

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Board Meeting Minutes
February 1, 2013

The West Virginia Board of Osteopathic Medicine met on Friday, February 1, 2013, at the Embassy Suites in Charleston, West Virginia during the West Virginia Osteopathic Medical Association's Mid-Winter Conference. President, Ernest Miller, D.O., called the meeting to order at 1:00 PM Conference Room #229.

Members Present:

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

Staff Members Present:

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

Members Excused:

Elizabeth Blatt, Ph.D.

Scheduled Attendees:

Jeffrey Kent Bates, D.O.
Charles Smith, D.O.

Minutes:

The minutes of the November 2, 2012. meeting were revised under the Legislative Rules section to include the same proposed changes to 24 CSR 2, for Physician Assistants as the recommended changes to 24 CSR 1 for Osteopathic Physicians. This dealt with licensing of actively deployed licensees or their spouses. **(Rubin/Whitler)**

Minutes of the November 7th Conference Call were approved as presented. **(Rubin/Whitler)**

Reports:

Licensed Physicians as of February 1, 2013:

1134 – Total Physicians:

832 - In state
302 - Out of state

8 – Newly Licensed Physicians

72 – 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
24 – 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

69 - Educational Permit Renewals:

15 – Bluefield Regional
7 – Camden Clark
20 – CAMC
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

206– Physician Assistants

- 143 - Prescriptive Writing Privileges
- 25 - DO's supervise 2 PAs
- 16 - DO's supervise 3 Pas

61 – Corporations

74 – PLLC's

Balance in State Depository Account as of December 31, 2012 -	\$225,725.03
Beginning Balance as of July 1, 2012 -	350,592.03
Total Receipts as of December 31, 2012 -	81,995.00
Total Disbursements as of December 31, 2012 -	206,862.00

Purchasing Card Report – Purchases for October thru December 2012
Monthly Line Item Statements – October thru December 2012

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

OLD BUSINESS:

Upcoming Hearings: Scheduling with expert witnesses will be confirmed so that the hearing requested by Philip Fisher, D.O. can be scheduled within the next few weeks.

The hearing for John Pellegrini, D.O. regarding his summary suspension is tentatively scheduled for February 21, 2013, in Beckley.

Upcoming Mediations: Board Counsel is working with Jeffrey DeBord, D.O. and his attorney in scheduling his mediation within the next few weeks.

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.

Bruce Gorby, D.O.: WVMPHP confirmed Bruce A. Gorby, D.O. is in full compliance with his CRCA for the months of December 2012 and January 2013. Quarterly reports will be accepted as any non-compliance would be reported to the Board within 24 hours.

John F. Rice, PA-C: WVMPHP reported Mr. Rice in compliance.

Terry Thomas, D.O.

WVMPHP confirmed Dr. Thomas is in full compliance with his CRCA for the months of December 2012 and January 2013. Quarterly reports will be accepted after one year of probation has been completed.

Bi-annual statistical reports were provided by WVMPHP.

John Sharp, D.O.:

Dr. Sharp has applied for reinstatement of his West Virginia license. At the Board's request, Dr. Sharp provided his CME activity during the last two years. Motion was made to require passing of the Convex for reinstatement of licensure. **(Rubin/Whitler)**

Executive Director Report:

- 1) The Executive Director updated the Board on the training and implementation on the new licensing database software and website design. Board members were introduced to the new website development site and reminded that photo's and bio's are needed for each board member for inclusion on the new website.
- 2) Dr. Miller and Ms. Shepard attended a national meeting, sponsored by the FSMB, to discuss the legislation being proposed in Congress with regard to national licensing, primarily for telemedicine. Several proposals were presented and will be voted on during the FSMB House of Delegates meeting in Boston during the annual meeting. Use of the Uniform Application was discussed and the FSMB is currently in discussion with our licensing software vendor for integration of the U/A with their licensing software.
- 3) The FSMB Annual Meeting will be held in Boston, April 18-21, 2013. Dr. Miller and Ms. Shepard will be attending under FSMB scholarships. Motion was made to cover the expenses, up to \$1500 for Ms. Akers, Board Counsel to attend. **(Rubin/Whitler)**
- 4) Per diem payments for Board Members were inadvertently not paid after June 2012. The Executive Director will submit those payments and they will be reported on members' 2013 W-2's.
- 5) The Governor's Office has notified the WV Board of Osteopathic Medicine that board re-appointments have been made for Mr. Whitler and Dr. Rubin. Two additional board appointments were created by legislative action in 2012. The Governor intends to appoint Michael Muscari, D.O. as a physician member and Heather Jones, PA-C, as the new Physician Assistant member. Senate approval is yet to be given.

NEW BUSINESS:

Legislative Rules:

A list of the following legislative rules, pertaining to the Osteopathic Licensing Board, to be presented during the 2013 Legislative Session was discussed:

- 1) Series 1 – Osteopathic Physician Rule to include provisions needed for SB437.
- 2) Series 2 - Osteopathic Physician Assistant Rule to meet SB437 requirements.
- 3) Series 7 - Pain Management Rule & CSL created to address SB437.
- 4) DHHR Pain Clinic Rules – For the licensing and administrative oversight of pain clinics.
- 5) Chapter 30 Financing Rules – Regarding the State's authorization to transfer funds from licensing boards to general revenue fund.

