

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
QUARTERLY MEETING MINUTES
December 10, 2015**

DATE OF MEETING December 10, 2015

PLACE OF MEETING Oklahoma Board of Osteopathic Examiners
4848 N. Lincoln
Oklahoma City, OK

MEMBERS PRESENT Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
C. Michael Ogle, D.O.
Carl B. Pettigrew, D.O.
Catherine C. Taylor, J.D.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT Dennis J. Carter, D.O.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Michael Breedlove, D.O.
Sherry Boyce, J.D.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Cari Carney
William E. Clymer, D.O.
Brittney Covert, *Board of Osteopathic Examiners*
Yvonne Corager
Brandon Drabek, D.O.
R. Scott Dycus, D.O.
Susan Fennimore, *DNR Reporting*
John Friedl, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Warren Goetcher, J.D.
Anthony Hendricks, J.D.
Patricia High, J.D., *Prosecutor for the Board*
Eric Hogan, D.O.
Trenton Horst, D.O.
Lana Ivy, *OOA*
Susan Jordan, J.D.
Lane Krieger, J.D.
Jacqueline McCormick, J.D.
Jayme McTague
Lawrence McTague, M.D.
Marcus McTague, D.O.
Steven Medeiros, D.O.
Mrs. Medeiros
Jacob Moore, D.O.
John Musilla, D.O.
Regan Nichols, D.O.
Doug Rice, J.D.
Libby Scott, J.D.

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R. Thomas Pickard, D.O.
Rodney Turner, *Board of Osteopathic Examiners*
Tristan Walker, *Board of Osteopathic Examiners*
Steve Washborne, *Medical Board*
Robert Westcott, M.D., *OHPP*
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: Jay D. Cunningham, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

Jay D. Cunningham, D.O., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

2. APPROVAL OF MINUTES

Dr. Cunningham asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 17, 2015 and from the Special Meeting of October 10, 2015. He asked for any additions, corrections or deletions to those minutes.

Dr. Laird moved to approve the minutes of the September 17, 2015 Quarterly Board Meeting and the minutes from the Special Meeting of October 10, 2015, as submitted.
Dr. Pettigrew seconded the motion.

Dr. Cunningham called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

Ms. Bruce made housekeeping announcements and introduced the new Executive Director for the Oklahoma Osteopathic Association, Lana Ivy.

B. BUDGET

Rodney Turner submitted the latest Receipt and Disbursement sheet for Fiscal Year 2015, and answered questions from the Board Members.

Dr. Laird moved to approve the Budget Report.
Ms. Taylor seconded the motion.

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Dr. Cunningham called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham delegated the duty of presiding over all hearings on this date to General Counsel, Daniel Gamino. Mr. Gamino swore in all witnesses.

4. PRECEPTOR APPEARANCES

William E. Clymer, D.O.

Dr. Cunningham called the matter of William E. Clymer, D.O. to order. Dr. Clymer, waiving notice, appeared in person accompanied by his counsel of record, Sherry Boyce. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony regarding Dr. Clymer's Order of Preceptorship of 9/19/2013 that became effective Date 3/19/2015.

Dr. Pettigrew moved to go into Executive Session
Dr. Ogle seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All visitors, staff and guests left the meeting room.

Dr. Pettigrew moved to come out of Executive Session
Dr. Ogle seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham addressed Dr. Clymer and expressed the concerns of the Board about his performance under the Preceptorship. Dr. Cunningham advised Dr. Clymer that it is the consensus of the Board that to concentrate his practice on pain management is a poor decision and indicates poor judgment on the part of Dr. Clymer. He is reminded that he is to regularly review charts with his Preceptors. The Board further recommends Dr. Clymer restrict his practice area to patients inside his geographic area. To accept large numbers of patients from outside his geographic location sets a bad precedent. The Board further recommends that Dr.

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Clymer concentrate his CME training so that it reflects his area of practice. Finally, Dr. Clymer was reminded that the Board would continue to monitor his progress. Dr. Clymer advised the Board that he would make every effort to follow their advice.

5. PROBATION/MONITORING APPEARANCES

Brandon Scott Drabek, D.O.

Dr. Cunningham called the matter of Brandon Scott Drabek, D.O. to order. Dr. Drabek appears in person without counsel. Board Investigator Tristan Walker also appears and gives testimony. The Board considered Dr. Drabek's compliance with his Agreed Order of 9/17/15.

No motion was made.

John Musilla, D.O.

