

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Board Meeting Minutes**  
**February 3, 2012**

The West Virginia Board of Osteopathy met on Friday, February 3, 2012, at the Embassy Suites in Charleston, West Virginia. The meeting was called to order at 1:00 PM by President, Ernest Miller, D.O.

**Members Present:**

Ernest Miller, Jr., D.O. – President  
Robert Whitler – Vice President  
Joseph Schreiber, D.O. – Physician Member  
Arthur Rubin, D.O. – Secretary

**Staff Members Present:**

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

**Visitors Present:**

Penny Fioravante – Exec. Dir. WVOMA

**Members Absent:**

Elizabeth Blatt, Ph.D. – Citizen Member

**Minutes:**

The minutes of the November 11<sup>th</sup> meeting were approved as presented. (Whitler/Rubin. )

**Reports:**

Licensed Physicians as of January 31, 2011:

1079 – Total Physicians:  
808 - In state  
271 - Out of state

5 – Newly Licensed Physicians

75 – 1<sup>st</sup> 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  
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  
12 – PGY 1 at WVU

25 - 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  
1 – Nephrology Rotation – (1 Month with Dr. Latos in Wheeling)

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

192 – Physician Assistants  
123 – Prescriptive Writing Privileges  
28 - DOs supervise 2 Pas  
18 - DOs supervise 3 PAs

59 – Corporations

77 – PLLCs

Balance in State Depository Account as of December 31, 2011 - \$262,947.58  
Beginning Balance as of July 1, 2011 - \$352,427.35  
Total Receipts as of December 31, 2011 - \$89,800.45  
Total Disbursements as of December 31, 2011 - \$179,280.22

Purchasing Card Report – Purchases for October and November 2011  
Monthly Line Item Statements – October, November and December 2011

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

#### **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 December and January.  
John F. Rice, PA-C - WVMPHP reported Mr. Rice in compliance.

**Complaint #2008-37:** Consent Order dated February 2/25/11 made provisions for random urine drug screens. WVMPHP will be requested to conduct a random, unannounced screen. **(Whitler/Rubin)**

##### **Legislative Issues:**

Eleven bills were discussed which may impact functions carried out by the WV Board of Osteopathy. The American Osteopathic Association has requested that all Osteopathic Boards make the necessary legislative changes to recognize their licensing boards as Boards of Osteopathic Medicine. During the 2012 legislative session an amendment to S.B. 309 will be introduced to make the requested changes. A new bill is to be introduced to clarify the definition of Advance Practice Registered Nurse. Members reviewed the definition with no recommendations made.

##### **FSMB Issues:**

- 1) A letter of support was requested by the FSMB for their HRSA grant funding research into license portability. Submission deadline was prior to February board meeting.
- 2) FSMB Violence Survey completed and submitted by Board President.
- 3) FSMB Annual Meeting to be held in Ft. Worth, Texas on April 25-29<sup>th</sup>. Dr. Miller was chosen as the voting delegate and Ms. Shepard will attend as the Executive Director. Scholarship monies are available from FSMB and must be submitted today.

**Board Office Issues:**

- 1) **VeriDoc** is a national verification service owned and operated by the Administrators in Medicine organization. It is endorsed by the FSMB and provides one place that applicants for licensure can go to request multi-state license verification. The WV Board of Osteopathic Medicine will still receive their \$35 for written verifications. Motion to enter into a contract with VeriDoc to make their services available to applicants licensed in multiple states. **(Rubin/Whitler)**
- 2) **Legislative Audit** of December 2011 was presented for approval. Two recommendations were made and have been addressed by the Board. **(Rubin/Whitler)**
- 3) **2011 CME Audit** results were presented. One physician did not respond to the audit. A certified letter will be forwarded to David Fedor, D.O. notifying him that he has ten business days to respond or a complaint will be registered by the Board. **(Rubin/Schreiber)**
- 4) **Demographic/Specialty Reports** were presented for comparison of 2011 statistics with a statistical report from 1996 on allocation of osteopathic specialties across the state.
- 5) **Ethics Commission Advisory Opinion** was presented regarding officers of professional associations serving on professional licensing boards. The Ethics Commission saw no conflict of interest unless the professional was being hired as an Executive Director.
- 5) **Computer System** update was provided by the Executive Director. Not much progress has been made with the Office of Technology. Board recommends proceeding with purchase from a private vendor if a timely agreement cannot be reached with the WV Office of Technology.

