

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

**DATE OF MEETING**           September 15, 2016

**PLACE OF MEETING**        OSU Medical Center  
Tulsa, OK

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

**MEMBERS ABSENT**         C. Michael Ogle, D.O.

**ALSO PRESENT**           Christi Aquino, *Board of Osteopathic Examiners*  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Nick Carroll, D.O.  
Kelsey Devinney, *Board of Osteopathic Examiners*  
Brandon Drabek, D.O.  
D. Scott Dycus, D.O.  
Melonie Ferry, D.O.  
John Friedl, D.O.  
Mrs. Friedl  
Daniel Gamino, J.D., *Board Legal Advisor*  
Tina Hale, *DNR Reporting*  
Carol Hanson, D.O.  
Chris Hanson  
Ryan Hearne, J.D.  
Patricia High, J.D., *Special Prosecutor for the Board*  
Merlin, Kilbury, M.D., *OHPP*  
Corinne Kilbury  
Joshua Livingston, D.O.  
Adrienne Loftis, D.O.  
Gwendolyn Loftis  
John Marlar, D.O.  
Mary Kathryn Mercer, D.O.  
John Mobley, *Board Investigator*  
Stanley Monroe, J.D.  
Jared K. Nelson, J.D.  
Michele O'Meara, D.O.  
Melvin Robison, D.O.  
Stephanie Robison  
Gary Slick, D.O.  
Cecilia Zemakas  
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 June 16, 2016 and from the Special Meeting of June 15, 2016. He asked for any additions, corrections or deletions to those minutes.

Dr. Pettigrew moved to approve the minutes of the June 16, 2016, Quarterly Board Meeting and the minutes from the Special Meeting of September 15, 2016, as submitted.  
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, abs; 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. She also advised the Board that the digital imaging project was very close to finished. She commended the staff on their hard work on the project.

**B. BUDGET**

Ms. Bruce advised the Board that the financial documents they were presented were prepared by OMES. There was no motion.

**4. PROBATION/MONITORING APPEARANCES**

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

**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. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Livingston. Board Investigator John Mobley also appeared and gave testimony. The Board addressed Dr.

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Livingston's compliance with his Order of Probation of 3/21/13. They also considered the request submitted by Dr. Livingston to start prescribing suboxone.

Dr. Young moved to go into Executive Session.  
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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All Board Members left the room.

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

The motion passed.

The Board expressed concern over Dr. Livingston administering suboxone while having been out of practice since March of 2013.

Dr. Young moved to deny Dr. Livingston's request to prescribe, administer or dispense suboxone. Dr. Livingston was ordered to take and pass the COMVEX exam before another request to start a pain management practice would be considered.  
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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

Dr. Livingston explained that while he has not been prescribing suboxone he has been assisting other physicians and has kept up with training in his absence. Dr. Livingston asked that The Board amend the motion to remove the COMVEX exam.

Dr. Carter moved to amend the motion to remove the COMVEX exam.  
The motion received no second.

The motion failed for lack of a second.

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.

**John C. Friedl, D.O.**

Dr. Cunningham called the matter of John C. Friedl, D.O. to order. Dr. Friedl appears in person without counsel. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Friedl. Chief Investigator for the Board, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. Friedl's compliance with his Order of Probation of 10/10/15. On advice of counsel, Dr. Friedl refused to answer any question pending the results of his criminal proceedings.

No motion was made.

**Michelle D. O'Meara, D.O.**

Dr. Cunningham called the matter of Michelle D. O'Meara, D.O. to order. Dr. O'Meara appears in person without counsel. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. O'Meara. Board Chief Investigator Rick Zimmer also appeared and gave testimony. The Board addressed Dr. O'Meara's compliance with her Order of Monitoring of 9/18/14.

Dr. Young moved that upon completion of all terms and conditions of her Order of 9/18/14, a Final Order of Termination of Monitoring be issued to Dr. O'Meara. Dr. O'Meara is to complete her contract with OHPP.  
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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Nick Carroll, D.O.**

Dr. Cunningham called the matter of Nick Carroll, D.O. to order. Dr. Carroll appears in person without counsel. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Carroll. Board Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board addressed Dr. Carroll's compliance with his Order of Probation of 6/20/13.

Dr. Laird moved that upon completion of all terms and conditions of the Order of 6/20/13 a Final Order to terminate Probation be issued to Dr. Carroll. He is to complete his contract with OHPP.  
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, abs; 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. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony. The Board addressed Dr. Dycus' compliance with his Amended Order with Conditions of 4/16/15. The Board reviewed Dr. Dycus' submitted CPEP plan. Dr. Dycus was notified that he should next appear at the March Board meeting to check his progress.

No motion was made.

**Mary Kathryn Mercer, D.O.**

Dr. Cunningham called the matter of Mary Kathryn Mercer, D.O. to order. Dr. Mercer appears in person with counsel of record, Ryan Hearne. The Board's Chief Investigator, Richard Zimmer, appeared and gave testimony. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Mercer. The Board addressed Dr. Mercer's compliance with her Agreed Order of Deferred Prosecution of 06/16/16. Copies of Reports on Dr Mercer's practice performed by Telligen and the report from Dr. Skarkey were admitted under seal.

Dr. Young 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All Board members left the room.

Dr. Young 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Pettigrew moved that Dr. Mercer's license shall be suspended until such time as she provides the Board with written results of a neuro/psychological evaluation and cognitive reports from David E. Johnson, PHD and A.W. Rousseau, M.D. indicating her fitness to practice medicine.  
Dr. Carter 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Melonie D. Ferry, D.O.**

Dr. Cunningham called the matter of Melonie D. Ferry, D.O. to order. Dr. Ferry appears in person with her counsel, Jared Nelson. The Board's Investigator, John Mobley, also appeared and gave testimony. The Board addressed Dr. Ferry's compliance with her Agreed Order of Deferred Prosecution of 6/16/16. Dr. Ferry was informed that she should next appear at the March Board meeting once her CME's are complete.

