

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Board Meeting Minutes
November 2, 2012
(REVISED)

The West Virginia Board of Osteopathic Medicine met on Friday, November 2, 2012, at the Greenbrier in White Sulphur Springs, West Virginia during the West Virginia Osteopathic Medical Association's Annual Meeting. President, Ernest Miller, D.O., called the meeting to order at 10:00 AM in the Jackson Conference Room.

Members Present:

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

Staff Members Present:

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

Scheduled Attendees:

Bruce Gorby, D.O.
Greg Howes, D.O.

Minutes:

The minutes of the July 11th meeting were approved as presented. **(Rubin/Whitler)**
Minutes of the September 20th Conference Call were approved as presented. **(Rubin/Whitler)**

Reports:

Licensed Physicians as of October 26, 2012

1123 – Total Physicians:

826 - In state
297 - Out of state

22 – Newly Licensed Physicians

71 – 1st Year Educational Permits (from 7/1/12 thru 6/30/13):

4 - PGY 1 at Access Health
9 – PGY 1 at Bluefield Regional
3 – PGY 1 at Camden Clark
23 – PGY 1 at CAMC
4 – PGY 1 at Greenbrier Valley
5 - PGY 1 at Marshall University (Cabell/Huntington)
10 – 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

205– Physician Assistants

- 122 - Prescriptive Writing Privileges
- 32 - Do's supervise 2 PAs
- 18 Do's supervise 3 Pas

56 – Corporations

71 – PLLC's

Balance in State Depository Account as of September 30, 2012 -	\$357,385.17
Beginning Balance as of July 1, 2011 -	350,592.03
Total Receipts as of September 30, 2012 -	67,820.00
Total Disbursements as of September 30, 2012 -	61,026.86

Purchasing Card Report – Purchases for June thru September 2012
Monthly Line Item Statements – June thru September 2012

A request was made to include a statistical breakdown of the dollars received as fines to licensees and submitted to the State Treasury. This will be included in all statistical reports, beginning at the February meeting in 2013.

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

OLD BUSINESS:

Philip Fisher, D.O.: Dr. Fisher has requested a hearing regarding his license suspension. The Board's expert witness has moved out of state. As soon as arrangements can be confirmed for an expert witness, the hearing will be scheduled.

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 two quarters.
- Bruce Gorby, D.O.: Copies of Dr. Gorby's CRCA as well as a letter stating his compliance with WVMPHP was received in September.
- John F. Rice, PA-C: WVMPHP reported Mr. Rice in compliance.
- Terry Thomas, D.O.: Since the report of non-compliance in August 2012, Dr. Thomas re-entered treatment and has since been reported by WVMPHP as compliant.

Payment of \$24,550.00 was made to the WVMPHP in September for the 2012 D.O. and PA-C license renewals.

Board Office Report:

- 1) The Executive Director appealed a claim for unemployment with both the state of Pennsylvania and West Virginia for the former, retired Records Secretary. Neither appeal has been upheld and the first payment was made in September. Ms. Wroniak is eligible to claim unemployment from the Board until January 2013.
- 2) A new licensing database program has been purchased for \$45,000 and implementation and training are underway. Go live is expected sometime after the first of the year with a brand new website being introduced to the public.
- 3) PA License Renewal Application – The current renewal application is only one page with no disciplinary questions asked. As we develop forms to be used with the new computer system, the Board recommended adding the same disciplinary questions that are currently asked of osteopathic physicians to the renewal application for osteopathic PA's. (Schreiber/Whitler)

NEW BUSINESS:

Legislative Rules:

HB 4037 requests licensing boards propose legislative rules to implement the following provisions:

- 1) To determine if any military education, training or experience can be applied toward the qualifications for licensure;
- 2) To provide exemptions for licensees on active duty outside of the State of West Virginia when license renewals are due for six months after return from deployment. These exemptions would include CME requirements and application fees

Motion was made and passed to revise 24 CSR 1 and 24 CSR 2 to provide for exemptions for CME and licensing renewal fees for licensees who have been actively deployed outside of the state, and to automatically renew licenses for those who complete a waiver, provide their military identification number and have the waiver signed by their Supervising Officer. (Whitler/Schreiber)

State Board Disciplinary Reports:

Disciplinary Action Reports were received on the following:

- 1) Aginah DeBerry, D.O. Reinstatement denied in 2009
- 2) Charles J. Bradac, D.O. Kentucky action for failure to report WV action. Up for renewal in 2013.
- 3) Mary Beth Scott-Calor, D.O. Kentucky license suspended for non-compliance of CME. Up for renewal in West Virginia in 2013.
- 4) William Wyatt Willis, D.O. Kentucky revocation.

MedExpress Dispensing:

Notification was received by the Board regarding the addition of an osteopathic physician to the payroll of MedExpress and for the dispensing of medications from twelve different locations in West Virginia. The Board currently has an open complaint against the physician and has been unable to contact her at the address provided.

Motion to forward a letter to MedExpress notifying them that the Board could not address the dispensing issue at this time and requesting any contact information they may have on file for the physician as the Board has important documents to send. Also, forward letters to West Virginia teaching hospitals with a carbon copy to the WV Board of Pharmacy regarding residents' use of hospital DEA's during training period and discontinuation of those when the resident graduates from the program. (Blatt/Rubin)

Motion for lunch recess was made at 11:45 AM and approved. **(Rubin/Blatt)**
The Board returned from lunch at 1:45 PM and moved into Executive Session with the Executive Director and Board Counsel present. **(Schreiber/Blatt)**

Motion was made to move back into Open Session at 2:20 PM **(Whitler/Blatt)**

Complaint 2009-02: During investigation and while waiting for signed Consent Agreement, it was noted that physician is still doing business under the name of his PLLC but has not renewed his PLLC license since June 2009. Motion made to forward a cease and desist order while waiting on the signed Consent Agreement. **(Blatt/Whitler)**

Complaint 2008-17: Physician's license renewal was denied in 2011 while he was still in a recovery program. As he no longer holds a license to practice in WV a motion was made for dismissal without prejudice. **(Whitler/Schreiber)**

Complaint 2012-11: Pediatric case referred to Pediatric Gastroenterologist in Huntington who reported no evidence of physician's failure to diagnose. Motion to dismiss. **(Whitler/Schreiber)**

Complaints 2012-21: During investigation of this complaint the Board learned of a breach of the Consent Order from 1999-2001 and additional DUI charges since that time. With a pattern of non-compliance and alcohol issues and for breach of 1999 Consent Order, motion was made to prepare Consent Agreement requiring alcohol assessment by WVMPHP. **(Whitler/Schreiber)**

Dr. Rubin requested that the D.O. interview letter not list him as the only board member conducting skype interviews. The Executive Director will make sure that revision is made.

Nothing has been received from the Governor's office regarding board appointments.

The Board expressed their thanks to the Executive Director for providing leadership to the constituents of the Board Office and to Board Counsel for her work in assisting the Board in making final disposition of old complaint cases.

Meeting was adjourned at 2:45 PM with the next regularly scheduled Board meeting to be held at the Embassy Suites in Charleston on Friday, February 1, 2013.. First Year Intern interviews will be conducted on Saturday, February 2, 2013. **(Rubin/Blatt)**

Respectfully submitted,



Arthur Rubin, D. O.
Secretary