

WEST VIRGINIA BOARD OF OSTEOPATHY
Board Meeting Minutes
November 11, 2011

The West Virginia Board of Osteopathy met on Friday, November 11, 2011, at the Greenbrier in White Sulphur Springs. The meeting was called to order at 9:30 AM by President, Ernest Miller, D.O.

Members Present:

Ernest Miller, Jr., D.O. – President
Robert Whitley – Vice President
Elizabeth Blatt, Ph.D. - Public Member
Arthur Rubin, D.O. – Secretary

Staff Members Present:

Jennifer Akers, Esq. – Board Counsel
Diana Shepard – Executive Director

Members Absent:

Joseph Schreiber, D.O. – Physician Member

Attendees:

Michael Carey, Esquire
Philip Fisher, D.O.
Derek Hollingsworth, D.O.
Charles Christian Rickey, PA-C

Minutes:

The minutes of the September 11th meeting were approved as presented. **(Whitley/Blatt)**. The minutes of the November 3rd Board Conference Call were approved as presented. **(Blatt/Whitley)**

Motion was made to move into Executive Session at 9:50 AM to meet with a licensee concerning an ongoing investigation and to meet with a physician assistant considering applying for a license to practice in West Virginia. **(Blatt/Whitley)**

The public meeting resumed at 10:30 AM. **(Rubin/Whitley)**

Reports: Licensed Physicians as of October 31, 2011:

1074 – Total Physicians:
803 - In state
271 - Out of state

8 – Newly Licensed Physicians

75 – 1st Year Educational Permits (from 7/1/11 thru 6/30/12):

4 - PGY 1 at Access Health
15 – PGY 1 at Bluefield Regional
6 – PGY 1 at Camden Clark
21 – PGY 1 at CAMC (1 One month rotation added 9/26/2011)
4 – PGY 1 at Greenbrier Valley
2 - PGY 1 at Marshall University (Cabell/Huntington)
8 – PGY 1 at Ohio Valley Medical Center
1 – PGY 1 at United Hospital Center
2 – Wheeling Hospital (1 One month rotation added 10/15/2011)
12 – PGY 1 at WVU

- 24 - Educational Permit Renewals:
 - 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
- 139 - Licensed PGY 2 or Greater:
 - 21 – Bluefield Regional
 - 9 – Camden Clark
 - 43 – CAMC
 - 11 – Greenbrier Valley
 - 7 - Marshall University (Cabell)
 - 24 – Ohio Valley Medical Center
 - 8 – United Hospital Center
 - 16 – WVU

- 187 – Physician Assistants
 - 115 – Prescriptive Writing Privileges
 - 30 - DOs supervise 2 Pas
 - 15 - DOs supervise 3 PAs

59 – Corporations

72 – PLLCs

Balance in State Depository Account as of September 30, 2011 - \$359,016.29
Beginning Balance as of July 1, 2011 - \$352,427.35
Total Receipts as of September 30, 2011 - \$65,031.25
Total Disbursements as of September 30, 2011 - \$67,591.45

Purchasing Card Report – Purchases for August and September 2011
Monthly Line Item Statements – August and September 2011

Motion passed to approve the statistical and financial reports as presented. **(Rubin/Blatt)**

OLD BUSINESS:

Monthly/Quarterly Practitioner Reports:

- Joseph Freeman, D.O. – Written confirmation received from the Ohio Medical Board confirming Dr. Freeman’s compliance with the PHP during the last quarter.
- Robert McCleary, D.O. - Monthly compliance reported for October and November.
- John F. Rice, PA-C - WVMPHP reported Mr. Rice in compliance.

Development of Rules for CSL:

Dr. Rubin and Ms. Akers will coordinate an effort in establishing Legislative Rules to address the issue of Controlled Substance Licenses.

