

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

March 19, 2015

DATE OF MEETING March 19, 2015

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.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT None

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Sherry Boyce, J.D.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Nick Carroll, D.O.
William E. Clymer, D.O.
Brittney Covert, *Board of Osteopathic Examiners*
Mitzi Faubion, D.O.
Susan Fennimore, *DNR Reporting*
Andrea Floyd
Steven Funk, OMES
Daniel Gamino, J.D., *Board Legal Advisor*
Steven Greer, D.O.
Steven Hawkins, OMES
Tama Kay, Legal Asst.
Jeff Kelly
Corinne Kilbury
Merlin Kilbury, M.D., *OHPP*
Kyle McCallum, J.D.
Lynette C. McLain, *Oklahoma Osteopathic Assn.*
Steven Medeiros, D.O.
Mrs. Medeiros
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Alex Oblein, *Board of Osteopathic Examiners*
Michelle O'Meara, D.O.
Gregory Nellis, J.D.
Patricia Podolec, J.D.
Annelle Rogers
Stanley Rogers, D.O.
Doug Rice, J.D.
Billy Shepherd
Michael Tollett, D.O.
Rodney Turner, *Board of Osteopathic Examiners*
Monte Veal, D.O.

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Tristan Walker, *Board of Osteopathic Examiners*
Robert Westcott, M.D., *OHPP*
Michael Wyly, D.O.
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 December 11, 2014 and the minutes from the Special Meeting held on December 10, 2014. He asked for any additions, corrections or deletions to those minutes.

Dr. Ogle moved to approve the minutes of the December 11, 2014 Quarterly Board Meeting and the Special Meeting of December 10, 2014, as submitted.
Ms. Taylor seconded the motion.

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. Templeton, yes; Dr. Young, yes.

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 also made housekeeping announcements. She also distributed brochures from Sante about their new family involvement program and reported the outcome of her appearance before the Senate Appropriations Committee.

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.

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. Templeton, yes; Dr. Young, yes.

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The motion passed.

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

Michelle O'Meara, D.O.

Dr. Pettigrew called the matter of Michelle O'Meara, D.O. to order. Dr. O'Meara appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared on her behalf. Dr. O'Meara reported on her compliance with her Board Order. Investigator Tristan Walker also appeared and testified.

No motion was made.

Monte Veal, D.O.

Dr. Pettigrew called the matter of Monte Veal, D.O. to order. Dr. Veal appeared in person without counsel. Dr. Robert Westcott of OHPP appeared on his behalf. Dr. Veal reported on his compliance with his Board Order. Investigator Tristan Walker also appeared and testified.

Dr. Cunningham moved to terminate the probation of Dr. Monte Veal. Dr. Veal is to continue his contract with OHPP. Dr. Veal is to forward quarterly reports of hair follicle test results to Board Staff who will monitor his compliance and determine appearance dates before the Board.
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, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Mitsi Faubion, D.O.

Dr. Pettigrew called the matter of Mitsi Faubion, D.O. to order. Dr. Faubion appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared on her behalf. Dr. Faubion reported on her compliance with her Board Order. Investigator Alex Oblein also appeared and testified.

Dr. Young moved to terminate the probation of Dr. Mitsi Faubion. Dr. Faubion is to continue her contract with OHPP. Her prescribing privileges are reinstated. She is to attend a CME course at her own expense on proper prescribing at Case Western or its equivalent. Board Staff has discretion over the CME provider. Board Staff will monitor her compliance and determine appearance dates before the Board. All other terms and conditions of her Order of Probation remain in full force and effect, particularly the repayment of costs.
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, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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Christopher Scott Blaisdell, D.O.

Dr. Pettigrew called the matter of Christopher Scott Blaisdell, D.O. to order. Dr. Blaisdell appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared on his behalf. Dr. Blaisdell reported on his compliance with his Board Order. Investigator Alex Oblein also appeared and testified. The Board required Dr. Blaisdell to return in June at which time his probation status would be evaluated.

Nick Carroll, D.O.

Dr. Pettigrew called the matter of Nick Carroll, D.O. to order. Dr. Carroll appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared on his behalf. Dr. Carroll reported on his compliance with his Board Order. Investigator Tristan Walker also appeared and testified.

