

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

DATE OF MEETING September 20, 2018

PLACE OF MEETING OSU Medical Center - 2nd Floor Auditorium
744 West 9th Street
Tulsa, OK 74127

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

MEMBERS ABSENT Bret Langerman, D.O.
C. Michael Ogle, D.O.

ALSO PRESENT Bob R. Abernathy, D.O.
LaJuana Alexander
Christi Aquino, *Board of Osteopathic Examiners*
Robert Aran, D.O.
Kash Biddle, D.O.
Stanley S. Brown, D.O.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
David Campbell, D.O.
David Chorley, D.O.
Shirley Chorley
Kim Contreras, *Board of Osteopathic Examiners*
Kelsey Devinney, *Board of Osteopathic Examiners*
D. Scott Dycus, D.O.
John Friedl, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Melissa Gastorf, D.O.
Jeffrey Gastorf, D.O.
Dustin O'Leath Hayes, D.O.
Michelle O'Meara, D.O.
Susan Jordan, J.D.
Corinne Kilbury, *OHPP*
Merlin Kilbury, M.D. *OHPP*
Roma McElwee, J.D.
John Mobley, *Board Investigator*
Timothy Moser, D.O.
Christopher Moses, D.O.
Martha Jean Root, D.O.
Krista Sanchez
Elizabeth Scott, J.D.

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Layne Subera, D.O.
Robert Westcott, M.D. *OHPP*
Bryon Will, J.D.
Janis Womack, *Board of Osteopathic Examiners*
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: LeRoy E. Young, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

LeRoy E. Young, 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. Young asked the members of the Board if they had reviewed the minutes from the Special Board Meetings of June 21, 2018 and August 23, 2018. He asked for any additions, corrections or deletions to those minutes.

Dr. Carter moved to approve the minutes of the June 21, 2018, Special Board Meeting as presented.
Dr. Pettigrew seconded the motion.

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

The motion passed.

Dr. Pettigrew moved to approve the minutes of the August 23, 2018, Special Board Meeting as presented.
Ms. Templeton seconded the motion.

Dr. Young 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. Langerman, abs; 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 introduced Brenda Davidson who is in charge of special projects for OSU-HSC and thanked her for their courtesy and assistance in hosting the Board Meeting.

B. GENERAL COUNSEL – BOARD EDUCATION

C. BUDGET

Ms. Bruce advised the Board that the financial documents presented were prepared by OMES. The Board, by consensus, accepted the reports.

LICENSURE MATTERS

Request for Exception to OAC 510: 10-4-1 et.seq

David Campbell, D.O.

The Board considered Dr. Campbell's request for an exception to the number of mid-level practitioners allowed to be supervised. He requested to supervise five (5).

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

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

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

The motion passed. The Board Members left the room.

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

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

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

The motion passed.

Dr. Cunningham moved to Deny Dr. Campbell's Request for Exception.
Dr. Carter seconded the motion.

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

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

The motion passed.

4. APPLICANTS FOR LICENSURE – APPEARANCES

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Martha Jean Root, D.O.

The Board considered Dr. Root's request for Re Licensure in Oklahoma. The application was considered and testimony was taken.

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

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

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

The motion passed. The Board Members left the room.

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

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

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

The motion passed.

Ms. Taylor moved to table the application for licensure of Dr. Root until the Board receives a complete professional evaluation by CPEP for re-entry into the profession.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Scott T. Nguyen, D.O. - Ms. Bruce announced Dr. Nguyen would be appearing in December.

Christopher P. Dang, D.O. - Ms. Bruce announced Dr. Dang would be appearing in December.

5. PROBATION/MONITORING APPEARANCES

Christopher V. Moses, D.O.

Dr. Young called the matter of Christopher V. Moses, D.O. to order. Dr. Moses appears in person without counsel. Investigator for the Board, John Mobley, also appeared and gave

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testimony. The Board considered Dr. Moses' compliance with his Modified Order of Probation of 5/4/18. Dr. Moses requested permission to substitute a six hour CME for the Board Ordered two-day CME on proper prescribing by Case Western Reserve University.

