

**WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**  
**Board Meeting Minutes**  
**July 25, 2013**

The West Virginia Board of Osteopathic Medicine met on Thursday, July 25, 2013, at the Summit Center Conference Room in Charleston, West Virginia. President, Ernest Miller, D.O., called the meeting to order at 10:10 AM.

**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  
Michael Muscari, D.O. – Physician Member  
Heather Jones, PA-C – Physician Assistant Member

**Staff Members Present:**

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

**Minutes:**

The minutes of the February 1, 2013, meeting were presented for review and approved as presented.  
**(Whitler/Rubin)**

**Reports:**

Licensed Physicians as of July 19, 2013:

1094 – Total Physicians:

825 - In state  
269 - Out of state

81 – Newly Licensed Physicians

67 – 1<sup>st</sup> Year Educational Permits (from 7/1/13 thru 6/30/14):

4 - PGY 1 at Access Health  
7 - PGY 1 at Bluefield Regional  
5 - PGY 1 at Camden Clark  
20 - PGY 1 at CAMC  
5 - PGY 1 at Greenbrier Valley  
1 - PGY 1 at Marietta Memorial  
4 - PGY 1 at Marshall University (Cabell/Huntington)  
2 - PGY 1 at Mon General/Cornerstone  
2 - PGY 1 at Our Lady of Bellefonte  
8 - PGY 1 at Ohio Valley Medical Center  
3 - PGY 1 at United Hospital Center  
6 - PGY 1 at WVU

70 - Educational Permit Renewals:

1 - Access Health  
15 - Bluefield Regional  
8 - Camden Clark  
16 - CAMC  
8 - Marshall University (Cabell/Huntington)  
15 - Ohio Valley Medical Center  
1 - United Hospital Center  
6 - WVU

192 – Physician Assistants

148 - Prescriptive Writing Privileges  
29 - DO's supervise 2 PA's  
12 - DO's supervise 3 PA's  
1 - DO's supervise 4 PA's

51 – Corporations

56 – PLLC's

Balance in State Depository Account as of June 30, 2013	-	\$373,493.53
Beginning Balance as of July 1, 2012	-	350,592.03
Total Receipts as of June 30, 2013	-	378,499.75
Total Disbursements as of June 30, 2013	-	355,598.25
Fines Deposited in State Treasury as of 6/30/2013	-	5,000.00

Purchasing Card Report – Purchases for January thru June 2013  
Monthly Line Item Statements – January thru June 2013

The Board requested a postcard be mailed, as a reminder, to those physicians who let their WV license lapse on June 30, 2013. The number of licensed physicians dropped approximately 100 physicians at the end of June. Reminders have already been mailed to PLLC and Corporation licensee's.

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

**OLD BUSINESS:**

**Upcoming Hearings:** The date of the final hearing for Philip Fisher, D.O. will be scheduled for August 19-20 if the Board's expert witness is available. The Board would like to have this complaint resolved by September 2013.

The hearing for John Pellegrini, D.O. will be scheduled for September without any additional delays.

No agreement has been reached with Jeffrey DeBord, D.O. through possible mediation, so a hearing will be scheduled without any further delays.

**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.

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 February, March, April, May and June. Quarterly reports will be accepted after one year of probation has been completed.

Bruce Gorby, D.O. WVMPHP notified the Board Office this week that Dr. Gorby has violated his CRCA and, therefore, his consent agreement with the Board. These issues will be discussed in detail during Executive Session.

Bi-annual statistical reports were provided by WVMPHP.

**NEW BUSINESS:**

**Executive Director Report:**

**License Renewals with New Website:** Ms. Shepard reported there have been pro's and con's reported on the license renewal process using the new website design. Most of the con's deal with the change from paper application. While there have been some "growing pains," capabilities for future utilization will be advantageous.

**Interstate Compacts:**

At the 2013 annual meeting of the FSMB, the House of Delegates voted to establish a sub-committee to establish some guidelines to begin the framework on interstate compacts. The sub-committee will be announcing core requirements that will be under consideration for physician eligibility for an interstate compact license. Additional information will be made available at the October Regional meetings of AIM in Raleigh and Indianapolis.

**FSMB Attorneys Workshop:**

The FSMB sponsored Attorneys Workshop will be held November 7-8<sup>th</sup> in Portland, Oregon. The Board approved travel and hotel costs for Jennifer Akers, Board Counsel to attend. **(Blatt/Rubin)**

**CMBI Re-Certification:**

Michael Kidd, the Board's contracted investigator, is scheduled for re-certification as a Medical Board Investigator in 2014. He has requested reimbursement for the \$250 registration fee. Motion was made and approval was given for payment of the \$250 registration fee. **(Rubin/Whitler)**

**NBOME Invitation:**

The Board received its annual invitation to visit the NBOME office in Conshohocken, PA. It is scheduled for October 14<sup>th</sup>.

**Request from AOA:**

A request was received from Nicholas Schilligo, Director of the Division of State Government Affairs at the AOA, regarding the WV Board of Medicine rule change which allocates 47 CME hours of the required 50 when a physician reports successful involvement in MOC from an ABMS member board. He inquired if the WV Board of Osteopathic Medicine is planning a similar rule change. The Board is not accredited in granting CME hours and has no plans to initiate such a rule change. The Board Secretary will respond to the AOA and Mr. Schilligo.

