

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

**March 8, 2012**

**DATE OF MEETING**                    March 8, 2012

**PLACE OF MEETING**                OSU Center for Health Sciences  
1111 W. 17<sup>th</sup> Street  
Tulsa, OK

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

**MEMBERS ABSENT**                 Cheryl A. Vaught, J.D.

**ALSO PRESENT**                    Christopher Blaisdell, D.O.  
Andrea Blanchard  
Amy Bradley-Waters, J.D.  
Tony Brown, J.D.  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Casey Egelston, *DNR Reporting*  
Mitsi Faubion, D.O.  
Kim Floyd, D.O.  
J. Floyd  
Daniel Gamino, J.D., *Board Legal Advisor*  
Lori Gore-Green, D.O.  
Michael Hill, J.D.  
Bobby C. Kang, D.O.  
Merlin Kilbury, M.D., *OHPP*  
Corinne Kilbury  
Richard A. Mildren, J.D., *Board Prosecuting Attorney*  
John Musilla, D.O.  
William J. Petit, D.O., *OSU-CHS Faculty*  
Clayton Royder, D.O.  
Mona Royder  
Barbara Shepherd, *Board of Osteopathic Examiners*  
Hugh D. Tidler, *Board of Osteopathic Examiners*  
Deanna Veal  
Monte Veal, D.O.  
Michael Whinery, D.O.  
Richard Zimmer, *Board of Osteopathic Examiners*  
General Public  
Students, *OSU-CHS*

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

**1.        CALL TO ORDER & ESTABLISH QUORUM**

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 December 8, 2011 and asked for any additions, corrections or deletions to the minutes.

Dr. Pettigrew moved to approve the minutes of the December 8, 2011 Quarterly Board Meeting.  
Dr. Laird 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Ms. Taylor asked the members of the Board if they had reviewed the minutes from the Special Board Meeting of February 24, 2012 and asked for any additions, corrections or deletions to the minutes.

Dr. Pickard moved to approve the minutes of the February 24, 2012 Special Board Meeting.  
Dr. Young 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, Abstain; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### **3. REPORTS**

#### **A. PRESIDENT'S REPORT**

Ms. Taylor expressed the gratitude of the Board to OSU Center for Health Sciences for hosting the Board Meeting.

#### **B. OOA EXECUTIVE DIRECTOR REPORT**

In the absence of Ms. McLain, Dr. Young reported that Ms. McLain had announced her retirement for not later than March 1, 2013.

#### **C. EXECUTIVE DIRECTOR REPORT**

Deborah Bruce reported that there were a record number of D.O.'s licensed in Oklahoma. As of the date of the meeting there were 2365 licensed, 1870 are in-state physicians. Ms. Bruce also reported that Senior Investigator Hugh Tidler had been selected to receive the R. Williamson Award for Investigators at the Annual Meeting of Administrators in Medicine in Fort Worth on April 26, 2012.

#### **D. BUDGET**

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

Dr. Pettigrew moved to accept the budget report.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, 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.)

**Tony Brown, D.O.**

Ms. Taylor called the matter of Tony Brown, D.O. to order. Dr. Brown appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Blaisdell and reported on his progress while on probation. No motions were made.

**Mitsi Faubion, D.O.**

Ms. Taylor 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. Investigator Richard Zimmer also reported on Dr. Faubion's progress. No motions were made.

**Michael Whinery, D.O.**

Ms. Taylor called the matter of Michael Whinery, D.O. to order. Dr. Whinery appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Whinery and reported on his progress while on probation. The Board also reviewed Dr. Whinery's compliance with the Agreed Order. No motions were made.

**Kim D. Floyd, D.O.**

Ms. Taylor called the matter of Kim Floyd, D.O. to order. Dr. Floyd appeared in person and waived appearance by his counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Floyd and reported on his progress while on probation. No motions were made.

