

# OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

## QUARTERLY MEETING MINUTES

March 17, 2011

**DATE OF MEETING** March 17, 2011

**PLACE OF MEETING** O.S.U. Medical Center  
2<sup>nd</sup> Floor Auditorium  
744 W. 9<sup>th</sup>  
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** Michael Allswede, D.O.  
Christopher Back, D.O.  
Andrea Blanchard  
Tony Brown, D.O.  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Glenn M. Charles, D.O.  
Daniel Gamino, J.D., *Board Legal Advisor*  
Ryan Hearne, J.D.  
Michael Hill, J.D.  
Aaron Hurowitz, D.O.  
Terry D. Jones, D.O.  
Bobby C. Kang, D.O.  
Merlin Kilbury, M.D., *OHPP*  
Corinne Kilbury  
R. Troy Lehman, D.O.  
Barbara Matthews, *OHPP*  
Jess McCullough, *Board of Osteopathic Examiners*  
Mary K. Mercer, D.O.  
Richard A. Mildren, J.D., *Board Prosecuting Attorney*  
C. Michael Ogle, D.O.  
Clayton Royder, D.O.  
Mona Royder  
Jack M. Shearer, D.O.  
Hugh D. Tidler, *Board of Osteopathic Examiners*  
Deena Warner  
General Public, Students and Residents

**PRESIDING:** Gordon P. Laird, D.O., *President*

### 1. CALL TO ORDER

Gordon P. Laird, D.O., President, called the meeting to order at 9:00 a.m.

## 2. APPROVAL OF MINUTES

Dr. Laird asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of December 9, 2010. Dr. Laird asked for any additions, corrections or deletions to the minutes.

Dr. Young moved to approve the minutes of the December 9, 2010 Quarterly Board Meeting.  
Dr. Pettigrew seconded the motion.

Dr. Laird 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.

## 3. REPORTS

### A. PRESIDENT'S REPORT

No report.

### B. OOA EXECUTIVE DIRECTOR REPORT

No report.

### C. EXECUTIVE DIRECTOR REPORT

Deborah Bruce presented the Annual Report provided to the OOA to the Board. She also announced that the new offices had been completed and furniture ordered. She asked the Board's assistance in finding appropriate art work for the new areas.

### D. BUDGET

Ms. Bruce submitted the monthly Summary of Income and Expenses to the Board. The Board requested an updated report as some of the disbursements had been omitted. Following receipt of a correct financial summary, Dr. Laird asked if there was further discussion.

Dr. Pickard moved to accept the corrected budget report.  
Dr. Cunningham seconded the motion.

Dr. Laird 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.

## 4. SUNSET REVIEW

Ms. Bruce reported that the Agency had successfully passed the Sunset Review and that the House and Senate had approved the agency through 2014. She thanked Dr. Cunningham and Dr. Pickard for attending the legislative meetings with her.

**5. PROBATION APPEARANCES**

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

**Jack M. Shearer, D.O.**

Dr. Laird called the matter of Jack M. Shearer, D.O. to order. Dr. Shearer appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Shearer's progress while on probation. Ms. Bruce notified the Board that Dr. Shearer had completed all terms and conditions of the Board's Order of Probation of March 18, 2010.

Dr. Young moved to terminate the probation of Jack M. Shearer, D.O. effective this date. Dr. Shearer is to continue his contract with OHPP and fulfill his obligations to them. Dr. Shaw seconded the motion.

Dr. Laird 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.

**R. Troy Lehman, D.O.**

Dr. Laird called the matter of R. Troy Lehman, D.O. to order. Dr. Lehman was present and appeared without counsel. No motion was made. However, Dr. Lehman was notified he should appear at the next meeting of the Board in June, 2011.

**Terry D. Jones, D.O.**

Dr. Laird called the matter of Terry D. Jones, D.O. to order. Dr. Jones was present and appeared without counsel. Dr. Kilbury appeared on behalf of Dr. Jones.

No motion was made.

**Tony Brown, D.O.**

Dr. Laird called the matter of Tony Brown, D.O. to order. Dr. Brown appeared without counsel. Dr. Merlin Kilbury appeared on behalf of Dr. Brown.

No motion was made.

**Clayton Royder, D.O.**

Dr. Laird called the matter of Clayton Royder, D.O. to order. Dr. Royder personally appeared without counsel. He was accompanied by his wife and daughters.

No motion was made.

**PROBATION – NOT APPEARING**

**Janet L. Thornton, D.O.**

Dr. Laird called the matter of Janet L. Thornton, D.O. to order. Dr. Thornton did not appear. She submitted a written request for early termination of her Order of Probation entered on November 16, 2007. That Order was a reciprocal discipline with the State of Colorado. Ms. Bruce reported that Colorado had terminated the probation of Janet L. Thornton, D.O. on January 20, 2011.

Dr. Young moved to terminate the probation of Janet L. Thornton, D.O.  
Ms. Taylor seconded the motion.

Dr. Laird 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. PRECEPTORSHIP APPEARANCES**

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

**Mary Kathryn Mercer, D.O.**

Dr. Laird called the matter of Mary Kathryn Mercer, D.O. to order. Dr. Mercer was present and accompanied by her counsel, Ryan W. Hearne, J.D., and both reported on Dr. Mercer's progress during her Preceptorship.

No motion was made.

**Aaron Hurowitz, D.O.**

Dr. Laird called the matter of Aaron Hurowitz, D.O., to order. Dr. Hurowitz appeared in person without counsel and reported on his progress during the Preceptorship.

No motion was made.

**7. APPLICANTS FOR LICENSURE – APPEARANCES**

**Michael Paul Allswede, D.O.**

Dr. Laird called the matter of Michael P. Allswede, D.O. to order. Dr. Allswede appeared in person without counsel requesting to be licensed by the Board.

