansion of the educational permits and renewals a more precise means of tracking is becoming necessary. The Board Office is asked to begin numbering educational permits and identifying whether it is a renewed educational permit or a first time assignment. This is also being required for the first year residents applying through the ERAS match.

16 - Educational Permit Renewals:

- 1 – CAMC
- 1 – GVMC
- 7 – OVMC
- 4 – WVU
- 3 – Camden Clark

159 – Physician Assistants

- 85 – Prescriptive Writing Privileges
- 22 - DOs supervise 2 PAs
- 15 - DOs supervise 3 PAs

52 – Corporations

54 – PLLCs

Balance in State Depository Account as of May 31, 2010 - \$291,702.35

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

Total Receipts as of May 31, 2010 - \$136,372.68

Total Disbursements as of May 31, 2010 - \$297,326.91

Purchasing Card Report – Purchases for April and May 2010

Monthly Line Item Statements – April and May 2010

OLD BUSINESS

John R. King, D. O. - Board notified of license revocations in Tennessee and New York. No further information received regarding the suit against the Board.

M. G. Thomas Schauland, D.O. - The Board received notification of voluntary surrender of Pennsylvania license following action taken in Virginia.

John Sharp, D.O. - The report of the Hearing Examiner was presented and reviewed. The Board **Revoked** the license of Dr. Sharp based on the 29 felony convictions. **(Whitler/Rubin)**

Tabitha Cox, PA-C - Request received for performing endometrial biopsies under the supervision of Dr. Lori Tucker who presented a letter of recommendation. The Board deferred the request until additional information can be obtained from gynecological training programs regarding number of supervised procedures required to satisfy competency requirements.

NADDI Meeting - Mr. Burrell and Mr. Kidd attended the National Association of Drug Diversion Investigators meeting held at the University of Charleston.

PMP Alliance Meeting - Held in Washington, D.C. and attended by Mr. Burrell. A good presentation on e-prescribing was given.

WVMPHP - A Bi-Annual Statistical summary was submitted by Dr. Brad Hall which reported 10 osteopathic licensees involved in the WVMPHP.

Dr. Hall also submitted a request to the Board for renewal of another two year contract with WVMPHP. The Board approved a two year renewal with WVMPHP with payment of \$50 per renewed licensee to be made at the end of the third quarter when 2010 license renewals will be complete. **(Whitler/Rubin)**

One voluntary participant agreement was anonymously submitted by the PHP.

Proposed Rule Changes:

Two Rule changes - 24 CSR 05 - Increase in PA licensing fees, comparable to increases imposed by the WV Board of Medicine and specific fees for third party report requests. 24 CSR 05 will be forwarded to the Legislative Rules Committee with instructions that no public comments were received. **(Whitler/Rubin)** One abstention vote from Dr. Schreiber who had not had opportunity to read the rule changes.

Notice of rule changes for 24 CSR 02 was mailed to all currently licensed PA's and their supervising physicians and made available on the Board's website. Counsel did contact Mr. Thom Stevens from the WV Physician Assistant Association, but did not forward a copy of the rule changes to the association. On the last day for public comment, the Board was contacted by Mr. Stevens expressing the association's concerns with some of the rule changes. Mr. Stevens provided a document listing each of those concerns and the Board agreed to review the listing and work with the Association between now and the July 31st deadline for submission to the Legislative Rules Committee.

NEW BUSINESS

Recognition of New Board Member/Officers:

Joseph Schreiber, D.O., was introduced as the newly appointed physician member to the WV Board of Osteopathy and provided an orientation manual for new board members. Dr. Schreiber fills the vacancy created by the retirement of Dr. Thomas Gilligan. The Board acknowledged the eleven years of service provided by Dr. Gilligan as Secretary of the Board. A plaque was to be presented to Dr. Gilligan who was unable to attend today's meeting.

An election was held to fill the Secretary position vacated by Dr. Gilligan. Dr. Arthur Rubin was nominated and nominations were closed. **(Whitler/Blatt)** Dr. Rubin was elected by acclamation to serve as Board Secretary.

Dr. Rubin was also appointed to the Complaint Committee by the President.

