

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Board Meeting Minutes
January 29, 2016

The West Virginia Board of Osteopathic Medicine met on Friday, January 29, 2016, in Room 227 at The Embassy Suites in Charleston, West Virginia.

President, Ernest Miller, D.O. called the business meeting to order at 10:10 AM.

Members Present:

Ernest Miller, Jr., D.O. – President
Arthur Rubin, D.O. - Secretary
Robert Whitler, Vice President/Citizen Member
Michael Muscari, D.O. – Physician Member
Jimmy Adams, D.O. – Physician Member
Heather Jones, PA-C - Physician Assistant Member
Sharon Rowe - Citizen Member

Staff Members Present:

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

Attendees:

Jeffery DeBord, D.O.
Perry Oxley, Esquire

Minutes:

The minutes of the November 6, 2015 Board meeting were approved as presented. **(Rubin/Whitler)**

Reports:

Licensed Physicians as of January 25, 2016:

1243 – Total Physicians:
953 - In state
290 - Out of state

19 – Newly Licensed Physicians Since Last Meeting

64 – 1st Year Educational Permits (from 7/1/15 thru 6/30/16):

0 - PGY 1 at Access Health
7 – PGY 1 at Bluefield Regional
6 – PGY 1 at Camden Clark
18 – PGY 1 at CAMC
5 – PGY 1 at Greenbrier Valley
8 - PGY 1 at Marshall University (Cabell/Huntington)
2 - PGY 1 from Marietta Memorial
1 - PGY 1 from Millcreek Community Hospital
3 - PGY 1 at Mon General/Cornerstone
9 – PGY 1 at Ohio Valley Medical Center
2 – PGY 1 at United Hospital Center
2 – PGY 1 at WVU

91 – Educational Permit Renewals (from 7/1/15 thru 6/30/16):

2 - Access Health
18 – Bluefield Regional
8 – Camden Clark
28 – CAMC
3 – Greenbrier Valley
8 – Marshall University (Cabell/Huntington)
1 - Marietta Memorial Hospital
2 – Mon General
13 - Ohio Valley Medical Center
3 - United Hospital Center
5 - WVU

- 233– Physician Assistants
 - 183 - Prescriptive Writing Privileges
 - 36 - DO's supervise 2 PA's
 - 16 - DO's supervise 3 PA's
 - 3 - DO's supervise 4 PA's
 - 2 - DO's supervise 5+ PA's

59 – Corporations

80 – PLLC's

Balance in State Depository Account as of 12/31/2015:	\$418,327.88
Beginning Balance as of 07/01/15:	\$480,290.11
Total Receipts as of 12/31/2015:	\$109,029.33
Total Disbursements as of 12/31/2015:	\$170,223.82
Fines Deposited in State Treasury as of 7/31/2015:	-0-

Purchasing Card Report – Purchases for October through December 2015
 Monthly Line Item Statements – October through December 2015

Financial reports were approved as presented. **(Rubin/Whitler)**

The Board moved into Executive Session at 11:00 am with the Executive Director and Board Counsel present. **(Whitler/Jones)**

Motion was made to move back into Public Session at 11:55 AM. **(Whitler/Muscari)**

REPORTS FROM THE COMPLAINT COMMITTEE:

Cases Reviewed By Complaint Committee on December 7, 2015:

2006-39; 2014-22; 2015-03; 2009-02; 2015-46; 2015-10;
 2015-38; 2015-45 and 2014-14.

Recommended for Dismissal:

2009-02 and 2015-46

Recommended Consent Order With \$1,000 Fine:

2015-45

Recommended New Complaint:

2015-47

Cases Reviewed By Complaint Committee on January 20, 2016:

2015-48; 2015-44; 2015-10; 2014-22; 2015-03; 2015-37;
 2014-14 and 2015-21.

Deferred for Full Board Review:

2015-48

Recommended Probable Cause:

2015-44

Recommended Summary Suspension:

2015-10 (Standard of Care, HIPAA Violations)

Recommended Consent Orders:

2015-03; 2015-37 and 2014-14

Recommended New Complaint:

2016-03

Following the December and January reports of the Complaint Committee, the following actions were voted on and approved by the full Board: **(Rubin/Rowe)**

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|----|---|---------------------|
| A) | Complaints for Dismissal: | 2009-02 and 2015-46 |
| B) | Consent Order/\$1,000 Fine: | 2015-45 |
| C) | Consent Order/\$5,000 Fine/
CME Courses on Prescribing
and Record Keeping: | 2015-03 |
| D) | Consent Order/Six Month
Monitoring of Prescribing
Practices for a Two Year Period
by Board-Approved Physician-
Reviewer: | 2015-37 |
| E) | Consent Order for CPEP
Assessment as Required in
Kentucky Board Order: | 2014-14 |
| F) | Probable Cause: | 2015-44 and 2015-10 |
| G) | New Complaints: | 2015-47 and 2016-03 |

Following the January 2016 report of the Complaint Committee, with the recusal of Mr. Whitler and Dr. Rubin and approval of the remaining Board members, Complaint 2015-48 was dismissed. (Adams/Rowe)

Point of order was raised regarding Dr. Adams voting on Complaint 2015-10 as he was the expert physician reviewer of the case. With a friendly amendment recusing Dr. Adams, accepted by Dr. Adams and Ms. Rowe, Complaint 2015-48 was dismissed.

Malpractice Reports: Four (4) malpractice reports were received since the last board meeting. They were individually reviewed with no further action required.

