

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

December 13, 2012

DATE OF MEETING December 13, 2012

PLACE OF MEETING Oklahoma Board of Osteopathic Examiners
4848 N. Lincoln
Oklahoma City, OK

MEMBERS PRESENT Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
C. Michael Ogle, D.O.
Carl B. Pettigrew, D.O.
Thomas R. Pickard, D.O.
Catherine C. Taylor, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT Cheryl A. Vaught, J.D.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Tony Brown, D.O.
Nancy Chase, *OHPP*
Sgt. Jared Cox, *Oklahoma City Police Dept.*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Susan Fennimore, *DNR Reporting*
Mitsi Faubion, D.O.
Shelly Faubion, D.O.
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Trenton Horst, D.O.
George M. Jennings, D.O.
Corinne Kilbury
Merlin Kilbury, M.D., *OHPP*
Cell Kim, D.O.
Charlene McGill
Lynette McLain, *Oklahoma Osteopathic Association*
Joe Merenda
Jules Merenda, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
John Musilla, D.O.
Lany Milner, *Oklahoma Osteopathic Association*
Ralph Nelson, D.O.
Bob J. Thompson, D.O.
Tammy Hale Tucker
Rodney Turner, *Board of Osteopathic Examiners*
Jerry Valentine, *Board of Osteopathic Examiners*
Monte Veal, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: Catherine C. Taylor, J.D., *President*

1. CALL TO ORDER & ESTABLISH QUORUM

OSBOE Regular Meeting, December 13, 2012

Catherine C. Taylor, J.D., *President* called the meeting to order at 9:00 a.m. and announced that a quorum was established.

2. APPROVAL OF MINUTES

Ms. Taylor asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 20, 2012 and asked for any additions, corrections or deletions to the minutes. A scrivener's error in the minutes was corrected.

Dr. Laird moved to approve the minutes of the September 20, 2012 Quarterly Board Meeting as amended.
Dr. Pettigrew seconded the motion.

Ms. Taylor called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abstain; Ms. Taylor, yes; Ms. Vaught, abs; 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 advised the Board of the meeting she attended with Cedar Ridge recovery program out of Missouri. The meeting was also attended by investigators Richard Zimmer and Jerry Valentine.

B. BUDGET

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

Dr. Ogle moved to accept the budget report.
Dr. Pickard seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

4. PROBATION APPEARANCES

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

Monte D. Veal, D.O.

Ms. Taylor called the matter of Monte D. Veal, D.O. to order. Dr. Veal personally appeared. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Veal. No motion was made.

Jules Merenda, D.O.

Ms. Taylor called the matter of Jules Merenda, D.O. to order. Dr. Merenda personally appeared accompanied by her husband, Joe. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Merenda.

Dr. Laird moved to terminate the probation of Jules Merenda, D.O.

Dr. Cunningham seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

John Musilla, D.O.

Ms. Taylor called the matter of John Musilla, D.O. to order. Dr. Musilla appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Musilla and reported on his progress while on probation. No motion was made.

Christopher Scott Blaisdell, D.O.

Ms. Taylor 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. Investigator Richard Zimmer also reported on Dr. Blaisdell's progress. Dr. Young and Dr. Cunningham admonished Dr. Blaisdell for his attitude toward the Board. No motion was made.

Trenton F. Horst, D.O.

Ms. Taylor called the matter of Trenton F. Horst, D.O. to order. Dr. Horst personally appeared without counsel. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Horst. No motion was made.

Tony Brown, D.O.

Ms. Taylor called the matter of Tony Brown, D.O. to order. Dr. Brown personally appeared accompanied by Dr. Merlin Kilbury of OHPP.

Dr. Pickard moved to terminate the probation of Tony Brown, D.O.
Dr. Pettigrew seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

Mitsi Faubion, D.O.

Ms. Taylor called the matter of Mitsi Faubion, D.O. to order. Ms. Bruce swore in the witnesses. Dr. Faubion appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Faubion and reported on her progress while on suspension. Chief Investigator Richard Zimmer also reported on Dr. Faubion's progress.

Dr. Pickard moved there was clear and convincing evidence of violation of the Osteopathic Medicine Act by Dr. Faubion, but, that Dr. Faubion's progress while on suspension warranted reinstatement of her license to practice osteopathic medicine in Oklahoma. She is to be on probation for four (4) years. She is to continue compliance with her contract with OHPP and pay administrative fees and costs. Until further order of the Board, Dr. Faubion may prescribe schedule IV and schedule V controlled dangerous substances. All other regular probation provisions are imposed.
Dr. Ogle seconded the motion.

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Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

George M. Jennings, D.O.

Ms. Taylor 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. No motion was made.

Patricia Allen, D.O.

Ms. Taylor called the matter of Patricia Allen, D.O. to order. Dr. Allen did not appear. She submitted a written request for termination of her Order of Probation.

Dr. Ogle moved to terminate the probation of Patricia Allen, D.O.
Dr. Pickard seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

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

Ralph J. Nelson, D.O.

Ms. Taylor called the matter of Ralph J. Nelson, D.O. to order and recognized Richard Mildren of Riggs, Abney, etal., prosecuting attorney for the Board. Mr. Mildren announced that, subject to the Board's approval, the staff had entered into an Agreed Order with Dr. Nelson.