**WVMPHP:**

The WVMPHP provided updates on participants, educational activities and the 2011 statistical summary. To date, a signed contract has not been received from Dr. Brad Hall with the recommended revisions.

**MedExpress:**

Additional dispensing physicians and locations were provided by MedExpress. More physicians are being assigned to more MedExpress locations and travelling from clinic to clinic.

**NEW BUSINESS:**

**Vinson Michael DiSanto, D.O.:**

Action taken in Texas. WV License lapsed in 2011.

**Pardeep Kumar Shori, D.O.:**

Applying for WV license for telemedicine. His specialty is Family Practice. Will continue to process application for licensure. Any practice questions may be answered during interview process.

**Mark Rosing, D.O.:**

Wants to apply for WV license to volunteer at Camp Timer Ridge. Has only taken FLEX. Dr. Rosing will be notified, in writing, that FLEX is not accepted for licensure in Osteopathic Medicine in West Virginia.

**Unemployment Claim:**

The Board has received notice of a claim for unemployment received on Christine Wroniak. As Ms. Wroniak retired from the Board in June 2011 and obtained employment in Pennsylvania along with receipt of pension, motion was made to appeal the claim for payment of \$22,869.24 in unemployment benefits. **(Rubin/Schreiber)**

Motion was made to move into Executive Session at 2:50 PM with the Board's Counsel and Executive Director present. Visitors were excused. **(Whitler/Rubin)**

Motion was made to move back into Open Session at 3:30 PM. **(Rubin/Schreiber)**

**Report of the Complaint Committee:**

The report of the January 31, 2012, Complaint Committee meeting was approved as presented. **(Rubin/Schreiber)**

Following the report of the Complaint Committee, a motion passed for dismissal of the following complaints: **2007-24; 2009-20; 2011-22; 2011-34; 2007-22; 2009-23; 2011-37; 2011-20; 2011-32; 2011-17; 2011-30; 2011-31 and 2004-23.** Complaints **2002-19, 2007-30 and 2008-38** were dismissed without prejudice and Complaint **2011-10** was dismissed with a letter of concern. **(Rubin/Schreiber)**

Complaint **2011-08** was dismissed with Dr. Rubin and Mr. Whitler abstaining. **(Schreiber/Miller)**

- Complaint 2008-37:** Dismissed without prejudice following a negative, random urine drug screen to be administered by WVMPHP. **(Whitler/Rubin)**
- Complaint 2011-25:** Motion for Consent Order for reprimand, \$500 fine and complaint forwarded to supervising physician regarding addiction to prescription drugs. **(Rubin/Whitler)**
- Complaint 2011-33:** Motion for Probable Cause. **(Rubin/Schreiber)**
- Complaint 2008-28:** Consent Order for reprimand and CME on diagnosis of acute abdomen.
- Complaint 2009-02:**  
**Complaint 2009-25:**  
**Complaint 2009-26:** All three cases have had consent agreements forwarded to their legal counsel and all four have seen numerous legal delays. Physicians and their counsel will be notified of 30 day deadline, from date of notification, to sign agreements or hearings will be scheduled. **(Rubin/Schreiber)**
- Complaint 2008-17:** License renewal denied in 2011 while complaint was open and physician was receiving treatment. Board has received notification of completion of treatment and ready to return to medicine. If re-instatement is pursued by physician, a consent order will require continued outpatient follow up with WVMPHP. **(Rubin/Schreiber)**
- New Complaint:** Malpractice claim not reported on 2010 license renewal application. Motion to open complaint. **(Rubin/Whitler)**

No malpractice reports were received by the Board Staff.

Meeting was adjourned at 3:50 PM with the next regularly scheduled Board meeting to be held in Charleston at a, yet to be determined, date in June. **(Schreiber/Rubin)**

Respectfully submitted,



Arthur Rubin, D. O.