

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
QUARTERLY MEETING MINUTES**

December 12, 2013

DATE OF MEETING December 12, 2013

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

MEMBERS PRESENT Dennis J. Carter, D.O.
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.
Cheryl A. Vaught, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Tye Briscoe, *OBNDD*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Larry Carter, OBN
Paul Cheng, *OHPP*
Nancy Chase, *OHPP*
Jared Cox, *Oklahoma City Police Department*
Mary DeGuisti
Zane DeLaughter, D.O.
Susan Fennimore, *DNR Reporting*
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Anna Good
David Good, D.O.
Corinne Kilbury
Merlin Kilbury, M.D., *OHPP*
Lyle Kelsey, Medical Board
John Kushner, DEA
Marissa Lane
Sandra Lavenue, OBNDD
Shelly Leed
Joshua Livingston, D.O.
John Mallgren, D.O.
Mack Martin, J.D.
Lynette McLain, OOA
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Jenna Mooneyham, OBN
Paul Preslar, D.O.
Cassie Real

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Robin Roberts, Medical Board
Lisa Robin, FSMB
Danny Shadid, J.D.
Matt Stangl, OAG
Mary Surovec, DEA
Brian Tallent, OBNDD
Bobby Thompson, D.O.
Rodney Turner, *Board of Osteopathic Examiners*
Jerry Valentine, *Board of Osteopathic Examiners*
Monte Veal, D.O.
Robert Westcott, M.D., *OHPP*
Michael Whinery, D.O.
Michael Zanolli, M.D., FSMB
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: C.B. Pettigrew, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

C.B. Pettigrew, 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. Pettigrew asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 19, 2013 and asked for any additions, corrections or deletions to the minutes.

Dr. Ogle moved to approve the minutes of the September 19, 2013 Quarterly Board Meeting as corrected. Dr. Carter seconded the motion.
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Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

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

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

On behalf of the Board, Deborah Bruce thanked Dr. Young for again providing donuts for the meeting. Ms. Bruce reported on the results of the most recent CME Audit.

B. BUDGET

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Mr. Turner submitted the monthly Summary of Income and Expenses to the Board. Dr. Pettigrew asked if there was further discussion.

Dr. Young moved to accept the budget report.
Dr. Cunningham seconded the motion.

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

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

The motion passed.

4. FEDERATION OF STATE MEDICAL BOARDS PRESENTATION

Dr. Michael Zanolli, M.D. of the Tennessee Board of Medical Examiners and Lisa Robin, Chief Advocacy Officer for the FSMB made presentations. Dr. Zanolli reported on the Tennessee legislation regarding the qualification of physicians to practice pain management and the number of hours required for initial licensure. Ms. Robin discussed Opioid prescribing legislation across the county. She also announced that would be available for training physicians on Opioid prescribing.

5. PROBATION APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Joshua Livingston, D.O.

Dr. Pettigrew called the matter of Joshua Livingston, D.O. to order. Dr. Livingston appeared in person without counsel. Richard Zimmer, Chief Investigator, reported on Dr. Livingston's compliance with his order. No motion was made.

Monte D. Veal, D.O.

Dr. Pettigrew called the matter of Monte D. Veal, D.O. to order. Dr. Veal personally appeared. Dr. Robert Westcott, M.D. of OHPP also appeared on behalf of Dr. Veal. Jerry Valentine, Special Investigator, reported on Dr. Veal's compliance with his order. No motion was made.

Christopher Scott Blaisdell, D.O.

Dr. Pettigrew called the matter of Christopher S. Blaisdell, D.O. to order. Dr. Blaisdell appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Blaisdell's progress while on probation. Chief Investigator Richard Zimmer also reported on Dr. Blaisdell's compliance. No motion was made.

Michael Whinery, D.O.

Dr. Pettigrew called the matter of Michael Whinery, D.O. to order. Dr. Whinery appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Whinery's progress while on probation. Investigator Jerry Valentine reported on Dr. Whinery's compliance.

Dr. Ogle moved to go into executive session.
Dr. Young seconded the motion.

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

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

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

Dr. Ogle moved to come out of executive session.
Dr. Young seconded the motion.

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

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

The motion passed.