Dr. Carter moved to terminate the probation of Dr. Nick Carroll. Dr. Carroll is to continue his contract with OHPP. His prescribing privileges are reinstated. Board Staff will monitor his compliance and determine appearance dates before the Board. He is to attend a CME course at his own expense on proper prescribing at Case Western or its equivalent. Board Staff has discretion over the CME provider. All other terms and conditions of his Order of Probation remain in full force and effect particularly the repayment of costs.
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, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

David Moon, D.O.

Dr. Pettigrew called the matter of David Moon, D.O. to order. Dr. Moon was not present. The docket was called three times and neither Dr. Moon nor a representative appeared on his behalf. Chief Investigator appeared and presented the Board with a copy of the Notice to Dr. Moon to appear. Mr Zimmer also testified that Dr. Moon's office had confirmed receipt of Dr. Moon's Notice to Appear.

Dr. Carter moved to immediately suspend the license of Dr. David Moon to practice Osteopathic Medicine in the State of Oklahoma. The Board took notice of the receipt of the withdrawal of Dr. Moon's appellate counsel, Mark Hammond. Dr. Moon's license is suspended pending a hearing at a regularly scheduled 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. Templeton, yes; Dr. Young, yes.

The motion passed.

5. HEARING DOCKET

Stanley Rogers, D.O.

Dr. Pettigrew called the matter of Stanley Rogers, D.O. to order and recognized the Prosecuting Attorney for the Board, Richard Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Rogers appears in person with his counsel, Patricia Podolec. Mr. Mildren asked the Board to consider and approve a proposed Findings of Fact, Conclusions of Law and Agreed Order.

Dr. Laird moved to accept the Findings of Fact, Conclusions of Law and Agreed Order of Dr. Stanley Rogers.
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. Templeton, yes; Dr. Young, yes.

The motion passed.

Michael H. Tollett, D.O.

Dr. Pettigrew called the matter of Michael H. Tollett, D.O. to order and recognized the Prosecuting Attorney for the Board, Richard Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Tollett appears in person with his counsel, Douglas Rice. Mr. Rice asked the Board to continue this cause until the June 18, 2015 Board Meeting in order for his client to request reconsideration of the assessment done by Santé.

Dr. Cunningham moved grant the continuance of Dr. Tollett's case to the June 18, 2015 Board Meeting.
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, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Michael Wyly, D.O.

Dr. Pettigrew called the matter of Michael Wyly, D.O. to order and recognized the Prosecuting Attorney for the Board, Richard Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Wyly appears in person without counsel. Mr. Mildren announced that this was a hearing requested by Dr. Wyly following the emergency suspension of his license to practice osteopathic medicine in Oklahoma. The Hearing commenced and the Agency presented three (3) Exhibits and testimony by Chief Investigator, Richard Zimmer. Dr. Wyly and his wife both testified on behalf of Respondent. The Hearing concluded.

Ms. Templeton moved to go into 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, 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. Visitors and staff re-entered the room.

Ms. Templeton moved to come out of Executive Session.
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. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved that there was clear and convincing evidence presented to support the allegations in the complaint.
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. Templeton, no; Dr. Young, yes.

The motion passed.

Ms. Templeton moved to revoke the license of Michael Wyly, D.O. to practice osteopathic medicine in the state of Oklahoma.
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. Templeton, yes; Dr. Young, yes.

The motion passed.

6. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed seventeen (17) new applicant licensure files.

Dr. Young moved to grant the request of the seventeen (17) new applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.
Ms. Templeton seconded the motion.

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

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

The motion passed.

7. LICENSURE MATTERS

Request for name change

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

Jennifer Van Cleave, D.O. to **Jennifer Lee, D.O.**

Ms. Templeton moved to grant the request for name change of Jennifer Van Cleave, D.O. to **Jennifer Lee, D.O.**

Dr. Carter 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. Templeton, yes; Dr. Young, yes.

The motion passed.

Request for Exemption from CME requirements

Darwin Childs, D.O.

Darwin Childs, D.O. submitted a written request for exemption from Oklahoma CME requirements. By consensus the Board disapproved the exemption since the AOA has a procedure to approve the hours Dr. Childs asked the Board to approve.

Sandra Lee, D.O.

Sandra Lee, D.O. submitted a written request for exemption from Oklahoma CME requirements.

Dr. Ogle moved to disapprove the request for CME exemption of Sandra Lee, D.O.
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. Templeton, yes; Dr. Young, yes.

The motion passed.

8. APPLICANTS FOR LICENSURE – APPEARANCES

Stephen Greer, D.O.