Dr. Cunningham moved to approve the licensure of Michael Paul Allswede, D.O. pending completion of his file.  
Dr. Shaw seconded the motion.

Dr. Laird 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.

**Glenn Michael Charles, D.O.**

Dr. Laird called the matter of Glenn Michael Charles, D.O. to order. Dr. Charles appeared in person without counsel requesting to be licensed by the Board.

Dr. Pettigrew moved to approve the licensure of Glenn Michael Charles, D.O. pending completion of his file.  
Dr. Pickard seconded the motion.

Dr. Laird 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.

**Christopher A. Back, D.O.**

Dr. Laird called the matter of Christopher A. Back, D.O. to order. Dr. Back appeared in person without counsel requesting the Board re-issue his license, # 4213. Dr. Back reported that he had not practiced for two years because of personal illness.

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

Dr. Laird 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 come out of Executive Session.  
Ms. Taylor seconded the motion.

Dr. Laird 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 that in consideration of two years out of practice, Christopher A. Back, D.O. should submit to CPEP for evaluation of his clinical skills as well as his mental and physical fitness to safely practice medicine in the State of Oklahoma.  
Ms. Taylor seconded the motion.

Dr. Laird 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.

## 8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed eighteen (18) additional licensure files.

Dr. Pettigrew moved to grant the request of the eighteen (18) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.  
Dr. Cunningham seconded the motion.

Dr. Laird 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 grant the request of **Jack Butler, D.O.** to reissue his license, # 2084 to practice osteopathic medicine in the State of Oklahoma pending completion of his licensure file and to grant the request of **Caroline E. Merritt-Schiermeyer, D.O.** to reissue her license, # 4213 to practice osteopathic medicine in the state of Oklahoma pending completion of her file.  
Dr. Pickard seconded the motion.

Dr. Laird 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. HEARING DOCKET

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

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

Dr. Laird called the matter of Bobby Chu Kang, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Kang appeared in person accompanied by his counsel, W. Michael Hill. Evidence and exhibits were presented.

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

Dr. Laird 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 come out of Executive Session.  
Dr. Young seconded the motion.

Dr. Laird 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 that there was clear and convincing evidence to support the allegation in the complaint of violation of the osteopathic medicine act by Dr. Kang.  
Dr. Pettigrew seconded the motion.

Dr. Laird 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 impose a three (3) year probation on the license of Dr. Kang. The probation is imposed under the terms and conditions that Dr. Kang shall not administer, dispense or prescribe controlled dangerous substances until June 16, 2011 at which time the Board will decide if such restriction shall continue. Dr. Kang shall successfully complete a Course on the Proper Prescribing of Controlled Substances within the next six (6) months. The Course is to be approved in advance by Board Staff. The Board's Investigator is to make frequent unannounced visits to closely monitor Dr. Kang's practice to determine if he is staying within the new procedures he adopted for his patient base and to determine if Dr. Kang's practice is satisfactory. Dr. Kang is to bear the costs of the investigation and prosecution.  
Ms. Taylor seconded the motion.

Dr. Laird 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.

## 10. LICENSURE MATTERS

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

**Christine Calabrese Pitcock, D.O.** to Christine Calabrese Wilson, D.O.

Dr. Pickard moved to grant the request for name change of Christine Calabrese Pitcock, D.O. to Christine Calabrese Wilson, D.O.  
Ms. Taylor seconded the motion.

Dr. Laird 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. Laird asked the Board to consider two requests for waiver of CME requirements for 2012 license renewal from the following:

**Caryn Roelofs, D.O.**  
**Michael B. Scott, D.O.**

Dr. Pickard moved to grant the request to waive 2012 CME requirements for Caryn Roelofs, D.O. and Michael B. Scott, D.O.  
 Dr. Young seconded the motion.

Dr. Laird 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.

## 11. OLD BUSINESS

1. The Board addressed Expedited Licenses and requested staff to submit suggestions on a possible procedure at the next Board meeting.
2. The Committee on Supervision will meet on April 2, 2011
3. The Board approved by consensus the dates for the Fast Track License System to be the 4<sup>th</sup> Thursday of January, April, July and October.
4. Dr. Pickard reported on the Telemedicine Conference he attended in Washington D.C. on March 10, 2011. The symposium was sponsored by the FSMB. Dr. Pickard reported that the major obstacles remaining in telemedicine are tort reform and changing technology.

## 12. NEW BUSINESS

1. There was no Activities report this quarter.
2. Discussion of Temporary Licenses and Resident Licenses was continued to 4/2/11.
3. The Board agreed on a Special Meeting to be held for committee meetings on 4/2/2011.
4. The Board reviewed the OHPP Quarterly Report
5. Discussion of the FSMB Maintenance of Licensure proposal was tabled until June.
6. The Board reviewed the PatientsFirst letter and response.
7. The Board considered license requirements of ACGME.
8. The Board reviewed the FCVS Fast Track system
9. The Board reviewed the FSMB Policy on Physician Impairment that had previously been sent to them by e-mail.
10. The Board reviewed the invitation to attend a meeting of NBOME.
11. The Board considered a Partnership in Professionalism with OSU-COM.

Dr. Pickard moved to Partner with OSU-COM to improve Professionalism and directed Board Staff to assist with establishing the Partners in Professionalism between the two groups.  
 Dr. Shaw seconded the motion.

Dr. Laird 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.

12. The Board reviewed an appellate case from the Missouri Court of Appeals.

**13. ADJOURNMENT**

Dr. Pettigrew moved to adjourn the March 17, 2011 Quarterly Board Meeting.  
Dr. Cunningham seconded the motion.

Dr. Laird 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, yes.

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