Dr. Ogle moved to vacate that, based upon the evidence presented, Dr. Whinery is directed to participate in a substance/alcohol abuse evaluation. The site for the evaluation is to be made in conjunction with Board staff. Dr. Whinery is responsible for the financial costs of the evaluation and shall make arrangements for the Board to receive copies of the evaluation. If possible, Dr. Whinery shall have the evaluation completed in time for the March, 2014 Board Meeting.
Dr. Young seconded the motion.

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

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

The motion passed.

6. PRECEPTOR APPEARANCES
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

David Good, D.O.

Dr. Pettigrew called the matter of David Good D.O. to order. Dr. Good appears in person accompanied by Dr. Zane DeLaughter, his Preceptor. Also appearing was Richard Zimmer, Chief Investigator for the Board. The Board considered the recommendations made in the report from PACE, the report of Dr. DeLaughter, and the compliance report from Mr. Zimmer.

Dr. Laird moved to permit Dr. Good to transition to direct patient care.
Ms. Vaught seconded the motion.

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

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

The motion passed.

7. APPLICANTS FOR LICENSURE – APPEARANCES
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Bobby J. Thompson, D.O.

Dr. Pettigrew called the matter of Bobby J. Thompson, D.O. to order. Dr. Thompson appeared in person requesting he be placed in a Preceptorship. Ms. Bruce reported that Dr. Suttmiller of the Department of Corrections was willing to mentor Dr. Thompson in preparation for assuming responsibilities at an Oklahoma correctional facility. Dr. Jeff Trout was proposed as the Preceptor.

Dr. Laird moved to grant Dr. Thompson a temporary Resident License for one year during which he is to participate in the Board's Preceptorship to include monitoring by Dr. Trout and quarterly appearances before the Board.
Ms. Vaught seconded the motion.

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

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

The motion passed.

8. HEARING DOCKET
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

William Valuck, D.O.

Dr. Pettigrew called the matter of William Valuck, D.O. to order and recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Neither Dr. Valuck or his attorney, Danny Shadid appeared. Mr. Mildren announced that Dr. Valuck had submitted an Affidavit of Surrender of his license to practice osteopathic medicine in the state of Oklahoma with an effective date of January 31, 2014.

Dr. Young moved to accept the surrender of Dr. Valuck's license effective January 31, 2014, contingent upon his immediate surrender of his registrations with OBNDD and DEA and his agreement to be closely monitored by Board Staff as he winds up his practice.
Ms. Taylor seconded the motion.

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

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

The motion passed.

After being notified of this vote, Dr. Valuck's attorney, Danny Shadid, appeared and requested permission to make an announcement. Mr. Shadid announced to the Board that Dr. Valuck would close his practice the next day, Friday, December 13, 2013 at 5:00 p.m. Mr. Shadid further announced that Dr. Valuck would surrender his license and permits not later than Wednesday, December 18, 2013.

Dr. Ogle moved to approve this change to the Affidavit of Surrender.
Dr. Carter seconded the motion.

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

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

The motion passed.

David Moon, D.O.

Dr. Pettigrew called the matter of David Moon to order and recognized Richard Mildren, Prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Moon did not appear. Mr. Mildren announced that the Board was prepared to address all Motions filed by Dr. Moon to date. Dr. Moon's counsel, Mack Martin, appeared on his behalf. Mr. Martin announced that Dr. Moon's other attorney had a death in the family and requested a continuance of all matters to March 20, 2014.

Ms. Vaught moved to go into executive session.
Ms. Taylor seconded the motion.

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

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

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

Dr. Ogle moved to come out of executive session.
Dr. Laird seconded the motion.

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

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

The motion passed.

Ms. Vaught announced that the Board had come out of Executive Session to ask the Executive Director a question. Ms. Vaught asked Ms. Bruce if anything had changed in the Moon case since the original Emergency Order of Suspension was issued against Dr. Moon on July 10, 2013. Ms. Bruce responded that factually, nothing had changed. Only the procedure had changed.

Ms. Vaught moved to go into executive session.
Ms. Taylor seconded the motion.

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

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

*Dr. Cunningham abstains since he missed the other portions of this agenda item.

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

Ms. Taylor moved to come out of executive session.
Dr. Ogle seconded the motion.

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

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

The motion passed.

