

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

**December 11, 2014**

**DATE OF MEETING** December 11, 2014

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

**MEMBERS PRESENT** Dennis J. Carter, D.O.  
Jay D. Cunningham, D.O.  
Gordon P. Laird, D.O.  
C. Michael Ogle, D.O.  
Carl B. Pettigrew, D.O.  
Catherine C. Taylor, J.D.  
Katie Templeton, J.D.  
LeRoy E. Young, D.O.

**MEMBERS ABSENT**

**ALSO PRESENT** Christi Aquino, *Board of Osteopathic Examiners*  
Trina Arnold, OHPP  
Rachel Altobelo, OHPP  
James T. Cail, D.O.  
Brittney Covert, *Board of Osteopathic Examiners*  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Rachel Dewberry, J.D.  
Susan Fennimore, *DNR Reporting*  
Daniel Gamino, J.D., *Board Legal Advisor*  
Trenton Horst, D.O.  
Corinne Kilbury  
Merlin Kilbury, M.D., *OHPP*  
Joshua Livingston, D.O.  
Richard A. Mildren, J.D., *Board Prosecuting Attorney*  
John Musilla, D.O.  
Alex Oblein, *Board of Osteopathic Examiners*  
Michelle O'Meara, D.O.  
Patricia Podolec, J.D.  
Doug Rice, J.D.  
Matthew Sheets, J.D.  
Michael Tollett, D.O.  
Rodney Turner, *Board of Osteopathic Examiners*  
Tristan Walker, *Board of Osteopathic Examiners*  
Robert Westcott, M.D., *OHPP*  
Michael Whinery, D.O.  
Scott Williams, D.O.  
Richard Zimmer, *Board of Osteopathic Examiners*  
General Public

**PRESIDING:** C.B. Pettigrew, D.O. *President*

**1. CALL TO ORDER & ESTABLISH QUORUM**

C.B. Pettigrew, D.O., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

**2. APPROVAL OF MINUTES**

Dr. Pettigrew asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting September 18, 2014 and the minutes from the Emergency Meeting held on November 11, 2014. He asked for any additions, corrections or deletions to those minutes.

Ms. Templeton moved to approve the minutes of the September 18, 2014 Quarterly Board Meeting and the Emergency Meeting of November 11, 2014, as submitted.  
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, abs; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; 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 made housekeeping announcements. The Board was invited to visit the meeting room to see the new cubicles.

**B. BUDGET**

Rodney Turner submitted the Receipt and Disbursement sheet for Fiscal Year 2015, and answered questions from the Board Members.

Ms. Taylor moved to approve the Budget Report.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

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

The motion passed.

**4. PROBATION APPEARANCES**

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

**Michelle O'Meara, D.O.**

Dr. Pettigrew called the matter of Michelle O'Meara, D.O. to order. Dr. O'Meara appeared in person without counsel. Dr. O'Meara reported on her inability to comply with her Board Order.

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

Dr. Pettigrew called for the votes on the motion and a roll call.

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

The motion passed. All visitors and staff left the room. Visitors and staff re-entered the room.

Dr. Young moved to come out of Executive Session.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

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

The motion passed.

Ms. Taylor moved to modify the Dr. O'Meara's Board Order to include a five (5) year OHPP contract.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, abs; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, no; Dr. Young, yes.

The motion passed.

**Eric Hogan, D.O.**

Dr. Pettigrew called the matter of Eric Hogan, D.O. to order. Dr. Hogan appeared in person accompanied by counsel. Matthew Sheets, J.D. Dr. Robert Westcott of OHPP appeared and reported on Dr. Hogan's compliance with his order. Investigator Alex Oblein also reported on Dr. Hogan's compliance.

No Motion was made.

**Michael Whinery, D.O.**

Dr. Pettigrew 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 on probation. Investigator Tristan Walker, also reported on Dr. Whinery's compliance.

No motion was made.

**Trenton Horst, D. O.**

Dr. Pettigrew called the matter of Trenton Horst, D.O. to order. Dr. Horst appeared in person without counsel. Dr. Robert Westcott of OHPP appeared and reported on Dr. Horst's progress while on probation. Investigator Tristan Walker also reported on Dr. Horst's compliance.

No motion was made.

**Joshua Livingston, D.O.**

Dr. Pettigrew called the matter of Joshua Livingston, D.O. to order. Dr. Livingston appeared in person without counsel. Investigator Alex Oblein also reported on Dr. Livingston's compliance.

No motion was made.

**John Musilla, D.O.**

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

No Motion was made.

**5. HEARINGS**

**Stanley Rogers, D.O.**

Dr. Pettigrew called the matter of Stanley Rogers to order. Patricia Podolec, J.D. appeared on behalf of Dr. Rogers and requested a continuance for the reason that Dr. Rogers was recovering from surgery.