Ms. Templeton moved to deny the request.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Melissa Gastorf, D.O.

Dr. Young called the matter of Melissa Gastorf, D.O. to order. Dr. Gastorf appears in person with counsel of record Bryon Will, J.D. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Gastorf's compliance with her Agreed Order of Monitoring of 12/14/17. Dr. Gastorf was informed to next appear in six (6) months.

No motion was made.

Jeffrey Gastorf, D.O.

Dr. Young called the matter of Jeffrey Gastorf, D.O. to order. Dr. Gastorf appears in person with counsel of record Bryon Will, J.D. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Gastorf's compliance with his Agreed Order of Monitoring 12/14/17. Dr. Gastorf was informed to next appear in six (6) months.

No motion was made.

D. Scott Dycus, D.O.

Dr. Young called the matter of D. Scott Dycus, D.O. to order. Dr. Dycus appears in person without counsel. Board Chief Investigator, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. Dycus' compliance with his Amended Order with Conditions of 4/16/15. Dr. Dycus was informed to next appear in six (6) months.

No motion was made.

Dustin O'Leath Hayes, D. O.

Dr. Young called the matter of Dustin O'Leath Hayes, D.O. to order. Dr. Hayes appears in person with counsel of record Elizabeth A. Scott, J.D. Merlin Kilbury, M.D. of OHPP appears on behalf of Dr. Hayes. Board Chief Investigator, Richard Zimmer, also appeared and gave

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testimony. The Board considered Dr. Hayes' compliance with his Board Order with Conditions of 6/19/14.

Dr. Cunningham moved to terminate the Board Order on Dr. Hayes for good cause shown. Dr. Pettigrew seconded the motion.

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

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

The motion passed.

David N. Chorley, D.O.

Dr. Young called the matter of David N. Chorley, D.O. to order. Dr. Chorley appears in person without counsel. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Chorley's compliance with his Order of suspension with Conditions of 1/29/16. Dr. Chorley requested to substitute a Board Certification program for a Temple University/Lifeguard program test. Board President Dr. LeRoy Young referred the matter to the Case Review Committee for the decision. (On October 11, 2018, the Case Review Committee met and approved the requested substitution and Dr. Chorley was so advised the following by Ms. Bruce.) Dr. Chorley was informed he is to appear in six (6) months.

No motion was made.

John C. Friedl, D.O.

Dr. Young called the matter of John C. Friedl, D.O. to order. Dr. Friedl appears in person without counsel. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. Friedl's compliance with his Order of Probation of 12/10/15. Dr. Friedl was reminded he has not completed the requirements of his Medical Record Keeping CME course. Dr. Friedl was also informed he is to appear in six (6) months.

No motion was made.

Kash Biddle, D.O.

Dr. Young called the matter of Kash Biddle, D.O. to order. Dr. Biddle appears in person with counsel of record, Susan Jordan, J.D. The Board's Investigator, John Mobley, appeared and gave testimony. The Board considered Dr. Biddle's compliance with his Agreed Order of 6/21/18. Dr. Biddle was informed he is to appear in six (6) months.

No motion was made.

LICENSURE MATTERS

Bob R. Abernathy, D.O.

The Board considered Dr. Abernathy's request for exception. The Board determined no exception was needed.

No motion was made.

6. HEARING DOCKET – Individual Proceedings / Disciplinary Actions

Brent W. Henderson, D.O. Ms. Bruce announced this case was continued at the request of Dr. Henderson until the December 13, 2018 Board Meeting.

Michelle D. O'Meara, D.O.

Dr. Young called the matter of Michelle D. O'Meara, D.O. to order and recognized Special Prosecutor for the Board, Roma McElwee, J.D. Dr. O'Meara appears in person without counsel. Robert Westcott, M.D. and Merlin Kilbury, M.D. of OHPP appear on behalf of Dr. O'Meara. The Board's Chief Investigator, Richard Zimmer also appears and gives testimony. The Hearing commenced with Exhibits and testimony presented by both parties.