No motion was made.

**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. Board Investigator, Rick Zimmer, also appeared and gave testimony. The Board addressed Dr. Robison's compliance with his Order of Probation of 6/16/16.

Ms. Templeton moved to go into Executive Session.  
Dr. Young 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, abs; 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. Young seconded the motion.

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.

Dr. Robison was notified that he should next appear at the December Board Meeting.

No further motion was made.

**Brandon Scott Drabek, D.O.**

Dr. Cunningham called the matter of Brandon Drabek, D.O. to order. Dr. Drabek appears in person without counsel. Board Investigator, John Mobley, also appeared and gave testimony. The Board addressed Dr. Drabek's compliance with his Agreed Order of 9/17/15.

Dr. Young moved to terminate the Order of Dr. Drabek with prejudice.  
Dr. Laird 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**5. APPLICANTS FOR LICENSURE – APPEARANCES**

**Adrienne Estelle Loftis, D.O.**

The Board considered the licensure application of Dr. Loftis.

Dr. Carter 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 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. All the Board members left the room.

Dr. Carter moved to come out of Executive Session.  
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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to table Dr. Leal's licensure application until she or the clinic provide the Board with further explanation about the operation of the clinic.  
Dr. Pettigrew 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

## **6. HEARING DOCKET – Individual Proceedings / Disciplinary Actions**

### **Greg Rampey, D.O.**

Dr. Cunningham called the matter of Greg Rampey, D.O. to order and recognized Patricia High, Board Prosecutor. Ms. High presented the Board with an Agreement not to practice pending the Hearing on the Complaint filed against him. Ms. High asked the Board to approve it. Dr. Rampey did not appear.

Dr. Young moved to accept the Agreement not to practice for Dr. Rampey.  
Dr. Pettigrew 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

### **Carol Hanson, D.O.**

Dr. Cunningham called the matter of Carol Hanson, D.O. to order and recognized Patricia High, Board Prosecutor. Ms. High presented the Board with a Notice of Non-Compliance filed against Dr. Hanson. Dr. Hanson appeared in person accompanied by her counsel of record, Stanley Monroe. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Hanson. Chief Investigator for the Board, Richard Zimmer, also appeared and gave testimony. The Hearing proceeded.

Ms. Templeton moved to go into Executive Session.  
Dr. Young 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, abs; 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. Young 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, abs; 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 to support the allegations in the Notice of Non-Compliance.  
Dr. Young 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved to Suspend Dr. Hanson's license until she obtains and successfully completes inpatient treatment. Dr. Hanson shall cause copies of all evaluations and summaries to be send directly to the Board. Dr. Hanson shall make a written request for reinstatement. Before Dr. Hanson is eligible for reinstatement, she shall sign a blanket authorization for her personal medical records to be provided to the Board.  
Dr. Laird 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**John Marlar, D.O.**

Dr. Cunningham called the matter of John Marlar, D.O. to order and recognized Patricia High, Board Prosecutor. Ms. High presented the Board with an Agreed Order and asked the Board to approve it. Dr. Marlar appears in person without counsel.

Dr. Young moved to accept the Agreed Order of Dr. Marlar.  
Dr. Templeton 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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**7. APPLICANTS FOR LICENSURE - NOT APPEARING**

The Board reviewed seventeen (17) 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 seventeen (17) 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. Carter seconded the motion.

Dr. Cunningham 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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to table the licensure application of Christie Arnold. Leal, D.O. until her pending action with the Kansas Board of Healing Arts has been resolved.  
Dr. Carter seconded the motion.

Dr. Cunningham 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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**8. LICENSURE MATTERS - Request for Name Change**

The Board considered the requests for name changes as follows

:

Lindsay Marie Neely, D.O. to **Lindsay Marie Cunningham, D.O.**

Kasey Beth Minks, D.O. to **Kasey Beth Barber, D.O.**

Ms. Templeton moved to approve the name changes as requested.  
Dr. Pettigrew 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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**9. CANCELLATION OF LICENSES**

The Board considered the one-hundred-fifteen (113) physicians who failed to renew their licenses in 2016 and the seven (7) physicians who notified the Board in writing they would not renew. This compares to 104 non-renewals for 2015.

Dr. Laird moved to cancel the licenses of one-hundred-thirteen (113) physicians who had not renewed or notified the Board they would not renew for 2017.  
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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Taylor moved to levy an administrative penalty of five-hundred (500) dollars on any physician who requested to reinstate their license after cancellation. This is in addition to the renewal fee, late fee, and service fee.  
Ms. Templeton 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, abs;  
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**10. OLD BUSINESS**

1. Telemedicine Guidelines – tabled until 12/8/16 meeting.

**11. NEW BUSINESS**

1. A report on Board and Staff Activities and Honors was distributed to the Board.
2. Ms. Bruce designed and implemented the Administrators in Medicine Executive Academy and was requested to facilitate the program in Minneapolis at the AIM meeting. Since AIM programs are mission critical, Ms. Bruce requested travel reimbursement be approved.

Ms. Templeton moved to approve the expenses for Deborah J. Bruce, Executive Director to attend the AIM Executive Academy.  
Ms. Taylor 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. Notice of the CPEP Learning Summit was distributed to the Board.
4. The OHPP letter of 9/12/16 introducing their new staff was distributed to the Board.

**12. ADJOURNMENT**

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

The motion passed and the meeting adjourned at 4:30 p.m.