John Cegelski, Jr., D.O.: As June 2015 application was not complete regarding required 3 hour CME on Pain Prescribing, Dr. Cegelski, will have to submit an application for reinstatement with all requirements being met.

Leslie Holinsworth, D.O.: Applicant did not appear before the Board for explanation of application deficiencies as requested. Application remains pending until notification of where Dr. Holinsworth will be working within West Virginia.

William Willis, D.O.: Letters were reviewed by Board Members as requested by Dr. Willis.

President Miller recessed the meeting at 1:10 PM for lunch.
President Miller re-convened the meeting at 2:35 PM.

OLD BUSINESS:

Monthly/Quarterly Practitioner Reports:

- | | |
|------------------------|--|
| Jeffery DeBord, D.O.: | Originally a voluntary participant, but had a relapse with an amended CRCA agreement presented and , now presented to the Board. |
| Bruce Gorby, D.O. | WVMPHP reports Dr. Gorby has remained in compliance. |
| Michael Richmond, D.O. | WVMPHP reports Dr. Richmond remains in full compliance with his CRCA. |
| Terry Thomas, D.O. | WVMPHP reports full compliance with last quarterly reporting period. |

Annual Statistical Report was provided by WVMPHP.

NEW BUSINESS:

Executive Director Report:

- 1) FSMB Annual Meeting, San Diego, CA: Scholarships are available for the Board President and the Executive Director. The Board approved flight and hotel for the Board's Legal Counsel to attend.
- 2) FSMB Foundation Grant: The Foundation of the FSMB have made grants available for those states beginning to implement the Interstate Medical Licensure Compact. The West Virginia Board of Osteopathic Medicine has requested a \$4,000 grant for purchase of a computer for criminal background check reports and for training and education of staff.
- 3) NPDB Reporting Requirements: The Board has received notification from the National Practitioner Data Bank that all fines assessed during a disciplinary review must be reported to the Data Bank.
- 4) Face to Face Interviews: The Board continues to require face to face interviews with new applicants before issuing a license. Facetime and skype are being offered but only by some physician Board members. The Board discussed ways to more evenly distribute interviewing responsibilities.
- 5) 2015 Annual Report: The 2015 Annual Report from the West Virginia Board of Osteopathic Medicine was submitted to the Governor and Legislature in October 2015. Licensure Analyst, Melanie Horn, was in charge of the report. Electronic copies were made available to each Board Member.
- 6) Board Policy and State Reporting of FOIA Requests: Beginning January 1, 2016, all state agencies are required to report FOIA requests and their response to a database maintained by the WV Secretary of State. A Board Policy and Fee Schedule was presented and approved by the Board. **(Rubin/Jones)**
- 7) Board Elections and Committee Assignments: Motion was made to retain the current Board Officers – President: Ernest Miller, Jr., D.O.; Vice President: Robert Whitler, Secretary: Arthur Rubin, D.O. and to retain Complaint Committee members as Robert Whitler and Arthur Rubin, D.O. **(Rowe/Muscari)** The nominations were approved as presented.
- 8) 2015 CME Audit Results: The results of the 2015 CME Audit were presented by the Executive Director. Of the 65 random audits conducted, the Executive Director reported a 97% compliance. Two physicians did not submit documented CME as reported on their applications. Motion was made with unanimous approval to open complaints on the two non-compliant physicians. **(Rubin/Adams)**

The Board requested follow up with the AOA to see if their URL could be uploaded within the license renewal process to allow for immediate uploading of CME data into the Board's application. The Executive Director will follow up with the AOA.
- 9) Annual Staff Evaluations: The Executive Director presented completed evaluations for the Administrative Assistant and the Licensure Analyst. The Board dismissed the Board Counsel and the Executive Director to complete their 2015 evaluations. Upon their return, a motion was made and unanimously approved granting 4% pay increases to the Administrative Assistant, Board Counsel and Executive Director effective next fiscal year, July 1, 2016. **(Rubin/Muscari)**

LEGISLATIVE UPDATE:

The Board reviewed the following bills that have been presented to date in the 2016 Legislative Session:

- SB: 10: Abortion Bill Introduced by Senators Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair
- SB 17: APRN's Requesting Full Autonomy
Motion was made and unanimously passed to request a report from the West Virginia Board of Registered Nurses listing all APRN's who have a Collaborative Agreement with Osteopathic Physicians. **(Rubin/Whitler)**
- SB 47: Telemedicine Bill With Scope of Practice Issues Introduced by Senator Ferns
- SB276: Requiring Flu Vaccines Introduced by Senator Walters
- SB282: 5% Administration Fee Annually From Chapter 30 Boards
Introduced by Senators Walters and Carmichael
- SB273: Prior Authorization Bill Introduced by Senator Stollings and Senator Ferns
- SB320: Telemedicine Bill Introduced by Senators Ferns and Stollings
- HB4040: Step Therapy Trials Introduced by Delegates Kelly, Rohrbach, Cooper, Frich, Sobonya, Border, Faircloth, Atkinson, Perdue, Perry and Waxman
- HB4115: Chronic Pain Rule Revision Introduced by Delegates Sobonya, Frich and Moffatt

The Board discussed the upcoming meeting with Delegate Howell from House Government Organization Committee regarding the options being offered Chapter 30 licensing boards to be in compliance with the Supreme Court ruling on the FTC case against the North Carolina Dental Board. It would be helpful to have a physician board member testify before the Government Organization Committee.

Respectfully submitted,



Arthur Rubin, D. O.
Secretary