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

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

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

The motion passed. The Board Members left the room.

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

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

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Langerman, abs; 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 Show Cause Order.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Ms. Templeton moved that Dr. O'Meara is ordered to complete the following steps: 1. Obtain an evaluation by Dr. Julio Rojas to determine her fitness to practice osteopathic medicine in the state of Oklahoma. 2. Undergo intensive out-patient treatment approved by Board Staff. 3. Sign a new 5 year contract with OHPP. 4. Continue in the Soberlink system. 5. Continue in AA. If a future problem arises, the Board will take a harder look at it. The Board will consider the evaluation of Dr. Rojas for further terms and/or conditions as it deems necessary and proper.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Michael Salrin, D.O.

Ms. Bruce announced that Dr. Salrin had surrendered his license while a complaint was pending.

Dr. Pettigrew moved to approve and accept the retirement of Dr. Salrin.
Ms. Templeton seconded the motion.

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

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

The motion passed.

Gregory Rampey, D.O. Ms. Bruce announced that this case would be stricken from the docket until a request from Dr. Rampey was received.

7. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed twenty six (26) new applicant licensure files. The Board also considered the licenses that had been Fast-tracked since the last meeting.

Dr. Pettigrew moved to approve the twenty six (26) new license applications pending completion of their application files satisfactory to Board Staff and to ratify all Fast Track applications that had occurred since the last meeting.
Dr. Carter seconded the motion.

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

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Langerman, abs; 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

Gina Elyse Miller, D.O. to Gina Elyse Clark, D.O.
Kelly Fitzpatrick, D.O. to Kelly Ann Phillips, D.O.
Chelsea Elizabeth Kimbrough, D.O. to Chelsea Elizabeth VanderWall, D.O.
Lauren Nicole Comarda, D.O. to Lauren Nicole White. D.O.
Zaiga K. Sears, D.O. to Zaiga Rumbens Sears, D.O.

Dr. Pettigrew moved to approve the name changes as requested.
Ms. Taylor seconded the motion.

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

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Langerman, abs; 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 and one (101) physicians who failed to renew their licenses in 2018 and the twenty three (23) physicians who notified the Board in writing they would not renew. This compares to 137 non-renewals for 2017.

Dr. Cunningham moved to cancel the licenses of one hundred and twenty four (124) physicians who had not renewed or notified the Board they would not renew for 2019.
Dr. Carter seconded the motion.

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

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

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The motion passed.

10. MEETING DATES - 2019

Board staff presented the meeting dates for next year as March 21, 2019, June 20, 2019, September 19, 2019, and December 12, 2019.

Ms. Templeton moved to accept meeting dates for 2019.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

11. OLD BUSINESS

1. The Board considered the FSMB notice on new federal legislation to counter N.C. Dental Board Case
2. The Letter from OMES Risk Management regarding the N.C. Dental Board Case was considered.
3. The Board considered the approval policy of CME credit on SB1446 proper prescribing seminars.

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

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

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

The motion passed. The Board Members left the room.

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

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

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

The motion passed.

Dr. Pettigrew moved that because of new Oklahoma legislation and uncertain future legislation on Opioids, all CME presented by any provider on the topic of proper prescribing must have in attendance a Board Member or Board Staff. Any CME on proper prescribing that does not meet this requirement will not be recognized by the Board.
Dr. Carter seconded the motion.

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

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

The motion passed.

Dr. Pettigrew moved that this Board shall interpret SB 1446 in a conservative manner as it is written.
Dr. Carter seconded the motion.

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

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

The motion passed.

12. NEW BUSINESS

1. Legislative Update: Dr. Young apprised the Board of pending legislation for the next session.
2. The OHPP Report was distributed to the Board.

13. CONSENT AGENDA

Dr. Pettigrew moved to approve all items on the Consent Agenda for September, 2018.
Dr. Cunningham seconded the motion.

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

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

The motion passed.

14. ADJOURNMENT

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

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

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

The motion passed and the meeting adjourned at 3:00 p.m.