**Board Policy Reviews:**

The following Board Policies were reviewed and accepted with no changes recommended: **(Rubin/Muscari)**

Safety Policy - Confidentiality Policy - Sexual Harassment

Confidentiality statements were signed by all members of the Board and will be kept on file in the Board Office.

**PA Issues:**

**Clarification of PA Rule Regarding Physician Encounter Every Third Visit:**

§24-2-10.2(c) provides guidance to satellite offices by recommending that the supervising physician see each regular patient periodically; for example, every third visit. As this was reported in the May Newsletter, it has caused great concern in the PA community. The Executive Director will clarify this as a recommendation only and publish it on the Board's website. Ms. Jones and Dr. Muscari were asked to begin a review of the PA Rules and application forms as the WV Board of Medicine is also looking at the PA Scope of Practice with input from NCCPA. **(Blatt/Rubin)**

**WVU Clarification on Part-Time Physician Assistants:**

The number of supervised PA's is limited to 3 in an office setting and 4 in a hospital setting. WVU requested clarification on the rule as it pertains to part time PA's. The employment status of the Physician Assistant does not change the ruling. Four PA's is the limit regardless of part time or full time employment.

**Licensing Issues:**

**Med Express Assignments:**

A list of 33 Osteopathic Physicians was submitted for approval to work at Med Express locations across the state of West Virginia. A number of those physicians have not renewed their CSL licenses which expired on June 30<sup>th</sup>. A letter will be mailed to the Morgantown headquarters notifying them of those physicians who have expired licenses.

**Additional Privileges for Amber Harper, PA-C:**

A request for intra-articular injections, including joint aspiration and therapeutic corticosteroid injections has been received by Matthew Haag, D.O. for his physician assistant. Dr. Haag documents the PA's competency in these procedures under his direct supervision. Motion to approve the additional privileges passed unanimously. **(Whitler/Rubin)**

**Additional Practice Site for Jenna Ward, PA-C:**

Michael Gregory, D.O., supervising physician for Jenna Ward, PA-C, notified the Board that he is opening a satellite office in Jane Lew, WV and Ms. Ward will also be working at that clinic under his supervision.

**New Application From WVSOM New Faculty Member:**

An application has been received from Steven Halm, D.O. who has been hired as faculty at WVSOM. However, Dr. Halm, only took the Flex and did not complete the Complex boards. In order to meet the Board's requirement for licensure, motion was made to inform Dr. Halm that he will be required to successfully pass the Complex exam before license can be granted. **(Rubin/Blatt)**

The Board moved into Executive Session at 11:50 AM with the Executive Director and Board Counsel present. **(Whitler/Rubin)**

The Board went into recess for lunch at 12:05 PM. **(Rubin/Blatt)**

The Board returned from lunch recess and moved back into Executive Session at 12:40 PM **(Schreiber/Muscari)**

Motion was made to move back into Open Session at 1:50 PM. **(Muscari/Blatt)**

**Board Staff Salaries:** Motion was made for a 4% salary increase for both the Executive Director and Legal Counsel effective this Fiscal Year and that the Executive Director develop performance goals to be reviewed in July 2014. **(Whitler/Schreiber)**

**Bruce Gorby, D.O.:** Motion for revocation was made and seconded. **(Whitler/Schreiber)**  
An amendment was entertained for summary suspension and was passed. **(Whitler/Schreiber)**

**Complaint 2010-25:** Motion made to dismiss without prejudice. **(Rubin/Schreiber)** Mr. Whitler voted against the motion.

**Larry Fitzwater, PA-C:** The Board requested additional information on this satellite practice and how clinical supervision and prescribing of controlled substances will be monitored. **(Rubin/Whitler)**

**Allen Saoud, D.O.:**

Motion for revocation of license. **(Rubin/Whitler)**

**Medical Malpractice Reports:**

Ten (10) malpractice cases were reported to the Board since the last meeting. There was one judgment for failure to diagnose that was not reported by the physician on his 2013 license renewal application. Motion made to open complaint against the physician for non-reporting of liability claim on license renewal application. **(Rubin/Whitler)**

**Report of the Complaint Committee:**

**Cases Reviewed By Complaint Committee on June 6, 2013:**

2013-15, 2013-14, 2013-17, 2012-13, 2013-10, 2013-03, 2013-07, 2012-30, 2012-08, 2013-09, 2013-08, 2013-16, 2013-12, 2013-02, 2012-37 and 2013-13.

Following the report of the Complaint Committee, the following actions were taken by the Board:

- A) **Complaints for Dismissal:** 2013-15, 2013-14, 2013-17, 2012-13, 2013-10, 2013-03. **(Rubin/Blatt)**
- B) **Dismiss Without Prejudice:** 2013-07, 2012-08 and 2013-09. **(Rubin/Schreiber)**
- C) **Probable Cause:** 2012-30 with one year probation, \$1,000 fine, reprimand and completion of course on proper prescribing, approved by the Board. **(Rubin/Muscari)**

A status report on the investigations of the following complaints was given: **2013-08, 2013-16, 2013-12, 2013-02, 2012-37 and 2013-13.**

Board requested counsel to review what options are open to other licensing boards when a licensee lets license lapse while under investigation.

Meeting was adjourned at 3:20 PM with the next Board meeting to be held in September with interim conference calls, as needed. **(Rubin/Muscari)**

Respectfully submitted,



Arthur Rubin, D. O.  
Secretary