Dr. Pettigrew called the matter of Stephen Greer, D.O., applicant for licensure, to order. Dr. Greer answered questions of the Board.

Dr. Ogle moved to approve the request for licensure of Stephen Greer, D.O.
Ms. Templeton 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. Templeton, yes; Dr. Young, yes.

The motion passed.

William E. Clymer, D.O.

Dr. Pettigrew called the matter of William E. Clymer, D.O. to order. Dr. Clymer appeared in person with his counsel Sherry Boyce. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Clymer. Dr. Clymer requested the Board approve a Preceptor Plan and return him to practice pursuant to that plan. Dr. Pettigrew asked if Board Staff objected to the proposal. Ms. Bruce announced that the Case Review Committee had approved the Preceptor Plan be submitted to the Board for its approval.

Dr. Young moved to approve the request by Dr. William Clymer, D.O. to be placed on a one year preceptor plan. There is to be a different preceptor submitted to Board Staff for approval. Board Staff is to have oversight of the Plan on behalf of the Board. License #2777 is to be re-issued and the Order of Preceptorship of 9/19/2013 is to be incorporated into a current order.
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, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. HEARING DOCKET

D. Scott Dycus, D.O.

Dr. Pettigrew called the matter of D. Scott Dycus, D.O. to order and recognized Richard Mildren, Special Prosecutor for the Board. Mr. Mildren announced that a continuance had been granted to Dr. Dycus and the Board had agreed to hold the hearing on April 16, 2015.

Steven Paul Medeiros, D.O.

Dr. Pettigrew called the matter of Steven Paul Medeiros, D.O. to order. Board Member, Dr. Dennis Carter recused and left the room. Dr. Pettigrew recognized Richard Mildren, Special Prosecutor for the Board. Dr. Medeiros appears in person with his counsel, N. Kyle McCallum, J.D. and Gregory D. Nellis, J.D. The hearing commenced. The Agency presented nine (9) Exhibits and testimony by the Board's Chief Investigator, Richard Zimmer. Six exhibits were admitted on behalf of Respondent and Dr. Medeiros testified in his behalf. The Hearing concluded.

Dr. Ogle moved to go into Executive Session.

Ms. Templeton seconded the motion.

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

The roll call/votes were: Dr. Carter, recused; 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. Visitors and staff re-entered 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, recused; 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 there was clear and convincing evidence presented to support the allegation that Dr. Medeiros is a disruptive physician.
Ms. Templeton seconded the motion.

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

The roll call/votes were: Dr. Carter, recused; 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. Laird moved that Dr. Medeiros be evaluated for anger management and a report submitted to the Board for further orders. Dr. Medeiros is to work with Board Staff to determine an acceptable evaluation entity. Dr. Medeiros shall cause the entity to submit the evaluation directly to the Board. All costs are to be borne by Dr. Medeiros.
Ms. Templeton seconded the motion.

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

The roll call/votes were: Dr. Carter, recused; 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. Since passage of the PMP bill, Opioid prescribing regulation has now been addressed by the legislature.

2. Mr. Turner reported on acquisition of video equipment and electronic Board Materials for the committee. The order has been placed with AT&T and we are waiting for OMES to approve.
Committee: Dr. Carter, Ms. Templeton, D. Bruce, R. Turner

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3. Ms. Bruce reported on the submission of the final documents to the FSMB Foundation to support the REMS Grant.
4. Ms. Bruce announced the method for acquiring CME credit from the AOA for Board Members. Board Members must submit an Agenda and their hours of attendance to the Ms. Rogers of the AOA.

11. NEW BUSINESS

1. Ms. Bruce submitted the Board & Staff Activities & Honors for Board consideration.
2. Dr. Ogle is the Board Designee to attend the FSMB Annual Meeting, Fort Worth, April 23-25, 2015.
3. The Board considered the AAOE request for comments.
4. Ms. Bruce requested Board approval for Investigator Alex Oblein to attend the FBI National Academy Associates.

Ms. Templeton moved that approval of Investigator Alex Oblein to attend the FBI Academy.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

12. EXECUTIVE SESSION

The Board went into Executive Session to discuss the hiring of Attorneys and Medical Advisors. They came out of Executive Session and no motions were made.

13. ADJOURNMENT

Dr. Young moved to adjourn the meeting.
Ms. Templeton 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting adjourned at 5:30 p.m.