

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

QUARTERLY MEETING MINUTES

June 16, 2011

DATE OF MEETING June 16, 2011

PLACE OF MEETING Oklahoma Osteopathic Board offices
4848 N. Lincoln, Suite 100
Oklahoma City, OK 73105

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 Andrea Blanchard
Sherry Boyce, J.D.
J. Breedlove
Michael C. Breedlove, D.O.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Francis Cain, *FSMB*
Paul Cheng
W. Edward Clymer, D.O.
Larry L. Ellis, Jr., D.O.
Mary Ellis
Susan Fenimore, *DNR Reporting*
Daniel Gamino, J.D., *Board Legal Advisor*
Ryan Hearne, J.D.
Michael Hill, J.D.
Aaron Hurowitz, D.O.
Gordon Scott Jones, D.O.
Bobby C. Kang, D.O.
Merlin Kilbury, M.D., *OHPP*
Corinne Kilbury
Sandra Laveine, J.D.
Angie Lehman
R. Troy Lehman, D.O.
Mary K. Mercer, D.O.
Jules Merenda, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Amelia Rizzo, *OHCA*
Clayton Royder, D.O.
Mona Royder
Beverly Rupert, *OHCA*
Barbara Shepherd, *Board of Osteopathic Examiners*
Hugh D. Tidler, *Board of Osteopathic Examiners*
Rodney Turner, *Board of Osteopathic Examiners*
Robin Western, D.O.

Tara Western
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

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 March 17, 2011. Dr. Laird asked for any additions, corrections or deletions to the minutes.

Dr. Cunningham moved to approve the minutes of the March 17, 2011 Quarterly Board Meeting. Dr. Shaw 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.

Dr. Laird asked the members of the Board if they had reviewed the minutes from the Special Board Meeting of April 2, 2011. Dr. Laird asked for any additions, corrections or deletions to the minutes.

Dr. Cunningham moved to approve the minutes of the April 2, 2011 Special Board Meeting. Ms. Taylor 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. EXECUTIVE DIRECTOR REPORT

Deborah Bruce introduced Richard Zimmer, new special investigator for the Board. Mr. Zimmer was previously employed by the OSBI and the OK Insurance Dept. Ms. Bruce also reported on a number of telephonic threats the agency had received and the steps that had been taken to tighten security for the agency. She also directed the Board's attention to a recent edition of the FSMB

newsletter that featured Dr. Pickard. Finally, Ms. Bruce reported that 1402 physicians had completed renewal and that 1204 of those had been completely processed.

C. BUDGET

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

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

Dr. Laird 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.)

Jules L. Merenda, D.O.

Dr. Laird called the matter of Jules L. Merenda, D.O. to order. Dr. Merenda appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Merenda's progress while on probation.

No motion was made.

Robin Western, D.O.

Dr. Laird called the matter of Robin Western, D.O. to order. Dr. Western appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Western's progress while on probation.

No motion was made.

Gordon Scott Jones, D.O.

Dr. Laird called the matter of Gordon Scott Jones, D.O. to order. Dr. Jones appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Jones' progress while on probation. Dr. Jones agreed to continue to follow the OHPP contract through December, 2011 and to appear at the next regular meeting of the Board in September, 2011.

No motion was made.

Michael C. Breedlove, D.O.

Dr. Laird called the matter of Michael C. Breedlove, D.O. to order. Dr. Breedlove appeared in person without counsel. Dr. Breedlove requested the Board terminate his probation and Ms. Bruce reported that Board Staff supported this request.

Dr. Young moved to terminate the probation of Michael C Breedlove, D.O.

Ms. Taylor seconded the motion.

Dr. Laird 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.

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. He was accompanied by his wife. No motion was made. However, Dr. Lehman was notified he should appear at the next meeting of the Board in September, 2011.

W. Edward Clymer, D.O.

Dr. Laird recused himself from presiding over or participating in this matter and left the room. Vice-President Catherine Taylor, J.D. called the matter of W. Edward Clymer, D.O. to order. Dr. Clymer was present and appeared with counsel, Sherry Boyce. Dr. Kilbury also appeared on behalf of Dr. Clymer. Ms. Boyce reported that Dr. Clymer was put on a three-year term of probation which expired in March of 2010 and reminded the Board they had delayed termination of the probation until the criminal case in Pawnee, Oklahoma was resolved. Ms. Boyce reported the case had been dismissed, Dr. Clymer had settled and paid the remaining costs on this case and requested termination of the probation. Neither Dr. Kilbury nor Board Staff objected to the termination.

Dr. Pickard moved to terminate the probation of W. Edward Clymer, D.O.
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, recused; Dr. Pettigrew, abstain; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

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. He reported on his progress while on probation.

No motion was made.

Bobby Chu Kang, D.O.

Dr. Laird 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. Dr. Laird 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.

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. Shaw moved to come out of Executive Session.
Dr. Pickard seconded the motion.