Dr. Cunningham called the matter of John Musilla, D.O. to order. Dr. Musilla appears in person without counsel, but accompanied by Dr. Robert Westcott of OHPP. Board Investigator Tristan Walker also appears and gives testimony. The Board considers Dr. Musilla's compliance with his Order of Probation of 3/8/2012.

Dr. Young moved, for good cause shown, to terminate the probation of John Musilla, D.O. Dr. Musilla is reminded that a portion of the Board's cost recovery remains unpaid. Dr. Laird seconded the motion.
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Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed

Eric Hogan, D.O.

Dr. Cunningham called the matter of Eric Hogan, D.O. to order. Dr. Hogan appears in person accompanied by counsel, Warren Goetcher. He is also accompanied by Dr. Robert Westcott of OHPP. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony. The Board considered Dr. Hogan's compliance with his Agreed Order of June 6/19/14.

No motion was made.

D. Scott Dycus, D.O.

Dr. Cunningham called the matter of D. Scott Dycus, D.O. to order. Dr. Dycus appears in person accompanied by counsel, Jacqueline McCormick. The Board's Chief Investigator,

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Richard Zimmer, also appears and gives testimony. The Board considered Dr. Dycus' compliance with his Amended Order with Conditions of 4/16/15.

No motion was made.

Trenton F. Horst, D.O.

Dr. Cunningham called the matter of Trenton F. Horst, D.O. to order. Dr. Horst appears in person without counsel. He is also accompanied by Dr. Robert Westcott of OHPP. The Board's Investigator, Tristan Walker, also appears and gives testimony. The Board considered Dr. Horst's compliance with his Order of Probation of 6/21/2012.

No motion was made.

Jacob A. Moore, D.O.

Dr. Cunningham called the matter of Jacob A. Moore, D.O. to order. Dr. Moore appears in person accompanied by counsel, Douglas Rice. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony. The Board considered Dr. Moore's compliance with his Agreed Order of 06/18/15.

No motion was made.

Steven Paul Medeiros, D.O.

Dr. Cunningham called the matter of Steven Paul Medeiros, D.O. to order. Dr. Medeiros appears in person without by counsel. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony. The Board considered Dr. Medeiros' compliance with his Order of Monitoring of 06/18/15.

No motion was made.

Michael Breedlove, D.O.

Dr. Cunningham called the matter of Michael Breedlove, D.O. to order. Dr. Breedlove appears in person without counsel. He is also accompanied by Dr. Robert Westcott of OHPP. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony. The Board considered Dr. Breedlove's compliance with his Order of Probation of 9/15/15. Dr. Breedlove reported that he is not currently practicing.

No motion was made.

Regan G. Nichols, D.O.

Dr. Cunningham called the matter of Regan G. Nichols, D.O. to order. Dr. Nichols appears in person accompanied by counsel, Lane O. Krieger. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony. The Board considered Dr. Nichol's compliance with her Order of Probation of 9/15/15.

No motion was made.

6. LICENSURE MATTERS

Name Change

The Board considered the request for name change of the following:

Hope Harris, D.O. to **Hope Harris Burkett, D.O.**
Timmeni L. Harison, D.O. to **Timmeni L. Stevens, D.O.**
Andrea Rae Norris, D.O. to **Andrea Rae Scott, D.O.**

Dr. Pettigrew moved to approve the name changes as requested.
Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

7. HEARING DOCKET

Matthew M. McTague, D.O.

Susan Jordan

Dr. Cunningham called the matter of Matthew M. McTague, D.O. to order and recognized Patricia High, Special Prosecutor for the Board. Dr. McTague appeared in person accompanied by his counsel of record, Susan Jordan. Dr. Robert Westcott of OHPP also appeared and gave testimony. Ms. High announced that an Agreed Order had been prepared and requested the Board's approval.

Dr. Ogle moved to accept the Agreed Order.
Dr. Laird seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

David N. Chorley, D.O.

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Dr. Cunningham called the matter of David N. Chorley to order and recognized Executive Director, Deborah Bruce. Ms. Bruce, on behalf of the Agency, requested a continuance of this matter.

Dr. Ogle moved to go into Executive Session.
Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All visitors and staff left the room.

Dr. Ogle moved to come out of Executive Session.
Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Ogle moved to grant the continuance.
Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

John C. Friedl, D.O.

Elizabeth Scott

Dr. Cunningham called the matter of John C. Friedl, D.O. to order and recognized Patricia High, Special Prosecutor for the Board. Dr. Friedl appeared in person accompanied by his counsel of record Elizabeth Scott. Investigator for the Board, Tristan Walker and Dr. Thomas Pickard, Medical Advisor for the Board appeared and gave testimony. The hearing commenced, twenty (20) Exhibits were admitted and testimony taken.