Safety Policy Review - Board members reviewed the Safety Policy revisions and identified those issues to be included on the Safety Policy Checklist. The policy and checklist were approved as presented. **(Rubin/Blatt)**

Steven Handler, D.O. - Dr. Handler is a new applicant who has submitted a sealed credentials packet from FSMB's FCVS program. The Board Office has already verified via primary source all of Dr. Handler's application documents with the exception of his Medical Education, Post Graduate Education and NBOME scores. The Board will accept FCVS verification of the aforementioned documents as primary source verification. **(Rubin/Whitler)**

Murke Harrison, D.O. - License was **Suspended** in Illinois and Dr. Harrison was fined \$10,000 for prescribing practices and record keeping. Dr. Harrison has not been licensed in West Virginia since 1995.

Corporate Practice of Medicine - WV Board of Medicine has adopted a policy which states that a corporation which employs physician may not necessarily be a medical corporation and may not be bound by the WV Medical Practice Act.

Issues Surrounding Renewals:

A) License Renewals:

- 1) Barton Adams, D.O. - Currently incarcerated and has been unable to meet his CME requirements. Application for renewal is denied for not meeting current licensure requirements. **(Rubin/Whitler)**
- 2) Brian McDevitt, D.O. - Convicted of felony offenses, has been sentenced and is currently incarcerated. He filed his application for license renewal prior to his sentencing and while he was also negotiating a plea agreement with the Board. The Board voted to give him the option to withdraw the application or else the application will be denied, with an order of record.
- 3) Charles Paroda, D.O. - There is a pending complaint issue with Dr. Paroda but it should not impede his ability to renew his license. The renewal will be processed.
- 4) Jonathan Stanley, D.O. - Dr. Stanley submitted a correction to his original application reporting an academic probation during his training period. His renewal will be processed without any further action required.

B) PLLC Renewals: Ten PLLC's are still awaiting completed renewal applications.

C) Corporation Renewals:

1) Anita Dawson, D.O., Inc. - The Board received correspondence from Dr. Dawson's office under the letterhead of Dr. Anita T. Dawson, Inc., but Dr. Dawson has not had a corporation registered with the Board since 1987. According to the Secretary of State, this corporation charter was revoked in 2008 for failure to file annual reports. Counsel explained that the normal recourse would be to file an injunction against the operation of the corporation. Since the Board has suspended Dr. Dawson's license and she may not lawfully practice osteopathic medicine, no action needs to be taken at this time.

2) Brian McDevitt, D.O. - Dr. McDevitt holds four corporation licenses with the Board and he has not filed applications for their renewal. He has stated, through his attorney, that he would like to retain an interest in the corporation related to the clinic in Varney. Pursuant to his written agreement with the Board, none of these corporations will be permitted to practice medicine or osteopathic medicine so long as the doctor's license remains revoked. He may, though, maintain these corporations for other purposes.

A motion was made and passed at 3:45 PM to move into Executive Session, with all Board members, the Board's Executive Director and Attorney, to continue discussion of ongoing complaints. **(Schreiber/Blatt)**

Following Executive Session, the Board Meeting resumed at 4:30 PM. **(Schreiber/Rubin)**

Complaint #2009-38: Motion passed for dismissal of all facets of the complaint.
(Rubin/Whitler)

Complaint #2009-04: Physician placed on **Probation** for a period to run concurrent with the period imposed by the US District Court for the Southern District of West Virginia. **(Whitler/Rubin)**

Complaint #2010-05: Guidance given to Counsel for proceeding with hearing process.

Complaint #2010-09: New Board-issued complaint for not reporting academic probation.
(Whitler/Rubin)

Complaint #2009-35: Physician placed on **Probation** for a period to run concurrent with the probation imposed by the State Medical Board of Ohio. **(Rubin/Whitler)**

Complaint #2009-06: Order met. Complaint dismissed. **(Rubin/Whitler)**

Complaint #2007-02: Terminated participation with WV-Page and approved monitoring by Cassis Therapy Associates. **(Whitler/Schreiber)**

Complaints #2004-22; 2005-23; 2005-27; 2006-04; 2006-27; 2006-32; 2009-19:
Moved to accept Consent Order. **(Schreiber/Rubin)**
Moved to accept Agreement for Resolution. **(Schreiber/Blatt)**

Complaint #2005-07: All correspondence from and on behalf of Respondent to be forwarded to Complaint Committee for further review. **(Rubin/Schreiber)**

No malpractice reports were received since the last meeting.

The next Board meeting will be a conference call on July 30, 2010 to complete work on the PA Rule change by the July 31st deadline. The next regularly scheduled Board meeting will be in September at Flatwoods.

Meeting was adjourned at 5:10 P.M.



Arthur Rubin, D.O.
Secretary