

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

December 8, 2011

DATE OF MEETING December 8, 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.
Cheryl A. Vaught, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT None

ALSO PRESENT Lanny Anderson, M.D., *OHPP*
Angie Batten
Christopher Blaisdell, D.O.
Andrea Blanchard
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Larry Carter, *OBND*
Nancy Chase, *OHPP*
Bryan Danker, J.D.
Mitsi Faubion, D.O.
Shelly Faubion, D.O.
Susan Fenimore, *DNR Reporting*
Daniel Gamino, J.D., *Board Legal Advisor*
Ryan Hearne, J.D.
Michael Hill, J.D.
Gordon Scott Jones, D.O.
Bobby C. Kang, D.O.
Merlin Kilbury, M.D., *OHPP*
Corinne Kilbury
John Kushir
Mary K. Mercer, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Dustin Phillips, J.D.
Clayton Royder, D.O.
Mona Royder
Barbara Shepherd, *Board of Osteopathic Examiners*
Mary Surovec, *DEA*
Hugh D. Tidler, *Board of Osteopathic Examiners*
Rodney Turner, *Board of Osteopathic Examiners*
Robert Westcott, M.D., *OHPP*
Robin Western, D.O.
Michael Whinery, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

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 September 22, 2011 and asked for any additions, corrections or deletions to the minutes.

Dr. Pickard moved to approve the minutes of the September 22, 2011 Quarterly Board Meeting.
Dr. Shaw 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, abs; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. PRESIDENT'S REPORT

No report.

B. EXECUTIVE DIRECTOR REPORT

Deborah Bruce reported that the national Administrators in Medicine had held the Western and Central Regional Meetings in Oklahoma City on October 16-18, 2011. She thanked Dr. Young for doing a welcome on day 2 and thanked the Board for their financial support of the event.

C. BUDGET

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

Dr. Laird moved to accept the budget report.
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, abs; Dr. Laird, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

4. PROBATION APPEARANCES

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

Gordon Scott Jones, D.O.

Ms. Taylor called the matter of Gordon Scott Jones, D.O. to order. Dr. Jones appeared in person without counsel and introduced his son to the Board. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Jones' progress while on his five year probation. Board Staff reported that Dr. Jones had met all terms and conditions of his Order of Probation.

Dr. Pickard moved to terminate the probation of Gordon S. Jones, D.O. effective immediately.
Ms. Vaught seconded the motion.

Ms. Taylor called for the votes on the motion and a roll call.

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

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.

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

The motion passed.

Dr. Shaw moved to come out of Executive Session.
Dr. Pettigrew 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, yes; Dr. Young, yes.

The motion passed.

Ms. Vaught moved to deny the request of Dr. Kang to modify terms of his probation and to require Dr. Kang to check the PMP on all patients before administering, dispensing or prescribing any medication including tramadol or nubain. Dr. Kang is to provide monthly reports to the Board Staff of all prescribing or dispensing of tramadol, nubain, or toradol or other pain medications or analgesics including non-controlled medications. All other terms and conditions of his Order of Probation remain in full force and effect.
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, yes; Dr. Young, yes.

The motion passed.

Robin Western, D.O.

Ms. Taylor called the matter of Robin Western, D.O. to order. Dr. Western appeared in person with his counsel, Bryan Danker, J.D. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Western's progress while on probation. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren asked the Board to review an Agreed Amended Order between Dr. Western and the Board which requires regular monthly reports from Dr. Western to Board Staff on his practice location, any new location, and specific details of his practice.

Ms. Vaught moved to approve the 2011 Amended Agreed Order which requires Dr. Western to make regular reports to Board Staff.
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, yes; Dr. Young, yes.

The motion passed.

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. Board Staff advised the Board that Dr. Michael Ogle had agreed to be the Mentor for Dr. Royder. There was discussion of the differences between the requirements of CPEP and the requirements of the Board for Dr. Royder's probation.

Dr. Shaw moved to amend Dr. Royder's probation by removing the requirement to complete the CPEP educational plan. The Board will complete the oversight of the remainder of Dr. Royder's probation.
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, yes; Dr. Young, yes.

The motion passed.

Christopher S. Blaisdell, D.O.

Ms. Taylor called the matter of Christopher S. Blaisdell, D.O. to order. Dr. Western appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Blaisdell's progress while on probation. 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 appeared and reported on Dr. Whinery's progress while in their program. The Board also reviewed Dr. Whinery's compliance with the Agreed Order.

No motions were made.

Douglas Moreland, D.O.

Ms. Taylor called the matter of Douglas Moreland, D.O. to order. Dr. Moreland did not appear. Board Staff reported that Dr. Moreland was put on reciprocal discipline with the state of Florida Board of Osteopathic Medicine. The Board was notified that the Florida Board had lifted all conditions on the license of Douglas Moreland, D.O. Board Staff reported that Dr. Moreland had met all terms and conditions of their Order of Probation.