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The Respondent objected to admission of Dr. Friedl's provider PMPs (Exhibit 2, PMP Oct. 1, 2012 – Dec. 31, 2012 – 2 DEA numbers and Exhibit 3, PMP June 1, 2014 – Aug. 31, 2014 – 2 DEA numbers)

Dr. Ogle moved to accept Dr. Friedl's provider PMPs into evidence.
Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, no; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Taylor moved to go into Executive Session.
Ms. Templeton seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All visitors and staff left the room.

Ms/ Taylor moved to come out of Executive Session.
Ms. Templeton seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved there was clear and convincing evidence submitted to support the allegations found in the Amended Complaint against Dr. Friedl, specifically, violation of the Osteopathic Medicine Act, 59 O.S. Sections 637 (A) (2)(g) and 7, and paragraphs 3,4, 5,6, 7, 8, 9, 10, and 11 of the Amended Complaint.
Dr. Ogle seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, abstain; Dr. Laird, no; Dr. Ogle, yes; Dr. Pettigrew, no; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Ogle moved that Dr. Friedl be placed on Probation for five (5) years, he may not prescribe, administer or dispense CDS until further order of the Board and he is to attend CME courses in Proper Prescribing of Controlled Substances and Medical Charting and Record Keeping. The Order is also to contain the regular terms and conditions of an order of probation.

Ms. Templeton seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, abstain; Dr. Laird, no; Dr. Ogle, yes; Dr. Pettigrew, no; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

8. APPLICANTS FOR LICENSURE – APPEARANCES

Dickie Lynn Hill, D.O.

Dr. Cunningham called the matter of Dickie Lynn Hill, D.O., applicant for licensure, to order. Dr. Hill did not appear. The Board considered the Order of Revocation imposed by the Osteopathic Medical Board of California against Dr. Hill's California license.

Dr. Pettigrew moved to deny licensure to Dr. Hill until such time as he is relicensed in the state of California.

Dr. Young seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed twenty (20) new applicant licensure files. The Board also considered the licenses that had been Fast-tracked since the last meeting.

Dr. Pettigrew moved to grant the request of the twenty (20) new applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff; and to ratify the fast-tracked licenses.

Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

10. OLD BUSINESS

1. Physician Check of PMP effective 11/1/15 – Ms. Bruce submitted the final draft of the procedure for the Board’s consideration.

Dr. Young moved to approve the final version of the PMP Check procedure.
Ms. Taylor seconded the motion.

Dr. Cunningham called for the votes on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

2. Digital Imaging – Mr. Turner advised the Board the process should begin shortly after the first of the year.

3. Proposed Pain Management Course (Dr. Carter) – was tabled to the next meeting.

4. Applicants with CDS prescriptions - Discussion requested by Board Members – was tabled until the next meeting until it was considered by the Board’s Case Review Committee for comment.

5. Legislative Change in PA Rules on Supervision was distributed.

6. Ms. Bruce submitted the final draft of the Rules Promulgated by the Board .

7. The Telemedicine Policy of the FSMB was distributed. The Board directed Ms. Bruce to prepare and distribute a final draft for consideration at the next meeting.

8. Ms. Bruce reported she and Dr. Carter had appeared before the Senate Interim Study on Rural Health and made a presentation.

11. NEW BUSINESS

1. Ms. Bruce submitted the Board & Staff Activities & Honors for Board consideration.

2. Dr. Ogle reported on the FSMB “Team-Based Care Symposium” he had attended.

3. Dr. Young gave an update on potential Legislation for 2016

4. Documents from Dental Board regarding the N.C. Dental case were submitted to the Board for their consideration.

5. The Health Department MOA was submitted to the Board. Dr. Cunningham referred the matter to the General Counsel for an opinion.

6. The Board considered the AOAAM Letter on Prescriber Training.

7. Mission essential expenditures, travel was tabled until the next meeting.

8. The FSMB Annual Meeting, San Diego, April 28-30, 2016, was announced.

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9. The Board considered the Medical Treatment Laws Information Act, 63 O.S. § 3160 et. seq. and directed staff to work with the Medical Board to have an access button for D.O.'s added to our website if the measure passes in the 2016 legislative session.

12. EXECUTIVE SESSION

No Executive Session was held.

13. ADJOURNMENT

Dr. Pettigrew moved to adjourn the meeting. Dr. Laird seconded the motion.

Dr. Cunningham called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting adjourned at 6:30 p.m.