

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

DATE OF MEETING March 15 & 16, 2017

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

MEMBERS ABSENT

ALSO PRESENT

Day 1
Christi Aquino, *Board of Osteopathic Examiners*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Douglas Carlson, D.O.
Kimberly Contreras, *Board of Osteopathic Examiners*
Kelsey Devinney, *Board of Osteopathic Examiners*
D. Scott Dycus, D.O.
Susan Fenimore, *DNR Reporting*
Melonie Ferry, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Carol Hanson, D.O.
Christian Hanson, D.O.
Lana Ivy, *OOA*
Joshua Livingston, D.O.
Nancy Marshall, *OHPP*
John Mobley, *Board Investigator*
Timothy O'Quin, *Board of Osteopathic Examiners*
Lisa Robin, *FSMB*
Melvin Robison, D.O.
Monte Veal, D.O.
Michael Zanolli, *FSMB*
Cecilia Zinnikas, *OHPP*
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

Day 2
Christi Aquino, *Board of Osteopathic Examiners*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Kimberly Contreras, *Board of Osteopathic Examiners*
Kelsey Devinney, *Board of Osteopathic Examiners*
Susan Fenimore, *DNR Reporting*
Frederick Fuoco, PhD

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Daniel Gamino, J.D., *Board Legal Advisor*
Michael Herdon, D.O.
Nancy Marshall, *OHPP*
John Mobley, *Board Investigator*
Regan Nichols, D.O.
Timothy O'Quin, *Board of Osteopathic Examiners*
Brett Whatcott, D.O.
Stephanie Whatcott
Cecilia Zinnikas, *OHPP*
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

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

Day 1- March 15, 2017

1. CALL TO ORDER & ESTABLISH QUORUM

Jay D. Cunningham, D.O., *President*, called the meeting to order at 1:00 p.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 December 8, 2016. He asked for any additions, corrections or deletions to those minutes.

Dr. Carter moved to approve the minutes of the December 8, 2016, Quarterly Board Meeting as presented.
Ms. Templeton 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, yes; 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.

B. BUDGET

Ms. Bruce advised the Board that the financial documents they were presented were prepared by OMES. The report was accepted by consensus.

4. APPLICANTS FOR LICENSURE – APPEARANCES

Douglas Carlson, D.O.

The Board considered the licensure application of Dr. Carlson.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed. All Board Members left the room.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to temporarily grant the license on the condition Dr. Carlson contact and be evaluated by OHPP. He is directed to return in June with a plan from OHPP.
Dr. Ogle seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed

5. PROBATION/MONITORING APPEARANCES

Monte Veal, D.O.

Dr. Cunningham called the matter of Monte Veal, D.O. to order. Dr. Veal appears in person without counsel. Cecilia Zinnikas of OHPP appears on behalf of Dr. Veal. Board Chief

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Investigator Rick Zimmer also appeared and gave testimony. The Board addressed Dr. Veal's compliance with his five (5) year Probation of 3/8/12.

Dr. Ogle moved for good cause to grand final termination of the 3/8/12 Order.
Dr. Young 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, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

D. Scott Dycus, D.O.

Dr. Cunningham called the matter of D. Scott Dycus, D.O. to order. Dr. Dycus appears in person without counsel. Board Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board addressed Dr. Dycus' compliance with his Amended Order with Conditions 4/16/15. Dr. Dycus was informed to next appear at the June Board Meeting with reports from CPEP.

No motion was made.

Melonie D. Ferry, D.O.

Dr. Cunningham called the matter of Melonie D. Ferry, D.O. to order. Dr. Ferry appears in person without counsel. Investigator for the Board, John Mobley, also appears and gives testimony. The Board considered Dr. Ferry's compliance with her Agreed Order of 6/16/16. Dr. Ferry was informed to next appear in six (6) months.

No motion was made.

Joshua J. Livingston, D.O.

Dr. Cunningham called the matter of Joshua J. Livingston, D.O. to order. Dr. Livingston appears in person without counsel. Cecilia Zinnikas of OHPP appears on behalf of Dr. Livingston. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Livingston's request to lift his five (5) year Probation Ordered on 3/21/13.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed. All Board Members left the room.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Ogle moved to restore the license to practice of Joshua Livingston but with continuing monitoring. Dr. Livingston may not provide addiction treatments or supervise mid level practitioners. Dr. Livingston is encouraged to judiciously limit his prescribing of controlled substances.
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, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, no.

The motion passed

Melvin L. Robison, D.O.

Dr. Cunningham called the matter of Melvin L. Robison, D.O. to order. Dr. Robison appears in person without counsel. The Board's Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board addressed Dr. Robison's compliance with his five (5) year Probation of 6/16/16. Dr. Robison was informed to next appear at the June Board Meeting.

No motion was made.

Carol Hanson, D.O.

