

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
SPECIAL MEETING MINUTES
October 9, 2015**

DATE OF MEETING October 9, 2015

PLACE OF MEETING Oklahoma Osteopathic Board Offices
4848 N. Lincoln
Oklahoma City, OK 73105

MEMBERS PRESENT Dennis Carter, D.O.
Jay D. Cunningham, D.O.
C. Michael Ogle, D.O.
Carl B. Pettigrew, D.O.
Katie Templeton, J.D.

MEMBERS ABSENT Gordon Laird, D.O.
Catherine Taylor, J.D.

ALSO PRESENT

Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
LeRoy E. Young, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*

PRESIDING Jay D. Cunningham, D.O. *President*

1. CALL TO ORDER

Dr. Cunningham, D.O., President, called the meeting to order at 12:00 p.m. and announced that a quorum was present.

2. OLD BUSINESS

1. Physician Check of PMP effective 11/1/15

The Board discussed the procedure for implementing 63 O.S. § 2-309(D). The Board outlined the process and directed Ms. Bruce to disseminate the draft to Mr. Gamino for comment. She was then to return it to the Executive Board for finalization. It will then be presented to the full Board at the December 10, 2015, meeting.

2. Proposed Pain Management Course

Dr. Carter reported his ideas for a Track on Pain Management to be planned by the Board and implemented by the OOA at its annual meeting. The Board and Dr. Carter discussed various sessions which could be held. Dr. Carter will bring a formal outline to the December meeting.

3. Pay for Performance

The Board discussed Pay for Performance. Pursuant to the policy established in September, 2014, the Board directed Ms. Bruce to submit the necessary documentation for the PFP awards. In light of the budget shortfalls for state government that had been mentioned in the newspaper, the Board directed Ms. Bruce to first determine if other state agencies had awarded the PFP during calendar year 2015. The Board directed Ms. Bruce to submit the paperwork to OMES only if other agencies had awarded PFP in 2015.

3. NEW BUSINESS

1. Applicants with CDS prescriptions

Following extended discussion, the Board directed Ms. Bruce to refer this matter to the Case Review Committee for comment and to report their recommendations back to the Board. Ms. Bruce notified that Board the matter could not be considered by the committee until January and a report would be presented to the Board at the March meeting.

2. N. C. Dentistry Case

The Board considered the multitude of handouts on this matter including the Governor's Executive Order, the Attorney General's response, the Guidance from the FTC and the FSMB position. The Board also considered possible approaches to upcoming cases. The Board continues to believe that its Executive Director (an attorney), Prosecutor and General Counsel, all of whom review every complaint before filing, do not file any cases that have anti-trust implications. Out of an abundance of caution, however, the Board, in principle, approves the idea of a 3 Judge Panel to review cases.

3. Legislation for 2016

Dr. Young reported on possible considerations in the 2016 Legislative Session.

4. Legislative Change in PA Rules on Supervision

The Board considered the hand-out prepared by Mr. Kelsey of the Medical Board and delayed consideration of these changes and the impact they would have on the Board's Rules on Supervision until the December meeting.

5. Meeting Dates 2016

Dr. Pettigrew moved to approve the Regular Meeting dates for 2016 as: March 17, June 16, September 15 (in Tulsa) and December 8.
Dr. Ogle 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, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes

The motion passed.

6. Rules promulgated by the Board

Ms. Bruce distributed draft copies of staff proposed rule changes. She announced that Mr. Gamino, the Board's General Counsel had been part of the group looking at each rule for possible change.

Dr. Pettigrew moved to approve the draft rules except for the Rules on Supervision which will be taken up by the Board at the December meeting.
Dr. Ogle 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, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes

The motion passed.

7. Expert witnesses, fees, special findings

The Board considered the current practices regarding expert witnesses and suggested that staff should hire an Expert Witness on a case by case basis as the General Counsel believed warranted it.

8. General Counsel for December

Mr. Gamino had notified Ms. Bruce that he might have a conflict in December. The Board considered the issue and asked Ms. Templeton if she would agree to be the hearing officer if Mr. Gamino's schedule prohibited him from attending. She agreed.

9. Senate Interim Study on Rural Health

The Board was advised that someone should make a presentation at the Senate Hearing on this topic. The Board advised Ms. Bruce to contact OSU-COM about the availability of Dr. Shrum or Dr. Pettit.

4. ADJOURNMENT

Dr. Pettigrew moved to adjourn the meeting.
Dr. Ogle 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, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes.

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