Ms. Taylor moved that based upon the original application filed for an Emergency Order and the evidence then presented, the Board finds that an emergency exists and orders to summarily suspend the license of David Moon to practice osteopathic medicine in the state of Oklahoma pending a hearing. Said suspension is effective this date.
Ms. Vaught seconded the motion.

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

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

The motion passed.

Dr. Young moved to grant Dr. Moon's Motion for Continuance. All Motions are to be heard on January 16, 2014 and the Hearing on the Merits held on March 20, 2014, as listed on this day's Agenda.
Dr. Laird seconded the motion.

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

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

The motion passed.

9. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed eight (8) licensure files.

Dr. Young moved to grant the request of the eight (8) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.
Ms. Vaught seconded the motion.

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

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

The motion passed.

10. LICENSURE MATTERS

Request for name change

Dr. Pettigrew asked the Board to consider the request for a name change of the following:

Susan Kathleen Smith, D.O. to **Susan Kathleen Anderson, D.O.**

Janice George, D.O. to **Janice George Soman, D.O.**

Dr. Ogle moved to grant the request for name change of Susan Kathleen Smith, D.O. to Susan Kathleen Anderson, D.O. and Janice George, D.O. to Janice George Soman, D.O.
Dr. Young seconded the motion.

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

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

The motion passed.

Request for Exception to Rules on Supervision of ARNP's – 510-10-4-3

Dr. John Mallgren, D.O., Medical Director of Grand Lake Mental Health Center appeared requesting an exception.

Dr. Ogle moved to grant the request for an exception to the rules on supervision. Dr. Mallgren is permitted to supervise a total of three (3) mid-level practitioners with the understanding he is not in full time practice. Board Staff is to monitor.
Ms. Vaught seconded the motion.

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

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

The motion passed.

Tom Foreman, D.O., Medical Director of Northeastern Tribal Health System requested an exception to 510:10-4-3-3 in writing.

Dr. Ogle moved to grant the request for an exception to the rules on supervision if Dr. Foreman is not in full time patient care. If Dr. Foreman handles patient care on a part-time basis, he is permitted an additional mid-level practitioner to supervise. Board Staff is to monitor.
Ms. Taylor seconded the motion.

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

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

The motion passed.

11. OLD BUSINESS

1. Board consideration of a CME requirement on proper prescribing prior to licensure was tabled.
2. Board consideration of Opioid Prescribing regulation was tabled.
3. The Board considered proposed changes to the Osteopathic Medicine Act including New Law on the specialty licenses.

Dr. Young moved to accept the draft of changes to the Osteopathic Medicine Act including new laws on Specialty Licenses.
Dr. Ogle seconded the motion.

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

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

The motion passed.

12. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for September through November, 2013.
2. Lyle Kelsey, Executive Director of the Oklahoma State Medical Board of Licensure and Supervision and Paul Preslar, D.O. presented an update on telemedicine rules of the Medical Board.
3. The Board considered the FSMB Study on Threats and Violence Against Medical Boards. The Board expressed appreciation to the staff for being continuously conscious of this important issue.
4. Dr. Pettigrew appointed a committee to make recommendations about the process for electronic transmission of Board Materials. Dr. Ogle and Dr. Cunningham were appointed.
5. Dr. Cunningham and Ms. Bruce reported on continuing meetings with OHCA regarding loss of contracts by physicians on probation.
6. The Board considered the OMES notification that they wanted to meet to discuss taking over part of the Board's financial business systems. The Board directed Ms. Bruce to meet with OMES and report back.

Dr. Carter moved to continue the Board's statutory responsibility of financial oversight of Board funds rather than transferring oversight to another state agency.
Dr. Young seconded the motion.

Dr. Pettigrew called for the votes to approve the motion.

The votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed and the meeting was adjourned at 5:00 p.m.

13. EXECUTIVE SESSION

The Board went into the announced Executive Session. When the Board emerged, no motions were made.

14. ADJOURNMENT

Dr. Young moved to adjourn the December 12, 2013 Regularly Scheduled Board Meeting.
Dr. Cunningham seconded the motion.

Dr. Pettigrew called for the votes to approve the motion.

The votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed and the meeting was adjourned at 5:10 p.m.