

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

September 19, 2013

DATE OF MEETING

September 19, 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.
Sherry Boyce, J.D.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Nick Carroll, D.O.
Larry Carter, OBN
Paul Cheng, *OHPP*
Nancy Chase, *OHPP*
William E. Clymer, D.O.
Lt. Jeff Cooper, *Oklahoma City Police Department*
Zane DeLaughter, D.O.
Mitsi Faubion, D.O.
Susan Fennimore, *DNR Reporting*
Eric Flegel, D.O.
Jill Floyd
Kim Floyd, D.O.
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
David Good, D.O.
Rebecca Green
W. Michael Hill, J.D.
Trenton Horst, D.O.
George M. Jennings, D.O.
Bobby Chu Kang, D.O.
Bradley Kliewer, OSU Medical Student
Corinne Kilbury

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Merlin Kilbury, M.D., *OHPP*
Joshua Livingston, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Jenna Mooneyham, OBN
John Musilla, D.O.
John Pontious, M.D.
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.
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 June 20, 2013 and asked for any additions, corrections or deletions to the minutes. Page 14 of the minutes are to be corrected to reflect the committee appointed by the President for the purpose of an Executive Director Performance Evaluation is composed of Ms Vaught, Chair with members Dr. Cunningham, Ms. Taylor, and Dr. Young.

Dr. Laird moved to approve the minutes of the June 20, 2013 Quarterly Board Meeting as corrected.
Dr. Carter 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. Vaught, 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 introduced Bradley Kliewer, 4th year OSU Medical student, a visitor to the Board Meeting. Ms. Bruce also announced that she had been accepted for the CMBE training to be held on October 8-9, 2013 in Raleigh, N.C.

B. BUDGET

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

Dr. Carter moved to accept the budget report.
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. Vaught, yes; Dr. Young, yes.

The motion passed.

4. PROBATION APPEARANCES

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

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.

Trenton F. Horst, D.O.

Dr. Pettigrew called the matter of Trenton F. Horst, D.O. to order. Dr. Horst personally appeared without counsel. Dr. Robert Westcott of OHPP also appeared on behalf of Dr. Horst. Richard Zimmer, Chief Investigator, reported on Dr. Horst's compliance with his order. No motion was made.

Ralph Nelson, D.O.

Dr. Pettigrew called the matter of Ralph Nelson, D.O. to order. Dr. Nelson personally appeared without counsel. Chief Investigator, Richard Zimmer, reported that Dr. Nelson had completed all terms and conditions of his Agreed Order of Non-Disciplinary Continuing Education of 12/31/12.

Dr. Laird moved to terminate the Order of Non-Disciplinary CME and require Dr. Nelson to notify the Board of the results of any action by the OBNDD.
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. Vaught, yes; Dr. Young, yes.

The motion passed.

George M. Jennings, D.O.

Dr. Pettigrew called the matter of George M. Jennings, D.O. to order. Dr. Jennings appeared in person without counsel and reported on his progress while on probation. Investigator Jerry Valentine also reported on Dr. Jennings compliance. 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.

Ms. Vaught 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. Vaught, yes; Dr. Young, yes.

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

Ms. Vaught 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, yes; 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 vacate the Order of 3/21/13 and again restrict Dr. Blaisdell's prescribing privileges to three drugs. Dr. Blaisdell is to initiate counseling with a psychiatrist approved

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by Board Staff, continue compliance with his OHPP Contract, and provide weekly logs to the Board of his patients and medications he prescribes, dispenses or administers.
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. Vaught, 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 accompanied Dr. Faubion and reported on her progress while on probation. Special Investigator Jerry Valentine also reported on Dr. Faubion's compliance. No motion was made.

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

William E. Clymer, D.O.

Ms. Bruce advised the Board that Dr. Clymer's Application was continued to the September meeting.

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 sponsor. The Board considered the recommendations made in the report from PACE.

Dr. Cunningham moved to grant Dr. Good a temporary Resident License for one year during which Dr. Good is to participate in the Board's Preceptorship to include monitoring by Dr., DeLaughter, a CME on Proper Prescribing and quarterly appearances before the Board.
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, abs; Dr. Young, yes.

The motion passed.

Eric Flegel, D.O.

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Dr. Pettigrew called the matter of Eric Flegel, D.O. to order. Dr. Flegel appeared in person accompanied by Dr. Merlin Kilbury of OHPP.

Dr. Ogle moved to grant Dr. Flegel a temporary Resident License for one year during which he is to participate in the Board's Preceptorship to include monitoring by Dr. Pontious and quarterly appearances before the Board. Dr. Flegel is to maintain his relationship with OHPP.

Dr. Laird 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.

Amanda Reed, D.O.

Dr. Pettigrew called the matter of Amanda Reed, D.O. to order. Dr. Reed appeared in person without counsel. The Board discussed items in her application. No motion was made.

Robert Harold Cortner, D.O.

Dr. Pettigrew called the matter of Robert Harold Cortner, D.O. to order. Dr. Cortner appeared in person without counsel. The Board discussed items in his application. No motion was made.

Justin K. Hamlin, D.O.

Dr. Pettigrew called the matter of Justin K. Hamlin, D.O. to order. Dr. Hamlin appeared in person without counsel. Dr. Hamlin was accompanied by Dr. Merlin Kilbury of OHPP. The Board discussed items in the application. No motion was made.

7. HEARING DOCKET

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

Joshua J. Livingston, D.O.

Dr. Pettigrew called the matter of Joshua J. Livingston, D.O. to order and recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Livingston appeared in person accompanied by his counsel, W. Michael Hill of Secret & Hill. The Board considered Dr. Livingston's Motion for Rehearing. The Board reviewed all filings and evidence in the case.

