

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Board Meeting Minutes**  
**December 23, 2010**

The West Virginia Board of Osteopathy met on Thursday, December 23, 2010 via Conference Call originating from the Charleston Office. The meeting was called to order at 9:00 AM by President, Ernest Miller, D.O.

**Members Present:**

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

**Staff Members Present:**

Diana Shepard - Executive Director  
Doren Burrell – Legal Counsel

**Guests:**

Rob Aliff, Esquire representing Dr. Philip Fisher  
Curtis Johnson, Reporter for the Huntington Herald Dispatch

**AGENDA ITEMS**

**Complaints 2010-21 with Possible New Complaint:**

The Board received an anonymous complaint on August 24, 2010, which was assigned complaint #2010-21 and was currently under investigation. The DEA recently searched the office and home of the physician involved in that anonymous complaint. No charges have been filed against the physician, however, the investigation is ongoing. Recommendation was made to add the new information to Complaint 2010-21. **(Blatt/Whitley)**

A motion was made and unanimously passed to go into Executive Session at 9:20 AM.  
**(Whitley/Rubin)**

Following Executive Session, the Board re-convened in open session at 9:35 AM.  
**(Schreiber/Whitley)**

After further discussion and to insure that a delay in the criminal case would not impede the Board's ability to take any disciplinary action that may be warranted, the above motion was withdrawn. Motion was made and unanimously passed to open a new complaint against the physician named in the criminal investigation. **(Rubin/Whitley)**. The new complaint will be filed as 2010-36.

**AGS, Inc. (C-094):**

On December 16, 2010, a hearing was held regarding the license of AGS, Inc. to continue business as a corporation licensed by the WV Board of Osteopathy. No representative of the corporation, AGS, appeared at the hearing or responded to any of the Board's communications. Motion was made and passed unanimously to revoke the Corporation License, C-094, for AGS, Inc. to practice osteopathic medicine as an osteopathic medical corporation in the State of West Virginia. **(Whitler/Blatt)**

**Complaint 2010-01:**

A settlement agreement was offered by the Board at the November 2010 meeting. The physician has agreed to the settlement. Complaint 2010-01 is closed. **(Rubin/Whitler)**

**Complaint 2008-27 with Possible New Complaint:**

Pending complaint 2008-27 has been under investigation for improper prescribing practices as reported to the Board by a Pharmacist. The physician involved in Complaint 2008-27 has been remanded to the custody of the US Marshall pending further proceedings. Based on this new information the Board decided the following:

- 1) Open a new complaint (2010-37) with additional charges;
- 2) Find probable cause on both complaints;
- 3) Order a summary suspension of the physician's license. **(Rubin/Whitler)**

Being no further business, the meeting adjourned at 9:40 A.M. **(Schreiber/Rubin)**

*Ernest Miller, D.O.*

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President of the Board