

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Conference Call Board Meeting Minutes**  
**September 20, 2012**

The West Virginia Board of Osteopathic Medicine met via teleconference on Thursday, September 20, 2012, at 1:00 PM. The meeting was called to order by Vice President, Robert Whitler with Dr. Ernest Miller's late arrival.

**Members Present:**

Ernie Miller, D.O. – President  
Robert Whitler – Vice President  
Arthur Rubin, D.O. – Secretary  
Joseph Schreiber, D.O. – Physician Member  
Elizabeth Blatt, Ph.D. – Citizen Member

**Staff Members Present:**

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

**Invited Attendee:**

Nancy Godby, Executive Director, WV Medical Imaging & Radiation Therapy  
Licensing Board

Ms. Godby requested 10 minutes to discuss SCR-62 regarding legislation to license sonographers. Currently, they are the only imaging technicians not required to be certified or licensed through the Medical Imaging Board. Ms. Godby cited cases with bad outcomes in which sonographers were not certified nor properly trained.

Today's meeting agenda consisted of two (2) licensing issues, two (2) Board Office issues and the report of the September meeting of the Complaint Committee.

**Licensing Issues:**

- 1) Robert W. McCleary, D.O. - Dr. McCleary has served a five year probation under a Consent Order signed May 2007. He suffered one relapse and additional restrictions were placed on his Consent Agreement. Since that time, he has been in compliance with monthly reports from Cassis Therapy Associates. The Board has received a request from Dr. McCleary to be released from his probation.

Motion was made and approved to release Dr. Robert W. McCleary from his five year probation, effective immediately. **(Rubin/Blatt)**

- 2) Caleb Nwosu, D.O. An application for reinstatement of licensure has been received from Dr. Nwosu. There were discrepancies noted in the answer to questions in the application when compared to National Practitioner Data Bank reports.

Dr. Nwosu will be required to schedule a face-to-face interview with a Physician Board member for further clarification and possible actions for falsifying his application.

**Board Office Issues:**

- 1) Cost Comparisons FY 2011-2012: An accounting of actual revenues and expenditures were compared between 2011 and 2012. Even though the actual revenue in 2012 was less (due to smaller number of renewals) the net loss was almost 1/8 of what was reported in FY 2011. The increase in licensing fees has begun to stabilize the budget.
- 2) A contract has been signed with Albertson Consulting, Inc. for the purchase of Big Picture Software to serve as the new licensing database and website design. One bid was \$11,000 less, however, their revised addendum did not meet the RFQ specifications, and the contract was not upheld by the Purchasing Division Attorneys. Implementation will begin within the next few weeks.

The Board moved into Executive Session at 1:35 PM with all Board members, the Board's Executive Director and Attorney present. **(Whitler/Blatt)**

The Board moved back into Public Session at 1:45 PM. **(Blatt/Schreiber)**

**Report of the Complaint Committee:**

**Cases Reviewed by Complaint Committee:**

2012-25; 2012-12; 2012-07; 2012-16; 2012-26; 2012-14; 2012-18; 2012-11; 2012-13; 2012-20; 2012-19; 2012-19; 2012-17; 2012-27; 2012-15; 2007-31; 2008-14; 2005-06; 2006-39; 2012-02; 2010-25; 2009-02; 2007-32; 2010-32; 2010-21; 2010-36; 2011-27; 2003-04; 2011-19; 2009-25; 2009-26; 2006-22; 2010-03; 2010-07 and 2012-08.

Following the report of the Complaint Committee, motion for dismissal was made for the following complaints: **2012-25; 2012-16; 2012-14; 2012-18; 2012-20; 2012-27; 2012-15; 2007-31; 2008-14 and 2005-06. (Rubin/Schreiber)**

Consent Orders with fines of \$500 were approved for the following complaints: **2012-12; 2012-07 and 2012-19. (Rubin/Whitler)**

**2010-03 and 2010-07:** While receiving treatment under the guidance of WVMPPH, physician experienced relapse and placed back in a treatment facility. During that process, the Medical Board of Ohio has entered into a Consent Agreement with the physician requiring a suspension of license for a minimum of 180 days.

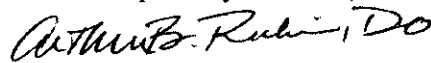
Motion made and approved to suspend physician's license for at least 180 days while receiving treatment for impairment issues. **(Rubin/Whitler)**

**2012-30:** Board Office received information from a pharmacist that a physician was prescribing controlled substances to four family members. Physician was also using two DEA numbers, one of which, belonged to the physician's residency program from which they graduated in August 2011. The residency DEA continues to be used.

Motion made and approved to open a board complaint and continue the investigation. **(Rubin/Whitler)**

The next scheduled meeting will be November 2, 2012, at the Greenbrier in conjunction with the WV Osteopathic Medical Association annual meeting.

Respectfully submitted,



Arthur Rubin, D. O.  
Secretary