Dr. Cunningham called the matter of Carol Hanson, D.O. to order. Dr. Hanson appears in person without counsel. Cecilia Zinnikas of OHPP appears on behalf of Dr. Hanson. Board Investigator, John Mobley, also appeared and gave testimony. The Board addressed Dr. Hanson's compliance with her Interim Order of Suspension with Conditions 9/15/16 (Effective 10/5/16). Dr. Hanson was informed to next appear at the June Board Meeting.

6. NATIONAL LEGISLATIVE UPDATE

Visitors from the Federation of State Medical Boards [FSMB] updated the Board on offerings from the FSMB and the status of legislation on Capitol Hill. Ms. Lisa Robin, FSMB Chief Advocacy Officer and Dr. Michael Zanolli, Member of the Tennessee Medical Board and FSMB Liaison made the presentation.

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7. Day 1 **Adjourned** at 5:40 p.m.

8. **Day 2 - March 16, 2017**

CALL TO ORDER and 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.

9. **PROPER PHYSICIAN PRESCRIBING FOR CHRONIC PAIN**

Dr. Michael Herndon, D.O., Chief Medical Officer for the Oklahoma Health Care Authority, made a presentation on the Sooner Care Pain Management Program. The Program as well as the presentation is available online.

10. **PROBATION/MONITORING APPEARANCES**

Regan G. Nichols, D.O.

Dr. Cunningham called the matter of Regan G. Nichols, D.O. to order. Dr. Nichols appears in person without counsel. The Board's Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board addressed Dr. Nichols's compliance with her Order of Probation, 9/15/15.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed. All Board Members left the room.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved that Dr. Nichols must complete the evaluation process previously ordered, take the COMLEX Exam and get caught up with CPEP recommendations or be subject to immediate suspension.

Dr. Ogle seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

11. HEARING DOCKET – Individual Proceedings / Disciplinary Actions

Brett Whatcott, D.O.

Dr. Cunningham called the matter of Brett Whatcott, D.O. to order and recognized Deborah Bruce, Interim Board Prosecutor. Dr. Whatcott appeared in person without counsel. Dr. Whatcott 's supervisor, Dr. Fuoco, and the Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony. Exhibits and evidence were heard.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed. All Board Members left the room.

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

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved that at this time the Board will not make findings of facts or conclusions of law. The action is tabled pending a full evidentiary hearing with information presented by OHPP, DEA and OBNDD.
Ms. Taylor seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham recognized Deborah Bruce, Interim Prosecutor, who announced that the Hearings for the following are continued to June 15, 2017 or for other disposition.

Mary Kathryn Mercer, D.O.

Margie D. Ott, D.O.

Carl Glidden, D.O.

Clayton Flanary, D.O.

Paul Morrison, D.O.

Colm P. McCauley, D.O.

12. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed ten (10) new applicant licensure files. The Board also considered the license that had been Fast-tracked since the last meeting.

Ms. Taylor moved to grant the request of the ten (10) 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 licensees.
Dr. Pettigrew seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

13. LICENSURE MATTERS- Request for Name Change

The Board considered the requests for name change as follows:

Debbie A. Gladd, D.O. to **Debbie Gladd Foley, D.O.**

Dr. Pettigrew moved to approve the name change as requested.
Ms. Templeton seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

14. OLD BUSINESS

Telemedicine – The Board considered the final approved Guidelines on Telemedicine.

Ms. Templeton moved to adopt the guidelines as a Rule and to begin the legislative rulemaking process.
Dr. Ogle seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

15. NEW BUSINESS

1. Board & Staff Activities & Honors report was distributed.
2. The Board considered ratifying the appointment of Scott A. Williams, Elk City, to the Physician Assistant Advisory Committee.

Dr. Ogle moved to ratify the appointment of Scott A. Williams.
Ms. Templeton seconded the motion.

Dr. Cunningham 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. Templeton, yes; Dr. Young, yes.

The motion passed.

3. As the FSMB Annual Meeting is a mission critical meeting that is funded by the FSMB, the Board considered who would attend the meeting as a voting delegate. Ms. Templeton was selected by consensus. For budget considerations, the Board declined to send a staff member.
4. Because of the budget crisis, the Board did not approve anyone to attend the Tri-Regulator Symposium of 7/25-26/2017 in Chicago.
5. The Board considered the request from the OOA to increase the office rental lease One Hundred Dollars (\$100.00) a month.

Dr. Pettigrew moved to approve raising the office lease \$100.00 a month.
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, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abstain; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

6. The Board considered the Request for Exception to 510:10-4-3 (3), supervising mid-level practitioners from **Dr. Gary Lovell, D.O.** The Board, by consensus directed Ms. Bruce to request Dr. Lovell appear in June so the Board could fully consider his request.

16. EXECUTIVE SESSION.

The Board went into Executive Session. Upon return from the Executive Session, Ms. Bruce announced with regret, the resignation of Prosecutor Patricia High and that a search for a new Prosecutor should begin.

17. ADJOURNMENT – Day 2

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

Dr. Cunningham called for the votes 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. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting adjourned at 2:30 p.m.