

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

**March 21, 2013**

**DATE OF MEETING** March 21, 2013

**PLACE OF MEETING** Oklahoma Board of Osteopathic Examiners  
4848 N. Lincoln  
Oklahoma City, OK

**MEMBERS PRESENT** Jay D. Cunningham, D.O.  
Gordon P. Laird, D.O.  
C. Michael Ogle, D.O.  
Carl B. Pettigrew, D.O.  
Thomas R. Pickard, D.O.  
Catherine C. Taylor, J.D.  
LeRoy E. Young, D.O.

**MEMBERS ABSENT** Cheryl A. Vaught, J.D.

**ALSO PRESENT** Christi Aquino, *Board of Osteopathic Examiners*  
Christopher Blaisdell, D.O.  
Andrea Blanchard  
Sherry Boyce, J.D.  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Nancy Chase, *OHPP*  
Kelsey Clymer  
William E. Clymer, D.O.  
Sgt. Jared Cox, *Oklahoma City Police Dept.*  
Larry Derryberry, J.D.  
Mitsi Faubion, D.O.  
Susan Fennimore, *DNR Reporting*  
Eric Flegel, D.O.  
Jill Floyd  
Kim Floyd, D.O.  
Brandon Gambill, *Board of Osteopathic Examiners*  
Daniel Gamino, J.D., *Board Legal Advisor*  
W. Michael Hill, J.D.  
Trenton Horst, D.O.  
George M. Jennings, D.O.  
Bobby C. Kang, D.O.  
Corinne Kilbury  
Merlin Kilbury, M.D., *OHPP*  
Joshua Livingston, D.O.  
Lynette McLain, *Oklahoma Osteopathic Association*  
Richard A. Mildren, J.D., *Board Prosecuting Attorney*  
John Musilla, D.O.  
Tara Perkinson  
Clayton Royder, D.O.  
Mona Royder  
Tiffany Sturgeon  
Rodney Turner, *Board of Osteopathic Examiners*  
Jerry Valentine, *Board of Osteopathic Examiners*  
Monte Veal, D.O.  
Robert Westcott, M.D., *OHPP*  
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 December 13, 2012 and asked for any additions, corrections or deletions to the minutes.

Dr. Cunningham moved to approve the minutes of the December 13, 2012 Quarterly Board Meeting as amended.  
Dr. Pettigrew 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, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

**3. REPORTS**

**A. EXECUTIVE DIRECTOR REPORT**

On behalf of the board, Deborah Bruce thanked Dr. Young for again providing donuts for the meeting. Ms. Bruce also announced there would be a retirement dinner for Dr. Pickard on June 19 and that the Governor's office had notified her that the new Board Member appointed to replace Dr. Pickard is Dr. Dennis Carter of Poteau.

**B. BUDGET**

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

Dr. Pickard 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, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, 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.)

**Clayton Royder, D.O.**

Ms. Taylor called the matter of Clayton Royder, D.O. to order. Dr. Royder personally appeared accompanied by his attorney, Larry Derryberry and his wife, Mona Royder. Dr. Royder and Mr. Derryberry reported on Dr. Royder's success during his probation and requested his probation be terminated.

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Dr. Pettigrew moved to go into executive session.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed. All staff and visitors left the room.

Dr. Pettigrew moved come out of executive session.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Ogle moved for good cause shown to terminate the probation of Clayton Royder, D.O. The Board encouraged Dr. Royder to refrain from supervision of any mid-level practitioners.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

#### **John Musilla, D.O.**

Ms. Taylor called the matter of John Musilla, D.O. to order. Dr. Musilla appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Musilla and reported on his progress while on probation. No motion was made. However, Dr. Musilla was instructed to work out a payment plan for recovery of costs of his case with Board staff.

#### **Christopher Scott Blaisdell, D.O.**

Ms. Taylor called the matter of Christopher S. Blaisdell, D.O. to order. Dr. Blaisdell appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Blaisdell's progress while on probation. Chief Investigator Richard Zimmer also reported on Dr. Blaisdell's compliance. A letter from Counseling & Recovery Services of Oklahoma was considered by the Board. Dr. Blaisdell was instructed to work out a payment plan with Board staff for recovery of costs of his case.

Dr. Laird moved to remove the restriction on prescribing practices and to require Dr. Blaisdell to continue to keep a log of all SCDS prescribed. All other terms and conditions of Dr. Blaisdell's Orders of the Board remain in full force and effect.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; 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 personally appeared. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Veal. No motion was made.

