

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

QUARTERLY MEETING MINUTES

MARCH 20, 2008

DATE OF MEETING March 20, 2008

PLACE OF MEETING Oklahoma State Board of Osteopathic Examiners Office (OSBOE)
4848 North Lincoln Boulevard, Suite 100
Oklahoma City, Oklahoma 73105

MEMBERS PRESENT Paul F. Benien, Jr., D.O.
Gordon P. Laird, D.O.
Carl B. Pettigrew, D.O.
James P. Riemer, D.O.
B. Frank Shaw, Jr., D.O.
Catherine C. Taylor, J.D.
Cheryl A. Vaught, J.D.

MEMBERS ABSENT Thomas R. Pickard, D.O.

ALSO PRESENT Alan Adams, *Stillwell Hospital*
Lanny Anderson, M.D., *Health Professionals Program*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Robert Paul Chandler, D.O.
Pamela J. Cook, *Board of Osteopathic Examiners*
Gary Raymond Denny, D.O.
Melton Edminsten, *Bureau of Narcotics*
Susan Fennimore, *Court Reporter*
Daniel J. Gamino, *Board Legal Consultant*
Merlin J. Kilbury, M.D., *Health Professionals Program*
Corrine Kilbury, *Health Professionals Program*
Jess McCullough, *Board of Osteopathic Examiners*
Richard A. Mildren, *Board Prosecuting Attorney*
Patrice E. Mooney, D.O.
Howard J. Perkins, *Attorney*
Barbara Shepherd, *Board of Osteopathic Examiners*
Mona Spivey, *Oklahoma Osteopathic Association*
Walter Stevens Strode, D.O.
Mary Survec, *Drug Enforcement Administration*
Hugh D. Tidler, *Board of Osteopathic Examiners*
Jay Walter, *Attorney*
E. Robin Western, D.O.
Joe Witten, D.O.
General Public

PRESIDING Cheryl A. Vaught, *President*

1. CALL TO ORDER

Cheryl Vaught, President, called the meeting to order at 9:00 a.m.
(Daniel Gamino, Legal Counsel, swore in all respondents and witnesses.)

2. APPROVAL OF MINUTES

Ms. Vaught asked the members of the Board to review the minutes from the quarterly board meeting of December 20, 2007. Ms. Vaught asked for any additions, corrections or deletions to the minutes.

Dr. Benien moved to approve the minutes of the December 20, 2007 quarterly board meeting.
Dr. Shaw seconded the motion.

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

The roll call/votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Pickard, absent; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

3. REPORTS

A. PRESIDENT'S REPORT

Ms. Vaught discussed her activities with the FSMB meeting in Miami. She reported the main agenda item revolved around licensure and competency issues and their recommendation to state boards especially for non-specialists who are not having regular testing updates. She asked the board to provide comment when the next round of proposed language on the Maintenance of Licensure Policy comes before the state boards.

Ms. Vaught announced the formation of a nominating committee to address the board's needs and issues. She asked Dr. Riemer to serve as chair and Dr. Benien and Dr. Pickard to serve as committee members.

B. OOA EXECUTIVE DIRECTOR REPORT

Lynette McClain was not present and will report at the next board meeting.

C. PRECEPTORSHIP REPORT – EXECUTIVE DIRECTOR

Ms. Bruce presented the draft of a clinical and didactic preceptorship plan including preliminary work provided by Drs. Benien, Pickard and Smith. She reported Mr. Mildren had reviewed the plan but asked the board to order the duration of the plan specific to each physician. Ms. Bruce recommended the board approve the plan for implementation and tailor for the individual use of each doctor.

Dr. Laird moved to approve preceptorship plan pursuant to Mr. Gamino's approval.
Ms. Taylor seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

D. BUDGET

Deborah Bruce, Executive Director, presented financial information for review.

4. APPLICANTS FOR LICENSURE

The Board reviewed eleven (11) new licensure application files and three (3) applications for re-issue.

Dr. Riemer moved to approve the eleven (11) new licensure applicants pending successful completion of their application files.
 Dr. Pettigrew seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

Dr. Benien moved to approve the three (3) licensure applications be re-issued.
 Dr. Laird seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

5. PROBATION APPEARANCES**R. Paul Chandler, D.O.**

Ms. Vaught called the individual hearing of R. Paul Chandler, D.O. to order and discussion followed.

Dr. Chandler was present and accompanied by his attorney Jay Walters of Walters Law Firm who requested a formal entry of appearance; both testified. Dr. Chandler was directed to appear at the next scheduled Board Meeting on June 19, 2008.

No motion was made.

Robin Western, D.O.

Ms. Vaught called the individual hearing of Robin Western, D.O. to order and discussion followed.

Dr. Western was present and accompanied by his advocate, Merlin Kilbury, M.D. and Alan Adams, CEO of Stillwell Memorial Hospital. All three testified.