Dr. Laird moved to approve the Agreed Order of Continuing Education (a non-disciplinary administrative order) for Ralph J. Nelson, D.O.
Dr. Young seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

Cell U. Kim, D.O.

Ms. Taylor called the matter of Cell U. Kim, D.O. to order. Dr. Kim appeared in person without counsel. Ms. Taylor recognized Richard Mildren, prosecuting attorney for the Board. Mr. Mildren of Riggs, Abney, etal. announced that Dr. Kim had requested to voluntarily surrender his license.

Dr. Pickard moved to accept the voluntary surrender of the license to practice osteopathic medicine in the state of Oklahoma from Cell U. Kim, D.O.

Dr. Young seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

Joshua J. Livingston, D.O.

Ms. Taylor called the matter of Joshua J. Livingston, D.O. to order and recognized Richard Mildren, prosecuting Attorney for the Board. Mr. Mildren, of Riggs, Abney, etal, announced that Dr. Livingston's attorney had submitted a written request for a continuance until March 21, 2013.

Dr. Pickard moved to continue the matter of Joshua J. Livingston, D.O. until March 21, 2013.
Dr. Laird seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

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

Tammy Jean Hale Tucker, D.O.

Ms. Taylor called the matter of Tammy Jean Hale Tucker, D.O. to order. Dr. Tucker appeared in person without counsel requesting licensure be granted.

Dr. Pickard moved to approve licensure for Tammy Jean Hale Tucker, D.O. pending completion of her file.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

Bob J. Thompson, D.O.

Ms. Taylor called the matter of Bob J. Thompson, D.O. to order. Dr. Thompson appeared in person without counsel requesting reinstatement of his license, number 2030. Dr. Thompson had voluntarily surrendered his license while under investigation on 6/18/2009.

Dr. Young moved to table consideration of the application for reinstatement of Bob J. Thompson pending completion of the Comlex USA examination. Dr. Thompson, working with Board Staff, is also to find a Preceptorship and complete sixty (60) hours of CME prior to appearing before the Board for further consideration of his application for licensure.
Dr. Pickard seconded the motion.

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Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

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

The Board reviewed sixteen (16) licensure files.

Dr. Pettigrew moved to grant the request of the sixteen (16) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.
Dr. Laird seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

William T. Hartman, D.O.

The Board reviewed the application to reissue the license of William T. Hartman, D.O., license #2070, to practice osteopathic medicine in Oklahoma.

Dr. Pickard moved to grant the request of William T. Hartman, D.O., to reissue his license # 2070 to practice osteopathic medicine in the state of Oklahoma, pending completion of his licensure file.
Dr. Laird seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

8. **LICENSURE MATTERS**

Request for name change

Ms. Taylor asked the Board to consider the request for a name change of the following:

Bridget Diane Flauding, D.O. to **Bridget Diane Bryan, D.O.**

Dr. Pettigrew moved to grant the request for name change of Bridget Diane Flauding, D.O. to Bridget Diane Bryan, D.O.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

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Request for Reinstatement of Cancelled Licenses

Feyisetan Lott, D.O.
Karissa Misner, D.O.

Dr. Laird moved to grant the requests for reinstatement of cancelled licenses of Feyisetan Lott, D.O. to reinstate license # 4919 and, Karissa Misner, D.O. to reinstate license # 4643.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

9. OLD BUSINESS

1. The Board considered the Oklahoma Interventional Pain Management and Treatment Act, 59 O.S. Section 650. General discussion followed.

10. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for September through November, 2012.
2. Nancy Chase of OHPP appeared and described the new Soberlink Technology used to monitor those on restriction for alcohol abuse.
3. Ms. Bruce reported on the upcoming legislative agenda for 2013.
4. & 5. The FSMB will hold a meeting to consider what states can do regarding national licensure. FSMB will reimburse one Board Executive and one Board Member for the Dallas meeting to be held January 16-17, 2013. Ms. Taylor appointed Ms. Bruce and Dr. Ogle to attend.
6. Ms. Bruce reported that the changes the Board had requested for the license renewal form had been completed by ok.gov.
7. The Board considered the invitation from OSU(HSC) to hold the September, 2013 meeting in Tulsa and instructed staff to make those arrangements.
8. The Board considered having both investigators attend CLEAR training in April, 2013 in Austin, Texas.

Dr. Young moved to approve expenses be paid and/or reimbursed to both Board Investigators so they may attend the CLEAR training in April, 2013 in Austin, Texas.
Dr. Pickard seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

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9. One item was considered that was not on the published Agenda. Since it was ratification of an action of a related Board, the General Counsel advised it would be appropriate to proceed.

Dr. Pickard moved to ratify the action of the OOA Board of Trustees replacing Dr. LeRoy Young with Dr. Gabriel Pittman on the OHPP Board of Directors.
Dr. Cunningham seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

11. EXECUTIVE SESSION

Dr. Pettigrew moved to go into executive session.
Dr. Ogle seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed. Everyone except Board Members, Ms. Bruce, Mr. Zimmer and Mr. Valentine left the room.

Dr. Pettigrew moved to come out of executive session.
Dr. Ogle seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

The motion passed.

12. ADJOURNMENT

Dr. Pickard moved to adjourn the December 13, 2012 Quarterly Board Meeting.
Dr. Cunningham seconded the motion.

Ms. Taylor called for the votes to approve the motion.

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

The motion passed and the meeting was adjourned at 3:45 p.m.