**Trenton F. Horst, D.O.**

Ms. Taylor called the matter of Trenton F. Horst, D.O. to order. Dr. Horst personally appeared without counsel. Dr. Robert Westcott of OHPP also appeared on behalf of Dr. Horst. No motion was made.

**Kim Floyd, D.O.**

Ms. Taylor called the matter of Kim Floyd, D.O. to order. Dr. Floyd personally appeared accompanied by his wife, Jill. Dr. Robert Westcott of OHPP also appeared on behalf of Dr. Floyd. No motion was made.

**Mitsi Faubion, D.O.**

Ms. Taylor called the matter of Mitsi Faubion, D.O. to order. Dr. Faubion appeared in person without counsel. Dr. Merlin Kilbury of OHPP accompanied Dr. Faubion and reported on her progress while on probation. Chief Investigator Richard Zimmer also reported on Dr. Faubion's compliance. No motion was made.

**George M. Jennings, D.O.**

Ms. Taylor called the matter of George M. Jennings, D.O. to order. Dr. Jennings appeared in person without counsel and reported on his progress while on probation. Investigator Jerry Valentine also reported on Dr. Jennings compliance. No motion was made.

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

Ms. Taylor called the matter of Bobby Chu Kang, D.O. to order. Board Member C. Michael Ogle, D.O. recused and left the room. Dr. Kang appeared in person accompanied by his counsel, W. Michael Hill. The Board examined Dr. Kang's prescribing log for January and February, 2013, heard testimony by Chief Investigator, Richard Zimmer, and considered Dr. Kang's request to expand his prescribing ability to include all schedule III narcotics.

Dr. Young moved to go into executive session. Dr. Pickard seconded the motion.
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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. Ogle, abs; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.
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The motion passed. All staff and visitors left the room.

Dr. Young moved come out of executive session. Dr. Pickard seconded the motion.
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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. Ogle, abs; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.
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The motion passed.

Dr. Young moved to grant Dr. Kang's request in part and deny it in part. Dr. Kang is permitted to prescribe tramadol. All other restrictions on Dr. Kang's prescribing practices remain the same.  
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. Ogle, abs; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

## 5. HEARING DOCKET

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

### Joshua J. Livingston, D.O.

Ms. Taylor called the matter of Joshua J. Livingston, D.O. to order and recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Livingston appeared in person accompanied by his counsel, W. Michael Hill of Secrest & Hill. The Hearing commenced. Exhibits and testimony were entered by both parties. Board Members asked questions of the witnesses. At the conclusion of Petitioners case, Respondent entered an objection that Petitioners had failed to make a prima facie case. The objection was overruled.

Dr. Laird moved to go into executive session.  
Dr. Ogle 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed. All staff and visitors left the room.

Dr. Pickard moved to come out of executive session.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Ogle moved to find that clear and convincing evidence had been presented to support the allegations in the complaint against Dr. Livingston.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Ogle moved that Dr. Livingston be placed on a five year probation to include a prohibition from prescribing, administering or dispensing any scheduled controlled dangerous substance. Dr. Livingston is to complete continuing education courses in Proper Prescribing of Controlled Substances and Medical Documentation. The courses are to be approved in advance of attendance by Board Staff. Dr. Livingston is to reimburse costs of the case and all regular and normal terms and conditions in Orders of the Board are to apply. 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, no; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

**Nick Carroll, D.O.**

Ms. Taylor called the matter of Nick Carroll, D.O. to order and recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Carroll did not appear. Mr. Mildren submitted an Emergency Complaint for the Board's consideration. The Board heard testimony and accepted exhibits.

Dr. Cunningham moved to find that clear and convincing evidence had been presented to support the allegations in the emergency complaint against Dr. Carroll. 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Cunningham moved to summarily suspend the license of Nick Carroll, D.O. to practice osteopathic medicine in the state of Oklahoma pending 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

**6. APPLICANTS FOR LICENSURE – APPEARANCES**  
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

**William E. Clymer, D.O.**

Ms. Taylor called the matter of William E. Clymer, D.O. to order. Dr. Clymer appeared in person with counsel, Sherry Boyce and his daughter, Kelsey. Dr. Merlin Kilbury, M.D. of OHPP also appeared on behalf of Dr. Clymer.