Dr. Shaw moved to extend Dr. Western's five (5) year probation to a five (5) year probation period beginning March 20, 2008 with costs assessed. Dr. Western will sign a new five (5) year contract with the OHPP including regular, random drug screening. For the first three (3) months, Dr. Western is to submit to two (2) urine analysis drug screens per week, observed and thereafter when requested by OHPP. For the first three (3) months, Dr. Western shall make daily contact with at least one osteopathic physician participating in the OHPP program and document said contact with the OHPP. Dr. Western is not to have any Controlled Dangerous Substances (CDS) in his work place, and shall arrange with any employer to make CDS unavailable to him by internal controls. Dr. Western is to immediately submit to and successfully pass a hair follicle drug screen test. For the first three months, Dr. Western is to attend five (5) AA/NA meetings per week and present signature sheets as proof of attendance. Dr. Western shall also attend one (1) Caduceus meeting per week with

an OHPP doctor. Dr. Western is to return to the Board for a probation appearance on June 19, 2008.
Ms. Taylor seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

Joe Witten, D.O.

Ms. Vaught called the individual hearing of Joe Witten, D.O. to order and discussion followed.

Dr. Witten was present and accompanied by his advocate, Lanny Anderson, M.D.; both testified.

No motion was made.

6. HEARING DOCKET - Individual Proceedings / Disciplinary Actions

Mark G. Kantzler, D.O.

Ms. Vaught called the individual hearing of Mark G. Kantzler, D.O. to order and discussion followed.

Dr. Kantzler was not present.

Dr. Benien moved for approval to issue a Complaint and to schedule a hearing for Mark G. Kantzler, D.O. for June 19, 2008.
Dr. Laird seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

John E. Fell, D.O.

Ms. Vaught called the individual hearing of John E. Fell, D.O. to order and discussion followed.

Dr. Fell was not present.

Dr. Shaw moved for dismissal of the Complaint and in lieu of to issue a Letter of Concern (LOC) to be drafted by Mr. Mildren.
Ms. Taylor seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

Walter Stevens Strode, D.O.

Ms. Vaught called the individual hearing of Walter Stevens Strode, D.O. to order and discussion followed.

Dr. Strode was present and testified. The terms of a Preceptor Plan were discussed and Dr. Strode orally agreed to participate in the Plan.

No motion was made.

Patrice E. Mooney, D.O.

Ms. Vaught called the individual hearing of Patrice E. Mooney, D.O. to order and discussion followed.

Dr. Mooney was present and accompanied by her attorney, Howard Perkins of Perkins & Associates; both testified.

Dr. Shaw moved to order Dr. Mooney to complete the Preceptor Plan submitted by Board Staff.
 Dr. Riemer seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed

Janet Louise Thornton, D.O.

Ms. Vaught called the individual hearing of Janet Louise Thornton, D.O. to order and discussion followed.

Dr. Thornton was not present. Mr. Mildren presented an Agreed Order based on reciprocal disciplinary action taken by the State of Colorado. Because certain technical problems existed in the Agreed Order, the Board suggested certain amendments. The Agreed Order was withdrawn.

Dr. Laird moved to approve and adopt the reciprocal discipline of Dr. Thornton as ordered by the Colorado State Board of Medical Examiners. Dr. Thornton's license to practice osteopathic medicine in the state of Oklahoma is placed on Probation for five (5) years. Dr. Thornton is to immediately notify the Board if she resumes practice in Oklahoma and she is to provide the Board with copies of all reports filed with the Colorado Board. Dr. Thornton is to pay the costs of the proceeding and comply with all terms and conditions of this Order as issued and executed.
 Dr. Shaw seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed

Patricia A. Allen, D.O.

Ms. Vaught called the individual hearing of Patricia A. Allen, D.O. to order and discussion followed.

Dr. Allen was not present. Mr. Mildren presented an Agreed Order based on reciprocal disciplinary action taken by the State of Iowa.

Dr. Pettigrew moved to approve the Agreed Order.
 Dr. Riemer seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed

Robert L. Goodman, D.O.

Ms. Vaught called the individual hearing of Robert L. Goodman, D.O. to order and discussion followed.

Dr. Goodman was not present.

Dr. Laird moved to continue the hearing to June 19, 2008 and directed Board Staff to have Dr. Goodman personally served with notice to appear at that hearing.
 Dr. Shaw seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed

Susan S. Staudt, D.O.

Ms. Vaught called the individual hearing of Susan S. Staudt, D.O. to order and discussion followed.

Dr. Staudt was not present. Mr. Mildren explained Dr. Staudt’s attorney, Robert Sartin, had requested a continuance for his client.

Dr. Shaw moved to accept the continuance.
 Dr. Benien seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

7. OLD BUSINESS

7.1. Announcement of Rule Making Process by Mr. Gamino

7.2. Letter-of-Concern Opinion written by Mr. Gamino was adopted as policy.

7.3. Common Licensing Form (CLAF) was approved.

7.4. Collection Contract – Ken Felker, Esq.

Ms. Bruce presented invoices from the Law Firm Ken Felker & Associates. She explained the previous Director had contracted the agency to collect several delinquent accounts owed to the Board because of related costs to disciplined licensees. Though the contract had expired at the end of the prior fiscal year, the firm had continued to process service on a few accounts past the expiration date and had so invoiced the Board for these charges. Discussion ensued. Dr. Riemer and Dr. Laird agreed to serve on a Committee to review the status of delinquent accounts.

