

WEST VIRGINIA BOARD OF OSTEOPATHY
Board Meeting Minutes
November 5, 2010

The West Virginia Board of Osteopathy met on Friday, November 5, 2010, in the Jackson Room at the Greenbrier in White Sulphur Springs, West Virginia. The meeting was called to order at 10:00 AM by President, Ernest Miller, D.O.

Members Present:

Ernie Miller, D.O. – President
Robert Whitler – Vice President
Arthur Rubin, D.O. – Secretary
Elizabeth K. Blatt, Ph.D. – Lay Member

Staff Members Present:

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

Joseph Schreiber, D.O. asked to be excused from today's meeting.

Minutes:

The minutes of the July 15, 2010 regular meeting and the July 30, 2010 conference call were presented for review. On the July 15, 2010 minutes, a correction to the motion regarding the donation per license renewal to the WVMPHP was made based on the original motion from the July 1, 2009 meeting. Approval was given for \$50 donation per license renewal for the given renewal period. Minutes were approved as amended.
(Whitler/Rubin)

Reports:

Licensed Physicians as of October 31, 2010:

1033 – Total Physicians:
788 - In state
245 - Out of state

21 – Newly Licensed Physicians

69 – 1st Year Educational Permits (from 7/1/10 thru 6/30/11):

12 – Interns at Bluefield Regional
4 – Interns at Cabell Huntington
6 – Interns at Camden Clark
20 – Interns at CAMC
4 – Interns at Greenbrier Valley
9 – Interns at Ohio Valley Medical Center
4 – Interns at United Hospital Center
10 – WVU

4 – Bluefield Regional
2 – Cabell Huntington (Both with 3 month break in renewal date)
3 – Camden Clark
1 – CAMC
2 – Greenbrier Valley
7 - Ohio Valley Medical Center
5 – WVU

86 - Licensed Residents:
5 – Bluefield Regional
3 – Cabell Huntington
4 – Camden Clark
38 – CAMC
3 – Greenbrier Valley
14 – Ohio Valley Medical Center
4 – United Hospital Center
15 – WVU

174 – Physician Assistants
91 – Prescriptive Writing Privileges
28 - DOs supervise 2 PAs
18 - DOs supervise 3 PAs

60 – Corporations

70 – PLLCs

Balance in State Depository Account as of September 30, 2010 - \$338,739.04

Beginning Balance as of July 1, 2010 - \$368,686.32

Total Receipts as of September 30, 2010 - \$42,236.50

Total Disbursements as of September 30, 2010 - \$72,183.78

Motion was made to forward a letter to the Controller for the Attorney General's Office requesting re-consideration of the Board's \$1, 456 monthly payment of overhead for the Board's attorney. **(Rubin/Whitler)**

Purchasing Card Report – Purchases for June, July, August, September 2010

Monthly Line Item Statements – June, July, August, September 2010

Motion passed to approve the statistical and financial reports. **(Rubin/Whitler)**

Attendees:

- Steven Smith, D.O.** - Requesting release from probation in February 2011
- Terry McLaughlin, PA-C** - Requesting Prescriptive Privileges without 8 hours of Pharmacology training
- Tracy Miller, Complainant** - Unable to attend

OLD BUSINESS:

Tabitha Cox, PA-C - Neither the American College of Physician Assistants nor the specialty boards have requirements on number of procedures to prove competency for Physician Assistants. If the supervising physician takes the responsibility for the PA the only Board requirement is to be sure the procedure is added to the Physician Assistant's privilege list. Approval was given for Tabitha Cox, PA-C to perform endometrial biopsies with Lori Tucker, D.O. as the supervising physician. **(Whitler/Rubin)**

John King, D. O. - (AKA Christopher Wallace Martin, D.O.)
Notification received of the suspension of Dr. King's license in Indiana and Florida.

Jack Levine, D. O. - Notification received of the indefinite suspension of Dr. Levine's license in Illinois.

Monthly/Quarterly Practitioner Reports:

- Steven Smith, D. O.** - Remains in compliance with Board Order.
- Robert McCleary, D. O.** - Remains in compliance with Board Order.
- John F. Rice, PA-C** - Mr. Rice is not currently licensed with the WV Board of Osteopathy, however WVMPHP provides an update on his compliance as a former licensee.
- Joseph Freeman, D. O.** - Reports have been forwarded to the WVMPHP from the Ohio PHP. However, Dr. Freeman's order required quarterly reports to be submitted to the WV Board of Osteopathy. The Board Attorney has forwarded a letter to Dr. Freeman reminding him of the requirement.

