

**WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**  
**Board Meeting Minutes**  
**July 11, 2012**

The West Virginia Board of Osteopathic Medicine met on Wednesday, July 11, 2012, at the Board Office Conference Room 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  
Arthur Rubin, D.O., Secretary  
Joseph Schreiber, D.O. – Physician Member

**Staff Members Present:**

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

**Members Absent:**

Elizabeth Blatt, Ph.D. – Citizen Member  
Robert Whitler, Citizen Member

**Scheduled Attendees:**

John Sharp, D.O.  
Mark McDaniel, D.O.

**Minutes:**

The minutes of the February 3<sup>rd</sup> meeting and the June 25<sup>th</sup> conference call meeting were approved as presented. **(Rubin/Schreiber)**

**Reports:**

Licensed Physicians as of June 30, 2012

1089 – Total Physicians:

809 - In state  
280 - Out of state

145 – Newly Licensed Physicians

65 – 1<sup>st</sup> Year Educational Permits (from 7/1/12 thru 6/30/13):

4 - PGY 1 at Access Health  
6 - PGY 1 at Bluefield Regional  
3 - PGY 1 at Camden Clark  
22 - PGY 1 at CAMC  
4 - PGY 1 at Greenbrier Valley  
5 - PGY 1 at Marshall University (Cabell/Huntington)  
9 - PGY 1 at Ohio Valley Medical Center  
2 - PGY 1 at United Hospital Center  
2 - PGY 1 at Wheeling Hospital  
9 - PGY 1 at WVU

67 - Educational Permit Renewals:

15 - Bluefield Regional  
6 - Camden Clark  
19 - CAMC  
0 - Greenbrier Valley  
3 - Marshall University (Cabell/Huntington)  
14 - Ohio Valley Medical Center  
1 - United Hospital Center  
9 - WVU

133 - Licensed PGY 2 or Greater:

- 3 Access Health
- 7 – Bluefield Regional
- 12 Camden Clark
- 49– CAMC
- 9 – Greenbrier Valley
- 6 Marshall University (Cabell)
- 15 – Ohio Valley Medical Center
- 5 – United Hospital Center
- 1 Wheeling Hospital
- 26 – WVU

188 – Physician Assistants

- 123 – Prescriptive Writing Privileges
- 26 - DOs supervise 2 PAs
- 13 - DOs supervise 3 Pas

50 – Corporations

53 – PLLCs

Balance in State Depository Account as of May 31, 2012 - \$250,103.84  
Beginning Balance as of July 1, 2011 - \$352,427.35  
Total Receipts as of May 31, 2012 - \$197,337.29  
Total Disbursements as of May 31, 2012 - \$299,660.80

Purchasing Card Report – Purchases for January thru May 2012  
Monthly Line Item Statements – January thru May 2012

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

**OLD BUSINESS:**

**Steven Smith, D.O.:** Requirements fulfilled for Consent Order dated, February 25, 2011. Motion to consider the Consent Order requirements met and case closed. **(Rubin/Schreiber)**

**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 February through May.
- John F. Rice, PA-C: WVMPHP reported Mr. Rice in compliance.
- Terry Thomas, D.O. Received first report from WVMPHP. The physician is in compliance since entering the program.

Statistical reports for the first six months of 2012 were provided by the WVMPHP. There currently are four (4) osteopathic participants and two (2) students/residents. One (1) voluntary participant has been reported for non-compliance and will be discussed in Executive Session.

A copy of the March 2012 agenda for the Stakeholders Meeting, which was attended by the Executive Director, was provided for review.

**Board Policy Reviews:**

The Safety and Sexual Harassment Policies were presented for annual review. Approval of the policies with no recommended changes was given. (Schreiber/Rubin)

**CMBI Re-Certification for Board Investigator:**

Michael Kidd, the contracted Board Investigator, became certified in 2009. Re-certification is due every five years and he had requested to attend the 2012 meeting in Kansas City this month. The Board may consider sending Mr. Kidd to the 2013 or 2014 re-certification session, whichever is closer and least expensive.

**MedExpress:**

Several additional dispensing physicians and locations were provided by MedExpress. The Board requests that only those licensed practitioners with restrictions be reported to the Board. The remaining notifications will be filed in the practitioner's licensure file.

**Board Office Computer System:**

An RFQ for a new licensing database system for the Osteopathic Board was put out for bids with the West Virginia Purchasing Division. Five bids have been received. Board members requested that a summary of each vendor and their bids be provided for review by the membership.

**NEW BUSINESS:****Charles James Bradac, Jr., D.O.:**

Action taken in Pennsylvania for not reporting WV action.

**Physician Assistant Issues:**

A request has been received to add Picato Gel to the PA Formulary, Addition was approved. (Rubin/Schreiber)

Program content and syllabi for four (4) PA programs, new to the Board, were presented for review.

The University of Utah  
PA College of Technology (Mount St. Mary's College in Maryland)  
Seton Hill University  
University of Florida

Upon verification from accrediting bodies, copies of syllabus and proof of at least 4 hours of pharmacology each school was approved. (Rubin/Schreiber)

University of Charleston provided copies of the formulary to be included in their PA program. No recommended changes to the formulary.

