

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Board Meeting Minutes
May 17, 2018

The West Virginia Board of Osteopathic Medicine met on Thursday, May 17, 2018, in 405 Capitol Street Board Conference Room.

President, Ernest Miller, Jr., D.O., called the business meeting to order at 9:00 AM.

Members Present:

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

Staff Members Present:

Jonathan T. Osborne, Esq. – Board Counsel
Diana Shepard – Executive Director

Also invited to attend today's meeting were: Brittanie West, D.O.; Lucy Kara Shamblin, D.O.; Robert Hogan, D.O.; Eli Levin, D.O. and representatives from ISelectMD.

Minutes:

The minutes of the January 26, 2018 Board meeting were presented and approved. **(Rowe/Adams)**

Reports:

Licensed Physicians as of May 11, 2018:

1302 – Total Physicians:

999 - In state

303 - Out of state

40 – Newly Licensed Physicians Since Last Meeting

91 – 1st Year Educational Permits (from 7/1/17 thru 6/30/18):

4 - PGY 1 at Access Health

4 – PGY 1 at Bluefield Regional

6 – PGY 1 at Camden Clark

20 – PGY 1 at CAMC

8 – PGY 1 at Greenbrier Valley

15- PGY 1 at Marshall University (Cabell/Huntington)

0 - PGY 1 from Marietta Memorial

5 - PGY 1 from Millcreek Community Hospital

5 - PGY 1 at Mon General/Cornerstone

8 – PGY 1 at Ohio Valley Medical Center

2 – PGY 1 at United Hospital Center

2 – PGY 1 at Wheeling Hospital

11 – PGY 1 at WVU

138 – Educational Permit Renewals (from 7/1/17 thru 6/30/18):

4 - Access Health

10 – Bluefield Regional

10– Camden Clark

42 – CAMC

7 – Greenbrier Valley

24 – Marshall University (Cabell/Huntington)

0 - Marietta Memorial Hospital

2 – Millcreek Community Hospital

5 – Mon General/Cornerstone

16 - Ohio Valley Medical Center

6 - United Hospital Center

3 – Wheeling Hospital

9 - WVU

- 239– Physician Assistants
 - 212 - Prescriptive Writing Privileges
 - 35 - DO's supervise 2 PA's
 - 8 - DO's supervise 3 PA's
 - 6 - DO's supervise 4 PA's
 - 2 - DO's supervise 5+ PA's
- 4 – Physician Assistants Licensed Without Supervising Physicians
- 58 – Corporations
- 66 – PLLC's

Balance in State Depository Account as of 3/31/2018:	\$220,669.90
Beginning Balance as of 7/01/2017:	\$439,748.94
Total Receipts as of 3/31/2018:	\$110,399.50
Total Disbursements as of 3/31/2018:	\$329,478.54
Fines Deposited in State Treasury as of 3/31/2018:	\$5,950.00

Purchasing Card Report – Purchases for October 2017 – January 2018
Monthly Line Item Statements – January 2018 through March 2018

Motion made and unanimously approved to accept the statistical and financial reports. (Adams/Whitler).

OLD BUSINESS:

Monthly/Quarterly Practitioner Reports:

Brandon Cestaric, D.O.
Steven Craft, D.O.
Jeffery DeBord, D.O.
Robert Fanning, D.O.
Jeffrey Murillo, D.O.
Michael Richmond, D.O.
Lucy Shamblin, D.O.
Craig Swann, D.O.
Terry Thomas, D.O.
Carlos Valadares, D.O.

Participation Reports were also provided by WVMPHP.

NEW BUSINESS:

Executive Director Report:

- 1) Proposed Change to Ryan Haight Act: The Board received notification from FSMB that CTel is beginning national discussion to change the location of the practice of medicine to that of where the practitioner is located. A teleconference was sponsored by CTel on this subject on March 12, 2018.
- 2) 2017 Purchase Division Inspection Report: The Purchasing Division conducted an inspection of credit card purchases by the WV Board of Osteopathic Medicine during the fiscal year of 2017. A copy of the report was presented for review with the Corrective Action Plan written by the Executive Director for the one issue reported.
- 3) ISelectMD Presentation: Ryan Wakim, M.D., a psychiatrist from WVU, along with Karen Price and Edward George asked to meet with the Board to discuss revision to the telemedicine language to allow for audio utilization for the practice of medicine.
- 4) Face to Face Interviews: Most licensing boards are limiting the face to face interview to only those applicants who have potential questions within their application. The Executive Director was asked to conduct a study to show the number of clean applications and then develop criteria to be used to exempt interviews.