Dr. Young 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. Vaught, yes; Dr. Young, yes.

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

Dr. Laird 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, yes; 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 find that clear and convincing evidence had been presented to support the allegations in the complaint against Dr. Livingston. The Motion for Rehearing is denied and it is the Board's intent to deny any other relief.
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. Vaught, yes; Dr. Young, yes.

Nick Carroll, D.O.

Dr. Pettigrew called the matter of Nick Carroll, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Carroll appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared with Dr. Carroll. Mr. Mildren submitted the Emergency Complaint and the Emergency Order. The Board also heard testimony and accepted exhibits.

Dr. Young moved to place Dr. Carroll on Probation for three years during which he is not permitted to prescribe SCDS, he must continue with all terms of his contract with OHPP, and is to make quarterly appearances before the Board. Order is to include all standard terms and conditions.
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. Vaught, yes; Dr. Young, yes.

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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. The Board considered the Emergency Complaint filed against Dr. Moon. They heard testimony and accepted exhibits.

Dr. Laird moved to find that clear and convincing evidence had been presented to support the allegations in the emergency complaint against Dr. Moon.
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, yes; 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 summarily suspend the license of David Moon to practice osteopathic medicine in the state of Oklahoma pending a hearing.
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, yes; Dr. Young, yes.

The motion passed.

William Valuck, D.O.

Mr. Mildren announced that the hearing had been continued by agreement to September 19, 2013. There was consensus by the Board to continue the hearing to December 10, 2013, because of attorney considerations.

8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed one hundred thirty (130) licensure files which included three applicants who had personally appeared before the Board.

Dr. Laird moved to grant the request of the one hundred thirty (130) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.

Dr. Pettigrew 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. Vaught, yes; Dr. Young, abs.

The motion passed.

9. LICENSURE MATTERS

Request for name change

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

Monica Elaine Peters, D.O. to **Monica Elaine Hardin, D.O.**

Linh Khank Tran, D.O. to **Linh Tran Stephens, D.O.**

Dr. Pettigrew moved to grant the request for name change of Monica Elaine Peters, D.O. to Monica Elaine Hardin, D.O. and Linh Khank Tran, D.O. to Linh Tran Stephens, D.O.
Dr. Cunningham 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. OLD BUSINESS

1. Dr. Young and Ms. Bruce advised the Board of important changes to the law during this session.

2. The Board heard a report on Specialty Licenses submitted by Dr. Laird, Dr. Ogle and Ms. Bruce. The Board suggested amending the specialty license fees for Resident Training to \$120 and the Military Spouse License to \$250. The Board directed Ms. Bruce and Mr. Gamino to work on adoption of emergency rules to put the specialty licenses into operation as soon as possible.

Dr. Carter moved to adopt the draft report on Specialty Licenses with two amended fee amounts.
Dr. Pettigrew seconded the motion.

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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, abs.

The motion passed.

3. The Board was reminded that the September Meeting would be held in Tulsa at OSU-HSC.

11. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for March through May, 2013.

2. Board consideration of CME requirements on proper prescribing prior to licensure was tabled.

3. Board consideration of Opioid Prescribing regulation was tabled and Ms. Bruce was directed to contact Lisa Robin of FSMB to schedule a visit for her with the Board.

4. Mr. Gamino reported to the Board on Anagnost V. State of Oklahoma, ex rel. Oklahoma Board of Medical Licensure and Supervision, S.Ct. Case No. 111,246. Mr. Gamino addressed the implications for the Board of the dissenting opinion in that case.

5. Ms. Bruce announced that Chief Investigator, Richard Zimmer, had received certification through CLEAR and that Special Investigator, Jerry Valentine, was eligible for the certification upon completion of two years of employment with the Board. Both completed the training and passed the proficiency examination.

6. Ms. Bruce advised the Board that Chief Investigator, Richard Zimmer, had completed all requirements and been designated a Certified Medical Board Investigator.

7. The Board considered the Dispensing Rule, OAC, 510: 5-3-5, and asked Ms. Bruce to schedule an Executive Session at the September Meeting to further discuss it.

8. A Day with The Judges Program was distributed to the Board.

9. The CPEP Learning Summit was announced and the Board was canvassed for possible participants.

10. Ms. Taylor appointed a committee to further consider the Board's Guidelines on Telemedicine. Dr. Laird, Dr. Carter and Ms. Bruce were appointed.

12. ELECTION OF OFFICERS

Dr. Carter moved to elect the following officers for a one year term: President, Dr. Pettigrew; Vice-President, Dr. Cunningham, Secretary/Treasurer, Dr. Young. 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, abstain; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

13. EXECUTIVE SESSION

The Board went into the announced Executive Session. When the Board emerged, two motions were made.

Dr. Young moved to approve attendance and reimbursement for the Executive Director to attend training to become a Certified Medical Board Executive in October, 2013. Dr. Cunningham seconded the motion.

Dr. Pettigrew called for a vote on 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.

Dr. Young moved to have a Performance Evaluation of the Executive Director completed and when the new salary scale for Agency Executive Directors is distributed by OMES for the Board to consider a salary adjustment for the Executive Director. Dr. Ogle seconded the motion.

Dr. Pettigrew called for a vote on 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.

Ms. Taylor appointed a committee to conduct an Executive Director Performance Evaluation and then to consider the OMES Scale for Agency Executive Directors and report their recommendations to the Board. The committee will be composed of Ms. Vaught, Chairperson, Ms. Taylor, Dr. Young and Dr. Cunningham.

14. ADJOURNMENT

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Dr. Laird moved to adjourn the June 30, 2013 Regularly Scheduled Board Meeting.
Dr. Pettigrew seconded the motion.

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

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

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