WVMPHP:

- 1) An invoice has been received for the Board's 2010 donation to WVMPHP. A total of 375 DO licenses were renewed for a donation total of \$18,750.00.
- 2) Information from the PHP's recent brochure will be included in the next Board Newsletter.

NEW BUSINESS:

Prescriptive Privileges for Physician Assistants: Seven PA applications are currently pending for approval of prescriptive privileges. The Emergency Rules, currently in effect, still require the eight (8) hours of Pharmacology before prescriptive privileges can be approved. Motion made to amend the Emergency Rules to change the Pharmacology requirement from eight (8) hours to four (4) hours. **(Rubin/Blatt)**

Motion to approve prescriptive privileges pending Secretary of State's approval of the amendment to the Emergency Rules or applicants can take additional pharmacology hours during the transition of the Emergency Rules. **(Whitler/Rubin)**

Tearsa Keatley, PA-C: Requesting renewal of temporary license even though NCCPA certification has not yet been obtained. Motion to renew temporary license for one more year only. **(Rubin/Blatt)**

NBOME Visitation Day: The NBOME office in Conshohocken, Pennsylvania held a visitation day in October and is planning a second one in the Spring. Members will be apprised of the Spring date when received in the Board Office.

FSMB Reports: The Board has been apprised of deadlines for submitting comments to proposed FSMB reports and to submit resolutions, nominations and award recipients for the 2011 Annual Meeting. The information was submitted to the Board.

Corporation Licenses: Three corporations have not responded to their application for renewal of their license in 2010. Motion passed to set a hearing for revocation for the following corporations: **(Rubin/Blatt)**

J2 Osteopathic Medicine, Inc.
A.G.S., Inc.
Central WV Dermatology Associates

PLLC Update: The Board has been notified that as of December 1, 2010, South Hills Primary Care, PLLC, intends to let their malpractice coverage expire. Motion made to inform Dr. David Facello that when South Hills Primary Care, PLLC no longer has malpractice coverage he must cease and desist operating as South Hills Primary Care, PLLC. **(Whitler/Rubin)**

- Annual Report:** The 2010 Annual Report was presented for signature. The Report will be filed electronically with all State Government Agencies.
- Update on Proposed Rules:** 24 CSR 02 and 24 CSR 05 have been filed with the Secretary of State's Office and are currently in committee.
- 2011 Staffing Changes:** Chris Wroniak, Records Secretary, has changed her retirement date from June 2010 to June 2011. Her replacement will begin in early March 2011 during the PA renewal period.

A motion was made and passed at 12:00 PM to move into Executive Session, with all Board members, the Board's Executive Director and Attorney, to continue discussion of ongoing complaints. **(Rubin/Blatt)**

The public meeting resumed at 2:15 PM following Executive Session. **(Whitler/Rubin)**

Reports of the Complaint Committee: Reports from the August 24, 2010 and October 6, 2010 meetings were approved as presented. **(Blatt/Rubin)**

Following the report from the Complaint Committee, a motion passed to dismiss the following complaints: 2009-34; 2010-10; 2009-42; 2010-14; 2010-15; 2010-16; 2010-18; 2010-19; 2010-20; 2010-24. **(Whitler/Rubin)**

- Complaint #2009-05:** Motion to set for final hearing. **(Rubin/Whitler)**
- Complaint #2010-03:** Motion for an order compelling evidence, specifically unannounced urine samples from the physician, for drug screens. **(Whitler/Rubin)**
- Complaint #2004-21:** Motion for dismissal. **(Rubin/Whitler)**
- Complaint #2009-36:** Motion for dismissal as part of the Consent Order entered into July 22, 2010. **(Rubin/Whitler)**
- Complaint #2010-06:** Motion for dismissal without prejudice with referral to the Ohio Board of Medicine and forwarding of information to State Fire Marshall. **(Whitler/Rubin)**

Complaint #2010-01: Motion made to authorize Counsel to negotiate a Settlement Agreement ceasing long term use of Phentermine for diet therapy. **(Whitler/Rubin)**

Next scheduled Board Meeting will be held at the Embassy Suites in Charleston on Friday, February 4, 2011, at 1:00 PM.

Motion for adjournment was made at 2:40 PM. **(Blatt/Rubin)**

Respectfully submitted,

A handwritten signature in black ink that reads "Arthur Rubin, D.O." in a cursive style.

Arthur Rubin, D. O.
Secretary