**Clayton Royder, D.O.**

Ms. Taylor called the matter of Clayton Royder, D.O. to order. Dr. Royder personally appeared without counsel. He was accompanied by his wife. He reported on his progress while on probation. No motion was made.

**Christopher S. 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. Dr. Blaisdell requested the Board lift its prohibition on his ability to prescribe CDS.

<p>Dr. Young moved there be no change in Dr. Blaisdell's Order of Probation. Dr. Pickard seconded the motion.</p>
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Ms. Taylor called for the votes on the motion and a roll call.

<p>The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Pettigrew, abstain; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.</p>
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The motion passed.

**Bobby Chu Kang, D.O.**

Ms. Taylor called the matter of Bobby Chu Kang, D.O. to order. Dr. Kang appeared in person accompanied by his counsel, W. Michael Hill. Mr. Hill requested Dr. Kang be permitted to resume his practice of prescribing scheduled drugs. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Evidence and exhibits were presented.

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

The motion passed.

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

The motion passed.

Dr. Young moved to permit Dr. Kang to prescribe certain CDS to be determined from a list provided by Dr. Kang to the Board. He is to submit a list of CDS he wishes to prescribe to both in-patients and out-patients. The Board will review and determine those CDS they will permit him to prescribe and set a maximum dosage, strength and quantity of each drug. Dr. Kang is to submit a report that reflects what is dispensed, what is prescribed, the patients name, date of birth, medication, dosage strength and quantity. This is to be monitored by Board Staff.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, 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.)

### Trenton F. Horst, D.O.

Ms. Taylor called the matter of Trenton F. Horst, D.O. to order. Dr. Horst was not present. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren advised the Board that Dr. Horst had voluntarily entered a treatment facility. Board Staff reported that Dr. Horst had requested a second continuance of this hearing.

Dr. Cunningham moved to grant the request for continuance.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### Monte D. Veal, D.O.

Ms. Taylor called the matter of Monte D. Veal, D.O. to order. Dr. Veal appeared in person accompanied by counsel, Amy Bradley-Waters. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Veal. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren asked the Board to approve an Amended Complaint.

Dr. Cunningham moved to approve the Amended Complaint.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, abs.

The motion passed.

Evidence and exhibits were presented by both parties. The Hearing concluded.

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

The motion passed.

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

The motion passed.

Dr. Laird moved that there is clear and convincing evidence to support the allegations in the Emergency Complaint. Based on those findings the suspension of the license of Monte Veal to practice osteopathic medicine in Oklahoma is lifted and Dr. Veal is placed on immediate Probation on the condition that if he prescribes CDS, he is to keep a monthly log of those prescriptions. The term of the Probation will be determined at the next Board meeting. There is to be no dispensing or administering of CDS from his office and he is not to keep any CDS on hand. He is to continue with OHPP under contract, pay costs of this proceeding and keep the Board advised of his address.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, abs.

The motion passed.

### **C. Allen Moore, D.O.**

Ms. Taylor called the matter of C. Allen Moore to order and recognized Richard Mildren, Prosecuting attorney for the Board. Mr. Mildren announced that Mr. Stephen Jones had filed an Entry of Appearance on behalf of

Dr. Moore and requested a continuance until the June Board Meeting. Mr. Mildren agreed to the continuance on behalf of the Board.

Dr. Pettigrew moved to ratify the Emergency Complaint and Emergency Order issued in the C. Allen Moore, D.O. case.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

## 6. APPLICANTS FOR LICENSURE – APPEARANCES

### John Musilla, D.O.

Ms. Taylor called the matter of John Musilla, D.O. to order. Dr. Musilla appeared in person without counsel asking the Board to reinstate his license, #4249. Dr. Merlin Kilbury of OHPP appeared on behalf of Dr. Musilla. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Evidence relating to the prior suspension of Dr. Musilla's license was heard.