Dr. Shaw moved to pay the outstanding invoices.
 Dr. Benien seconded the motion.
 The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

Dr. Benien moved not to renew the collection contract.

Dr. Shaw seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

Dr. Riemer moved to issue a LOC, to those doctors currently licensed in Oklahoma, as the initial contact of violation of our Board Order by failing to pay ordered costs. In relation to those doctors not currently licensed in Oklahoma but licensed in another state, a motion is made to notify the other state of violation of Oklahoma's Board Order.
Dr. Shaw seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

All motions passed.

8. NEW BUSINESS

8.1. January 30th Meeting – Pharmacy Board & Medical Board meeting reported by Mr. Gamino.
Dr. Benien and Dr. Pettigrew agreed to attend future meetings of this group.

8.2. Approval Request – Proper Prescribing Credit

8.2.a. Randall Raine – JAMA course

Dr. Riemer moved not to accept the JAMA course for Proper Prescribing credit.
Ms. Taylor seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

8.2.b. College of Osteopathic Medicine (May 17, 2008 program)

8.2.c. College of Osteopathic Medicine (June 7, 2008 program)

8.2.d. Osteopathic Founders Foundation

Dr. Pettigrew moved to grant a one-time approval for the four (4) June 2008 educational sessions presented by the Osteopathic Founders Foundation for Proper Prescribing credit, with a letter advising the Foundation that new standards would be adopted before 2009.
Ms. Laird seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

8.3. DEA/OBN Update was presented by OBND Deputy Director Melton Edminsten. Mr. Edminsten was asked to look at the Opioid Prescribing Book and appear before the Board again this year with his opinion of the publication.

8.4. Article – Laser Hair Removal was submitted and discussed. No vote was taken.

8.5. Specialty Codes

Dr. Benien moved to adopt the list of Specialty Codes.
Ms. Taylor seconded the motion.

The votes were: Dr. Benien, yes; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.
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- 8.6. Web Site – A demonstration of the osboe.ok.gov website was presented and the Board approved the initial submission.
 - 8.7. An OHPP Request was reported by the Executive Director. OHPP intends to seek sources for permanent funding from the next legislative session.
 - 8.8. Annual report to OOA – A copy was provided.
 - 8.9. Appointment - Catastrophic Health Emergency Task Force. Dr. Shaw was appointed to this committee by President Vaught.
 - 8.10. Opinion Request – American Board of Hair Restoration Surgery, Inc.
The Board directed the Executive Director to respond to this request that the Board has not considered this topic and would not issue an opinion at this time.
 - 8.11. AOA-CCME Request Form was submitted to the Board for their files.
 - 8.12. OOA Annual Convention
 - 8.12.a. Exhibitor – The Board preferred to accept this offer in 2009.
 - 8.12.b. Executive Director Presentation, 8:00 a.m., Sunday, April 27, 2008 was announced.
 - 8.13. Board & Staff Activities & Honors were distributed.
9. **OFFICE UPDATE** – Announcements were made by the Executive Director about each item.
- 9.1. Mailings – Notebooks – Statutes/Rules – The process used this time would continue if the Board approved. There was consensus approval.
 - 9.2. Furniture and Equipment purchased was approved by general consensus.
 - 9.3. PMPs – including Executive Director – would be prepared and distributed by the September Board meeting.
 - 9.4. State Purchasing processes are being utilized.
 - 9.5. Audit – State Auditor and Inspector – is scheduled for June 2008.
 - 9.6. OK.gov – this site is fully operational and is particularly cost effective.
 - 9.6.a. e-mail – all staff is now using ok.gov addresses.
 - 9.6.b. online license renewal is expected for 2009.
 - 9.7. Case Review Process was presented to the Board and there was consensus approval.
 - 9.8. Open Records Research Fee

Ms. Bruce discussed the “open records requests” process and the need to use the research fee to cover the handling and employee time spent.

Ms. Taylor moved to set a \$10 set fee to handle and process open records requests.
Dr. Benien seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, absent; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

10. **LEGISLATIVE UPDATE** – The Executive Director reported that all bills directly affecting our agency were effectively dead for this session.

11. EXECUTIVE SESSION

Dr. Shaw moved to go into executive session.
Ms. Taylor seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, absent; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

The Board went into Executive Session.

Ms. Taylor moved to come out of executive session.
Dr. Shaw seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, absent; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.

The Board came out of Executive Session.

12. ADJOURNMENT

Ms. Taylor moved to adjourn the March 20, 2008 Quarterly Board Meeting.
Dr. Riemer seconded the motion.
The votes were: Dr. Benien, yes; Dr. Laird, absent; Dr. Pettigrew, yes; Dr. Riemer, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes.

The motion passed.