Legislative Issues:

- A) SB 576 was passed and signed by the Governor during the regular session of the 2018 State Legislature. In that bill, the PICF Assessment fee of \$125 for all licensees was extended until December 2021. 24 CSR 01 will need to be presented for revision in the 2019 legislative session to correspond with this year's legislative action. The Executive Director and Legal Counsel will submit the rule for revision.

The Board moved into Executive Session at 9:45 AM with the Executive Director and Board Counsel present. (Whitler/Thymius)

Following a 10 minute recess, motion was made to move back into Public Session at 10:20 AM. (Adams/Thymius)

Elections for Secretary: With the expiration of the term of Arthur Rubin, D.O. in 2017 and the appointment of Tiffany Thymius, D.O. by Governor Justice to fill that position, the Board is required to elect a new Secretary. Dr. Jimmy Adams was nominated and unanimously voted to serve as Secretary of the West Virginia Board of Osteopathic Medicine.

After meeting with the invited attendees, motion was made to move back into Executive Session at 12:55 PM with the Executive Director and Board Counsel present. (Thymius/Adams)

Motion was made to move back into public session at 1:05 PM (Whitler/Adams)

REPORT FROM THE COMPLAINT COMMITTEE:

Recommended for Dismissal: The Committee recommends dismissal of the following complaints:

2017-20 and 2017-25

Full Board Review: **2017-04**

Recommend Consent Orders: **2017-36 and 2018-03**

**Prepare Statement of Charges
and Prepare for Hearing:** **2006-39 and 2017-26**

Reprimand/Fine/CME: **2017-36**

New Complaints: **2018-07 and 2018-12**

**Needing Additional
Follow Up:** The following cases were reviewed and required additional action
before a recommendation can be made to the Board:

2018-01:	Request additional medical records
2018-04:	Request pharmacy records
2018-05:	Request pharmacy records

Following the report of the April Complaint Committee, the following actions were voted on and approved by the full Board:

- | | | |
|-----------|--|--|
| A) | Complaints for Dismissal: | 2017-20 and 2017-25 (Adams/Thymius)
(Whitler Abstaining) |
| B) | Complaints With Consents: | 2017-36 and 2018-03 (Adams/Rowe) |
| C) | Prepare Statement of Charges
and Prepare for Hearing: | 2006-39 and 2017-26 (Adams/Thymius) |
| D) | Reprimand/Fine/CME: | 2017-36 (Adams/Rowe) |
| E) | New Complaints: | 2018-07 (Adams/Rowe:
(Whitler Abstaining)
2018-12 (Adams/Muscari)
2018-13 (Whitler/Adams) |

- Malpractice Reports:** Seven (7) malpractice reports were reviewed with no further action required.
- Eli Levin, D.O.:** Since Dr. Levin has not been in the practice of osteopathic medicine for a period of four years, the Board will require successful completion of the COMVEX, prior to consideration for licensure. A letter will be forwarded to Dr. Levin explaining that, after the successful passage of the COMVEX, the Board may still require a CPEP assessment, psychiatric assessment and monitoring or other restrictions as may be necessary based on testing and assessment results.
(Whitler/Thymius)
- Brandon Cestaric, D.O.:** The Board has received a written request from Dr. Cestaric to have his second suspension lifted and to be able to go back to practicing. The WVMPHP has submitted regular reports of compliance. The suspension was lifted with reinstatement of license under Consent Order to remain complaint with the PHP. (Whitler/Adams)
- Robert Hogan, D.O.:** Dr. Hogan spoke to the Board at today's meeting asking for direction on how to reinstate his suspended license. Dr. Hogan will be notified in writing of the requirements for successful passage of COMVEX, supervision in practice and restrictions upon prescribing.
(Whitler/Rowe)
- William Earley, D.O.:** Dr. Earley let his license expire in 2017 while still under a Consent Order. This issue will only be raised should Dr. Earley re-apply for licensure in West Virginia.
- Brittanie West, D.O.:** Based on the history provided by the applicant and her voluntary participation through November 2018 with the WVMPHP, motion was made to issue her license under a Consent Order to mirror her CRCA with the PHP. (Adams/Thymius)
- Lucy Kara Shamblin, D.O.:** Motion made and passed unanimously to lift the current suspension and reinstate Dr. Shamblin's license with Consent Order for WVMPHP participation and monitoring. (Adams/Rowe)

ADJOURNMENT: The meeting was adjourned at 1:15 PM. (Muscari/Thymius)

Respectfully submitted,



Jimmy W. Adams, D. O.
Secretary