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

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Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

Dr. Pickard 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved to table consideration of Dr. Clymer's application for reinstatement pending evaluation by CPEP. The evaluation is to include a psychological assessment as well as an evaluation of his practice skills. Dr. Clymer is to see that the results of the evaluation are to be forwarded to the Board. When complete, the Board will consider the application for licensure. Dr. Clymer is ordered to continue with OHPP.  
Dr. Ogle 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### **Eric Flegel, D.O.**

Ms. Taylor called the matter of Eric Flegel, D.O. to order. Dr. Flegel appeared in person accompanied by Dr. Merlin Kilbury of OHPP. The Board directed the Executive Director to send a letter of understanding to Dr. Flegel outlining the requirements of the Board for mentors and preceptor ships. Dr. Flegel is directed to return when he has found a position where he can be a student and work shoulder to shoulder with a mentor or monitor.

## **7. APPLICANTS FOR LICENSURE – NOT APPEARING**

### **Bob J. Thompson, D.O.**

Ms. Taylor called the matter of Bobby J. Thompson, D.O. to order. Dr. Thompson did not appear. He had asked for clarification of the Board's previous instructions. The Board directed the Executive Director to send a letter of understanding to Dr. Thompson clarifying that he is to take the Convex exam. Dr. Thompson is directed to return when he has completed and passed the Convex exam.

The Board reviewed fifteen (15) licensure files and one (1) application for reissue of license by David Trobaugh, D.O.

Dr. Ogle moved to grant the request of the fifteen (15) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files and further moved to reissue license # 1707 to David Trobaugh, D.O., upon completion of his file.  
Dr. Pettigrew seconded the motion.

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Ms. Taylor called for a roll call vote on the motion.

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

The motion passed.

## 8. LICENSURE MATTERS

### Request for name change

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

Angela Christy-Lovell, D.O. to **Angela D. Christy-Owens, D.O.**

Laura Diane Sprague, D.O. to **Laura Diane Smith, D.O.**

Dr. Laird moved to grant the request for name change of Angela Christy-Lovell, D.O. to Angela D. Christy-Owens, D.O. and Laura Diane Sprague, D.O. to Laura Diane Smith, D.O.  
Dr. Ogle 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### Request for Reinstatement of Cancelled Licenses

**Paul Engelman, D.O.** (request for reinstatement of license #4590)

Dr. Ogle moved to grant the request for reinstatement of cancelled license of Paul Engelman, D.O., license # 4590.  
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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

## 9. OLD BUSINESS

1. Dr. Young and Ms. Bruce advised the Board of important changes to the law during this session.

## 10. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for December, 2012 through February, 2013. Dr. Ogle reported on the Licensure Meeting sponsored by FSMB held in Dallas in January.
2. Dr. Westcott, Executive Director of OHPP presented the quarterly OHPP report.
3. Ms. Bruce distributed the OSBOE annual report.



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4. The Board considered a request by Dr. William R. Holcomb, D.O. to be exempt from the requirements of OAC 510:10-4-3(4) so that he could provide oversight of mid-level practitioners at four rural clinics.

Dr. Pickard moved to grant the request for exemption from the requirements of 510:10-4-3(4) of William R. Holcomb, D.O.  
Dr. Ogle 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. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

5. Ms. Taylor appointed a committee comprised of Dr. Laird, Dr. Ogle and Ms. Bruce to make recommendations to the Board for the standards and costs of special licenses including, telemedicine, temporary resident, resident and military spouse. The committee is to report at the next meeting.

6. Ms. Bruce reported that agency overflow files and equipment had moved from a facility on Santa Fe to a state owned storage facility on N. Walnut. The facility is closer and costs are reduced by half.

7. Ms. Bruce announced that arrangements had been made to hold the September 19, 2013 Board Meeting at OSU (HSC).

8. The Board approved permitting Ms. Bruce to designate a substitute for her to attend the FSMB annual meeting in Boston.

9. A Patients First Report was made by Dr. Young.

10. Ms. Bruce requested guidance on how the agency is to respond when asked by a physician with previous disciplinary action what the Board would require in order for the physician to re-gain their license practice. By consensus the Board directed the staff to instruct such physician to be evaluated by CPEP or its equivalent and to expect a hearing for further orders which might include probation and/or continuing education.

11. On March 20, the day before the Board Meeting, the Board received a draft copy of the Opioid Prescribing Guidelines for Oklahoma Emergency Departments from the Oklahoma Department of Health requesting review and comments. Because of the lateness of receipt, the General Counsel, Dan Gamino, advised the Board it could be distributed despite not being an agenda item. The report was distributed and Board Members were asked to send their comments to Ms. Bruce within the next ten days.

## 11. ADJOURNMENT

As his last official action after twenty-one years as a Board Member, Dr. Pickard moved to adjourn the March 21, 2013 Regularly Scheduled Board Meeting.  
Dr. Young seconded the motion.

Ms. Taylor called for the votes to approve the motion.

The votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

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