Dr. Pickard moved to terminate the probation of Douglas Moreland, D.O. effective immediately. Dr. Young 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, yes; Dr. Young, yes.

The motion passed.

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

Mary Kathryn Mercer, D.O.

Ms. Taylor 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. Board Staff reported that Dr. Mercer had met all conditions of her two year Preceptorship.

Ms. Vaught moved to terminate the Preceptorship of Mary Kathryn Mercer, D.O. effective immediately. 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, yes; Dr. Young, yes.

The motion passed.

Aaron Hurowitz, D.O.

Ms. Taylor called the matter of Aaron Hurowitz, D.O., to order. Board Staff reported that Dr. Hurowitz had been ill and returned to his home state of Georgia. It was reported that Dr. Hurowitz had died of complications following surgery. The Board asked Staff to notify the family of Dr. Hurowitz and express their sympathy.

Dr. Shaw moved to terminate the Order of Surrender of License of Aaron Hurowitz effective immediately.
Dr. Pickard 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, yes; Dr. Young, yes.

The motion passed.

6. 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 continuance of this hearing.

Dr. Laird moved to grant the request for continuance on the condition that Dr. Horst not practice osteopathic medicine in the state of Oklahoma until he appears before the Board for a hearing.
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, yes; 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 was not present. Dr. Lanny Anderson of OHPP appeared on behalf of Dr. Veal. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren asked the Board to approve the Emergency Complaint, Citation, and Notice of Hearing and issue an Emergency Order.

Dr. Cunningham moved to approve the Emergency Complaint, Citation, and Notice of Hearing and to order an immediate Order of Suspension of Dr. Veal's license pending a hearing on the matter.
Ms. Vaught 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, yes; Dr. Young, yes.

The motion passed.

Mitsi Faubion, D.O.

Ms. Taylor called the matter of Mitsi Faubion, D.O. to order. Dr. Faubion was present and represented by counsel, Dustin Phillips, J.D. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Testimony and exhibits were presented by both parties.

Dr. Pickard moved to find by clear and convincing evidence that all allegations in the Emergency Complaint against Dr. Faubion are true.
Dr. Young 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, yes; Dr. Young, yes.

The motion passed.

Ms. Vaught moved to suspend the license of Dr. Faubion for one year reserving the right to extend the suspension as appropriate. Dr. Faubion is ordered to pay all costs associated with the investigation and prosecution and is ordered to continue compliance with OHPP under the direction of Dr. Kilbury. Dr. Faubion is also required to continue with counseling and arrange for quarterly reports to the Board. Dr. Faubion is also ordered to meet with the Board as requested.
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, yes; Dr. Young, yes.

The motion passed.

7. APPLICANTS FOR LICENSURE – APPEARANCES

There were no appearances.

8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed nine (9) licensure files.

Dr. Cunningham moved to grant the request of the nine (9) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.
Ms. Vaught 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, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to grant the request of **James Walton Wendorff, D.O.** to reissue his license, # 2285 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, yes; 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

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

Ashley Nicole Hafner, D.O. to Ashley Nicole Ford, D.O.

Dr. Pettigrew moved to grant the request for name change of Ashley Nicole Hafner, D.O. to Ashley Nicole Ford, D.O.
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, yes; 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 tabling these guidelines for reconsideration.

C. Committee on Supervision

The committee chair, Dr. Young, recommended tabling consideration of these Guidelines pending receipt of further comments on this matter.

11. OLD BUSINESS

1. Expedited Licenses and
2. Temporary Licenses were tabled until the March 2012 meeting of the Board.
3. Ms. Bruce reported that our participation in the Maintenance of Licensure Pilot Program continues.

12. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for September through December, 2011.
2. The Board approved by consensus to co-sponsor the Pain Management Seminar with the Board of Medical Licensure as well as the OOA and OSMA.
3. Ms. Bruce polled the Board to see if any Board Member's schedule would permit participation in the upcoming AAOE meeting. No Board Member was available.
4. Ms. Bruce advised the Board that it was time to appoint a physician to the Respiratory Care Advisory Committee.

Ms. Vaught moved to appoint Jason Sparks, D.O. to the Respiratory Care Advisory Committee for 2012.
Dr. Pettigrew 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, yes; Dr. Young, yes.

The motion passed.

5. The Board was advised of pending legislation of interest to osteopathic physicians.
6. The Board considered an invitation to hold the March Board meeting on March 8, 2012 at OSU-COM. The Board also considered the meeting dates for the remainder of 2012.

Dr. Young moved to hold quarterly Board Meetings in 2012 on March 8, June 21, September 20 AND December 13. All meetings would be held at the Board Offices in Oklahoma City except for the March 8th meeting which would be held at OSU_COM.
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, yes; Dr. Young, yes.

The motion passed.

14. ADJOURNMENT

Dr. Young moved to adjourn the September 22, 2011 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, yes; Dr. Young, yes.

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