Dr. Pickard moved there was clear and convincing evidence submitted to support the summary suspension of Dr. Musilla's license. The Board further ordered that the suspension of Dr. Musilla's license be lifted and he is place on an immediate five (5) year Probation under the normal terms and conditions. In addition, he is to work out a payment plan for costs and attend thirty-two (32) additional hours of CME over the next two (2) years. He is prohibited from writing prescriptions for CDS.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, abs.

The motion passed.

There were no appearances.

## 8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed seven (7) licensure files.

Dr. Pettigrew moved to grant the request of the seven (7) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yrs; Ms. Vaught, abs; Dr. Young, abs.

The motion passed.

Dr. Pettigrew moved to grant the request of **Montgomery L. Roberts, D.O.** to reissue his license, # 3987 to practice osteopathic medicine in the State of Oklahoma, pending completion of his licensure file.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, abs.

The motion passed.

It was announced to the Board that four (4) applicants had been approved for licensure, pending completion of their files on February 28, 2012, utilizing the Fast Track Licensing Process.

## 9. LICENSURE MATTERS

### Request for name change

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

Tara Palmer, D.O. to **Tara Lynn Monday, D.O.**

Tammy Hicks, D.O. to **Tammy K. Jarvis, D.O.**

Dr. Cunningham moved to grant the request for name change of Tara Palmer, D.O. to Tara Lynn Monday, D.O. and Tammy Hicks, D.O. to Tammy K. Jarvis, D.O.  
Dr. Young 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

## 9. DRAFT POLICIES & GUIDELINES

### A. Medical Spa Committee

The committee chair, Dr. Cunningham, reported this is still a work in progress.

### B. Telemedicine Guidelines Committee

The committee chair, Dr. Pickard, approving these Guidelines as amended.

Dr. Pettigrew moved to approve the Guidelines on Telemedicine as amended.  
Dr. Young 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### C. Committee on Supervision

The committee chair, Dr. Young, recommended setting up a series of meetings with the Medical Board and the Nursing Board to look at their rules and see if a set of guidelines could be drafted that would meet the needs of all parties..

## 10. OLD BUSINESS

## 1. Expedited Licenses

Dr. Young moved to approve the proposed procedure for Expedited Licenses.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

2. Temporary Licenses, Resident Training Licenses, Telemedicine Licenses and Military Spouse Licenses were approved in principle by the Board. The Board recognized that in order to effect these procedures would require a formal rules change. The Board instructed the staff to begin that process.

Dr. Laird moved to approve the proposed license for Resident Training pending a formal rules change.  
Dr. Young 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Pickard moved to moved to approve the proposed Military Spouse license pending a formal rules change.  
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

3. Ms. Bruce reported that our participation in the Maintenance of Licensure Pilot Program continues.

**11. NEW BUSINESS**

1. The Board reviewed the Board and Staff Activities report for January and February, 2012.

2. Ms. Bruce distributed the agenda of the Pain Management Seminar to be held in conjunction with the Board of Medical Licensure as well as the OOA and OSMA.

3. Ms. Bruce distributed the Health Department's Immunization Policy.

4. Ms. Bruce requested Board approval of travel expenses for Dr. Pickard, H. Tidler and R. Zimmer to the FSMB & AIM conferences.

Dr. Shaw moved approve reimbursement of travel expenses for Dr. Pickard, H. Tidler and R. Zimmer to the AIM & FSMB meetings.  
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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

5. The Board was asked if they support the idea of having Commission Authority for Agency Investigators. It was a consensus they do.

6. Mr. Tidler presented the latest information from OBNDD on the Disposal of Controlled Substances

7. The Board was advised of pending legislation of interest to osteopathic physicians, specifically HB 2468

8. The Board was advised of pending legislation of interest to osteopathic physicians, specifically HB 190.

9. An article on the California physician who was accused of murder in drug overdose cases was distributed.

**14. ADJOURNMENT**

Dr. Pettigrew moved to adjourn the March 8, 2012 Quarterly Board Meeting.  
Dr. Pickard seconded the motion.

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

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

The motion passed and the meeting was adjourned at 4:45 p.m.