**Public Citizen's Ranking of Licensing Boards:**

The 2012 report from Sydney Wolfe's Public Citizen group was presented. The WV Board of Osteopathic Medicine statistics are included under the WV Board of Medicine numbers and cannot be differentiated.

**2011 FSMB Summary of Licensing Board Actions:**

Comparisons were provided on the number and types of licensing board actions taken by the WV Board of Osteopathic Medicine and local, regional boards.

**Board Staff Changes:**

Linda Cottrill has surrendered her resignation to be closer to family. August 15, 2012 will be her last day. An amendment to the 2013 budget is needed to cover any overlap of personnel costs during the training of a new Administrative Assistant. As there are no other salary adjustments to be made at this time, the budget will be increased by \$3,000 to cover any overlap training costs. The interview process is underway for a replacement for the Administrative Assistant.

A brief recess was taken while invited participants are asked to come before the Board.

**John Sharp, D.O.** presented with his attorney, John Leaberry, to notify the Board that he wishes to apply for reinstatement of his license.

**Mark McDaniel, D.O.** presented with members of his office staff to discuss his Pain Management Clinic policies and procedures with the Board. This was a time of information sharing that was requested by Dr. McDaniel.

Motion was made to move into Executive Session at 3:10 PM with the Board's Counsel and Executive Director present. **(Rubin/Schreiber)**

Motion was made to move back into Open Session at 4:20 PM. **(Schreiber/Rubin)**

**Reports of the Complaint Committee:**

The reports of the March 13, 2012 and June 6, 2012, Complaint Committee meetings were approved as presented. **(Schreiber/Rubin)**

Following the reports of the Complaint Committee, a motion passed for dismissal of the following complaints: **2012-03; 2011-35; 2012-04; 2009-01; 2012-06; 2012-09; 2005-25; 2006-08; 2010-29; 2010-02 and 2011-33.** **(Schreiber/Rubin)**. The following complaints were dismissed without prejudice: **2002-13; 2011-36; 2012-01; 2005-10; 2011-25 and 2004-20.** **(Schreiber/ Rubin)**. Complaints **2011-10; 2012-10 and 2012-05** were dismissed with a letter of concern or recommendation. **(Schreiber/Rubin)**

**Complaint 2010-03:** Consent Order proposing \$1,000 fine, 5 year probation, follows requirements of PHP agreement with quarterly reports from WVMPHP. **(Rubin/Schreiber)**

**Complaint 2012-12:** Motion to open new complaint based on information that a physician has been prescribing controlled substances, long term, for family members. **(Rubin/Schreiber)**

**Complaint 2012-19:** Motion to open new complaint based on evidence of office staff signing prescriptions. **(Rubin/Schreiber)**

**Complaints 2001-32; 2010-21; 2010-36 and 2011-27:**

Physician named in all complaints currently has had license summarily suspended since August 26, 2011. Board will notify physician and counsel that a final hearing will be set. **(Rubin/Schreiber)**

**Complaint 2012-08:** Second request of physician to provide copies of the patient's medical records was returned as undeliverable. Board will proceed with hearing as licensee has not complied with Board request for records. **(Schreiber/Rubin)**

**Complaints 2009-25 & 2009-26:**

Consent Order required notification of patients that physician was being monitored by Board. Physician provided a HIPAA form in which the notification was included with the contingency that the form could be changed at any time, without Board approval. Board is requiring the notification be a separate form that is maintained in the patient record such that a random audit can be conducted by the Board to insure compliance. **(Rubin/Schreiber)**

**Complaints 2012-22 & 2012-23:**

During PA license renewal process a PA reported that he had prescriptive writing privileges, however, his licensure file indicated he never applied. Board opened two complaints – one against the PA and the second against the supervising physician. **(Rubin/Schreiber)**

**Complaint 2012-24:**

Board notified by WVMPHP that a voluntary participant breached his agreement with the PHP. Board will open a complaint regarding this physician's impairment issues. **(Rubin/Schreiber)**

**James Lawrence, D.O.**

On the WV Survey portion of the CSL renewal application, Dr. Lawrence indicated he was not working, but seeking employment. Upon review of his last license renewal in 2011 he said the same thing. Board will approve the CSL renewal for 2012, but will need to review possible re-entry issues if the physician is still not working when he applies for license renewal in 2013.

**Medical Malpractice Reports:**

Six reports were presented for review for six different physicians. No further review required.

**Amended Emergency Legislative Rule:**

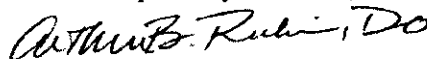
The Administrative Law Division of the Secretary of State's Office requested a revision be made to the Emergency Rule approved at the last Board Conference Call. A definition of "chronic, nonmalignant pain" was added. The Board approved the amended version of the Emergency Rule as presented by counsel. **(Rubin/Schreiber)**

**Webcast Interviews:**

More and more requests are being made for board interviews by electronic media. Currently, Dr. Rubin is the only board member conducting interviews via Skype. Other Board members are asked to consider this option.

Meeting was adjourned at 4:20 PM with the next regularly scheduled Board meeting to be held in Charleston in September. **(Schreiber/Rubin)**

Respectfully submitted,



Arthur Rubin, D. O.  
Secretary