Nelson Velazquez, D.O. – Probationary Status:

The Board reviewed the documents provided by Dr. Velazquez and his attorney, George Guthrie, Esquire. Motion was made to accept the documentation as evidence that Dr. Velazquez had met the intention of the probationary requirements and lift the probation. **(Rubin/Whitler)**

NEW BUSINESS:

New Satellite Facility:

Request has been received from Pamela Butcher, D.O. to open a satellite clinic in Alderson, West Virginia. The Board requested additional information regarding the office protocol for emergency care when the physician is not physically present and confirmation that patients will be seen by a physician upon every third visit as required. **(Rubin/Whitler)**

Michael Donahue Massey, D.O.:

Under Consent Order with Alaska Board. West Virginia license lapsed June 30, 2009.

Christopher E. Mullins, D.O.:

Under Consent Order with Commonwealth of Virginia. West Virginia license lapsed June 30, 2010.

MedExpress Dispensing:

Notification from MedExpress has been received adding Jamie Miller, D.O. to the Bridgeport facility along with his two PA's, Carol Williams and Katherine Burnside.

WVMPHP Agreement:

The written agreement with the WVMPHP, approved May 19, 2008, was presented with revisions as recommended by Dr. Brad Hall, Medical Director. Motion was made to accept the agreement with the following revision to 2.1 "Termination;" **(Whitler/Rubin)**

Either party may terminate this agreement for any reason with a 90 day notice.

PA Member on Board of Osteopathy:

The Board is willing to consider the appointment of a Physician Assistant to the Board of Osteopathy, but it will require a change in the West Virginia Code. A meeting of the Government Organization Committee is scheduled next week to look at Scope of Practice issues. That may open an opportunity to make a change in the make-up of the Board.

Board of Pharmacy Rule on Immunization:

The comment period for the rule change regarding immunizations has ended and a copy of the final draft to be presented during the 2012 Legislative Session was presented to the Board.

Board Office Computer System:

The current Board database is over 14 years old and written in 2003 Microsoft Access software. The West Virginia Board of Medicine and the West Virginia Board of Osteopathy is investigating a joint purchase with each board's data being maintained on a separate secure server. The purchase price should be kept under \$100,000 with all sources of possible funding explored.

Motion was made to move into Executive Session at 11:35 AM with the Board's Counsel and Executive Director present. **(Rubin/Whitler)**

The Board recessed for lunch at 12:25 PM and resumed the Executive Session at 1:30 PM.

The public meeting resumed at 2:00 PM following the completion of the Executive Session. **(Whitler/Rubin)**

Philip Fisher, D.O.:

Motion was made and passed to rescind the order, due to procedural error, for revocation of Dr. Philip Fisher's license on November 3, 2011. **(Whitler/Blatt)**

Motion was made and passed to accept the Hearing Examiner's recommendation to continue the suspension of Dr. Philip Fisher and to make provisions for the inclusion of the following three (3) charges listed in the Hearing Examiner's Conclusion of Law, entered October 24, 2011, to be presented in any future hearing: #32, #33 and #38. **(Rubin/Whitler)**

Report of the Complaint Committee:

The report of the October 24, 2011, Complaint Committee was approved as presented. **(Blatt/Whitler)**

Following the report of the Complaint Committee, a motion passed for dismissal of the following complaints: **2006-34; 2006-40; 2011-24; 2011-29; 2007-25 and 2011-21.** Also, complaints: **2011-09; 2011-28 and 2011-14** were dismissed with letters of concern to be sent with dismissal order. Complaint **2011-23** was dismissed with a disclosure from the two Complaint Committee members who are also CAMC employees where the procedure was performed by the physician named in the complaint. **(Rubin/Blatt)**

Complaint 2010-29: Motion for finding of Probable Cause and set for hearing. **(Rubin/Blatt)**


Complaint 2011-25: Motion for Consent Order regarding addiction to prescription drugs. **(Rubin/Blatt)**

Complaint 2011-33: Motion for Consent Order regarding DUI on license renewal application. **(Rubin/Blatt)**

No malpractice reports were received by the Board Staff.

Meeting was adjourned at 3:00 PM with the next regularly scheduled Board meeting to be held at the Mid-Winter Conference in Charleston in February 2012.

Respectfully submitted,



Arthur Rubin, D. O.
Secretary