Dr. Laird called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, out of room; 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 that Dr. Kang continue with probation under the present terms and conditions of his Order of Probation and to appear for the September, 2011 regular Board meeting.
Ms. Taylor seconded the motion.

Dr. Laird called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, out of room; 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. 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. The Board expressed concern about Dr. Hurowitz's failure to complete the CPEP Educational Plan and advised Dr. Hurowitz he needed to make more progress on it.

No motion was made.

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

Larry L. Ellis, Jr., D.O.

Dr. Laird called the matter of Larry L. Ellis, Jr., D.O., to order. Dr. Pickard recused himself and left the room. Dr. Ellis appeared in person without counsel. Dr. Ellis was accompanied by his wife. Dr. Laird recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren reported that all terms and conditions of the Interim Order issued to Dr. Ellis had been met.

Dr. Shaw moved to vacate the Interim Order issued to Dr. Larry L. Ellis, Jr.
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, recused; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

7. APPLICANTS FOR LICENSURE – APPEARANCES

Henry Earle Tomlinson, D.O. (request to reissue license # 1742)

Dr. Laird called the matter of Henry Earle Tomlinson, D.O. to order. Ms. Bruce advised the Board that Dr. Tomlinson had formally withdrawn his application to reissue his license.

8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed seventy-seven (77) licensure files.

Dr. Pickard moved to grant the request of the seventy-seven (77) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.
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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved to grant the request of **Lane Mark Lee, D.O.** to reissue his license, # 2880 to practice osteopathic medicine in the State of Oklahoma, pending completion of his licensure 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.

It was announced to the Board that twenty-six (26) applicants had been approved for licensure, pending completion of their files on May, 26, 2011, utilizing the Fast Track Licensing Process.

9. LICENSURE MATTERS

Request for name change

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

Shannon Boughner, D.O. to Shannon Nicole Modlin, D.O.

Johnna Knust, D.O. to Johnna Jones, D.O.

Deborah J. Mattox, D.O. to Deborah J. DeJarnett, D.O.

Keely Wheeler-Harrington, D.O. to Keely Wheeler, D.O.

H. Kim Truong, D.O. to Parker Kim Truong, D.O.

Dr. Pickard moved to grant the request for name change of Shannon Boughner, D.O. to Shannon Nicole Modlin, D.O.; Johnna Knust, D.O. to Johnna Jones, D.O.; Deborah J. Mattox, D.O. to Deborah J. DeJarnett, D.O.; Keely Wheeler-Harrington, D.O. to Keely Wheeler, D.O. and H. Kim Truong, D.O. to Parker Kim Truong, D.O.
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.

10. 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, recommended adoption of the guidelines that had been furnished to the Board for review.

Dr. Pickard moved to approve the submitted Guidelines for Telemedicine.
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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

C. Committee on Supervision

The committee chair, Dr. Young, recommended submitting the Draft Guidelines on Supervision to the OOA Board of Trustees for comment. The comments would then be returned for the Board to review at the September, 2011 meeting.

Dr. Pickard moved to approve the Draft Guidelines on Supervision and submit them to the OOA Trustees for comment and subsequent re-consideration by the Board.

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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

11. OLD BUSINESS

1. Expedited Licenses and

2. Temporary Licenses were tabled until the September 2011 meeting of the Board. In the interim, the staff is instructed to get copies of the M.D. rules on these types of licenses for distribution to the Board at the next meeting.

3. Ms. Bruce distributed a report from the National Practitioners Data Bank indicating resolution of differences in data between the Board and NPDB.

12. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for January through June, 2011.

2. The Board heard a presentation from Francis Cain, FSMB, on the pilot project on maintenance of licensure. The Board expressed concern about any system that would increase the number of CME hours and costs already required of physicians.

Dr. Pickard moved to approve the Executive Director to participate in the FSMB pilot project on maintenance of licensure so that the Board could stay apprised of developments in that area.
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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

3. The Board considered the request to appoint a physician to the Respiratory Care Advisory Committee since Dr. Pettigrew's term expires in November, 2011.

Dr. Shaw moved to re-appoint Dr. Pettigrew to another term on the Respiratory Care Advisory Committee.
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.

4. The Board reviewed the report on Public Health Clinics from the Board of Nursing.

5. The issue of Emergency Medical Licenses was addressed and the Board asked Ms. Bruce to approach the Governor's office to determine if there is support for temporary licenses in Oklahoma.

6. The Board considered changing the date for the September, 2011 regular meeting.

Dr. Young moved to reschedule the September Board meeting to September 22, 2011.
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.

13. ELECTION OF OFFICERS

Dr. Laird called for nominations for officers.

Dr. Pickard moved to elect the following slate:
Catherine C. Taylor, J.D., President
B. Frank Shaw Jr., D.O., Vice-President
Carl B. Pettigrew, D.O., Secretary-Treasurer
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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

14. ADJOURNMENT

Dr. Pettigrew moved to adjourn the June 16, 2011 Quarterly Board Meeting.
Dr. Young 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, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed and the meeting was adjourned at 5:45 p.m.