State Board Disciplinary Reports:

Disciplinary Action Reports were received on the following:

- 1) Okechukwu Nwodim, D.O. - MD probation terminated.
- 2) Steven O'Saile, D.O. - VA action based on WV action.

Current WV order has provision for unannounced review of charts to insure compliance with order. Board staff instructed to conduct a chart review.

- 3) Chidozie Joshua Ononuju, D.O. - MI action. Licensed but not practicing in WV

Bluefield Resident Dismissed: The Board received notification from the Director of Medical Education at Bluefield Regional Medical Center that Joseph C. Kirkpatrick, D.O. was dismissed from the Family Medicine program on December 18, 2012 for failure to progress. Dr. Kirkpatrick is fully licensed in West Virginia and is up for renewal in 2014. The Board will request documentation from Bluefield Regional Medical Center on what rotations Dr. Kirkpatrick completed and request from Dr. Kirkpatrick medical records regarding his health status.

Dispensing Request: Todd Smith, D.O., Michael Remines, D.O. and Christopher Parrish, D.O. have submitted a list of drugs to be dispensed from Blue Ridge Internal Medicine in Princeton, West Virginia. Motion to approve the dispensing request, as presented, was approved. **(Rubin/Whitler)**

2012 CME Audit Report: The 10% random audit for CME's reported during the 2012 license renewal cycle was completed by Board Staff. A total of 41 physicians were audited with 26 follow up letters submitted. The Executive Director reported 100% compliance.

Rainelle Medical Center Satellite Clinics:

The Board received requests from Justin Jeffries, D.O. for three physician assistants, under his supervision, to work at two satellite offices for Rainelle Medical Center. Meadow Bridge Clinic and Alderson Medical Center are located in HRSA-deemed medical underserved communities. Rainelle Medical Center also operates five school-based clinics located in these same underserved communities. Dr. Jeffries indicated he only works at Rainelle Medical Center and the two satellite clinics in Meadow Bridge and Alderson. Motion made to approve PA's, John Runnion, Rachel Miller and Colleen Roshau to work at the Meadow Bridge and Alderson clinics. Information also requested on whether osteopathic physicians have any supervisory role with the five school clinics. **(Rubin/Whitler)**

Complaint 2013-06: Motion made to open new complaint for the abandonment of patients. **(Whitler/Rubin)**

Dr. Miller reported that negotiations are underway for residents from Cornerstone, a Pennsylvania-based program, to complete hospital rotations at Monongahela General Hospital in Morgantown. The residents will need to obtain Educational Permits prior to beginning those rotations in West Virginia. Motion made to forward a letter to the Pennsylvania Osteopathic Licensing Board notifying them of the Educational Permit process followed by the West Virginia Board of Osteopathic Medicine for out of state rotations. **(Rubin/Schreiber)**

The Board moved into Executive Session at 3:30 PM with the Executive Director, Board Counsel and Administrative Assistant present. **(Whitler/Rubin)**

Motion was made to move back into Open Session at 3:45 PM **(Rubin/Schreiber)**

Report of the Complaint Committee:

Cases Reviewed By Complaint Committee:

2012-28; 2012-32; 2012-33; 2012-34; 2012-29; 2012-17; 2012-36; 2012-35; 2012-40; 2012-39; 2012-26; 2013-05; 2012-31; 2012-22; 2012-24; 2012-23; 2003-04; 2011-19; 2006-39; 2012-30; 2012-37 and 2011-11.

Following the report of the Complaint Committee, all recommendations were approved as follows: **(Rubin/Whitler)**

- A) **Complaints for Dismissal:** 2012-28; 2012-32; 2012-33; 2012-34; 2012-29; 2012-17; 2012-36; 2012-35 and 2012-40.
- B) **Complaint 2012-39:** Dismiss with letter of concern.

- C) **Complaint 2012-26:** Dismiss contingent upon physician participating in a one-on-one discussion with a mutually agreed upon individual about ethics and judgment.
- D) Board Counsel to negotiate consent orders for the following complaints: **2012-31; 2012-22; 2012-24 and 2012-23.**
- E) **Complaint 2003-04 & 2011-19:** Summary suspension of physician's license.
- F) **Complaint 2013-05:** New complaint based on reported long term prescribing of narcotics to family members.

A status report on the investigations of the following complaints was given: **2006-39; 2012-30; 2012-37 and 2011-11.**

Medical Malpractice Reports: Six reports on six different licensees were reviewed by the committee members. None required additional action.

Dr. Miller reported that negotiations are underway for residents from Cornerstone, a Pennsylvania-based program to complete hospital rotations at Monongahela General Hospital in Morgantown. They will need to obtain Educational Permits prior to beginning those rotations in West Virginia. Motion made to forward a letter to the Pennsylvania Osteopathic Licensing Board notifying them of the Educational Permit process followed by the West Virginia Board of Osteopathic Medicine for out of state rotations.
(Rubin/Schreiber)

Meeting was adjourned at 4:10 PM with the next Board meeting to be held via conference call sometime in April to address any legislative issues that may arise. **(Rubin/Schreiber)**

Respectfully submitted,



Arthur Rubin, D. O.
Secretary