Ms. Taylor recused and left the hearing room.

Dr. Young moved to grant the continuance of this case to the next Board Meeting. Dr. Ogle seconded the motion.
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Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, abs; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, recused; Ms. Templeton, yes; Dr. Young, yes.
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The motion passed.

**Fredrick Northrop, D.O.**

Dr. Pettigrew called the matter of Frederick Northrop, D.O. to order and recognized Richard Mildren, special prosecutor for the Board. Neither Dr. Northrop nor his counsel appeared. Mr. Mildren submitted to the Board a copy of an Agreed Order and asked the Board for approval.

Ms. Taylor recused and left the hearing room.

Dr. Young moved to accept the Agreed Order.  
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

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

The motion passed.

### **Robert Breckenridge, D.O.**

Dr. Pettigrew called the matter of Robert Breckenridge, D.O. to order and recognized Executive Director, Deborah Bruce. Ms. Bruce advised the Board that Dr. Breckenridge could not appear and was willing to accept whatever penalty the Board chose to impose.

Dr. Young moved to issue a non-disciplinary Letter of Concern to Dr. Breckenridge and to close this matter.  
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, abstain; Dr. Laird, yes; Dr. Ogle, recuse; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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

The Board reviewed sixteen (16) new applicant licensure files and one (1) applications for re-issuance of license.

Dr. Laird moved to grant the request of the sixteen (16) new applicants and one (1) application for re-issuance to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.  
Ms. Templeton seconded the motion.

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

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

## **7. LICENSURE MATTERS**

### **Request for name change**

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

Starla Hayward, D.O. to **Starla Michelle Allen, D.O.**

Catherine Carol Milner Thompson, D.O. to **Catherine Carol Milner, D.O.**

Justin Deskin Wilson, D.O. to **Justin Deskin, D.O.**

Ms. Taylor moved to grant the request for name change of Starla Hayward, D.O. to **Starla Michelle Allen, D.O.**; Catherine Carol Milner Thompson D.O. to **Catherine Carol Milner, D.O.**; Justin Deskin Wilson, D.O. to **Justin Deskin, D.O.**  
Ms. Templeton seconded the motion.

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

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Request for Exemption from OAC 510:10-4-3 (6)**

Chief Medical Officer, Scott Williams, D.O., of Xpress Wellness Urgent Care requested to add more mid-level practitioners to his centers.

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

Dr. Pettigrew called for the votes on the motion and a roll call.

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

The motion passed. All visitors and staff left the room. Visitors and staff re-entered the room.

Dr. Young moved to come out of Executive Session.  
Ms. Taylor seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

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

The motion passed.

Dr. Young moved to deny the request for exemption from provisions of 510: 10-4-3 (6).  
Ms. Taylor seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, abs; Dr. Laird, yes; Dr. Ogle, recused; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, no; Dr. Young, yes.

The motion passed.

**8. APPLICANTS FOR LICENSURE – APPEARANCES**

No appearances were scheduled.

**9. HEARINGS**

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

**Michael H. Tollett, D.O.**

Dr. Pettigrew called the matter of Michael H. Tollett, D.O. to order and recognized the Prosecuting Attorney for the Board, Richard Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Dr. Tollett appears in person with his counsel, Douglas Rice. The Hearing commenced and the Agency and Respondent both presented Exhibits and testimony. The Hearing concluded.

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

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All visitors and staff left the room. Visitors and staff re-entered the room.

Dr. Ogle moved to come out of Executive Session.  
Dr. Young seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Laird moved to immediately reinstate the license of Michael H. Tollett conditioned upon obtaining a substance abuse assessment from an approved OHPP provider list. Dr. Tollett is to work with Board Staff and complete the assessment in time for the March 19, 2015 Board Meeting. .  
Ms. Taylor seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Michael Wyly, D.O.**

Dr. Pettigrew called the matter of Michael Wyly, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren announced that Dr. Wyly had requested a continuance in order to secure counsel and the Agency had agreed to the continuance.

**James T. Cail, III, D.O.**

Dr. Pettigrew called the matter of James T. Cail, III, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Cail appeared in person accompanied by his counsel, Rachael Dewberry. The Hearing commenced with Exhibits and Testimony presented by the Agency and the Respondent.

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

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. All visitors and staff left the room. Visitors and staff re-entered the room.

Dr. Ogle moved to come out of Executive Session.  
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Ogle moved that the allegation of unprofessional conduct against Dr. Cail had not been proven by clear and convincing evidence.  
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, no; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, no; Dr. Young, no.

The motion passed.



**Steven Paul Medeiros, D.O.**

Dr. Pettigrew called the matter of Steven Paul Medeiros, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren announced that Dr. Medeiros had requested a continuance and the Agency had agreed to the continuance.

**Scott D. Dycus, D.O.**

Dr. Pettigrew called the matter of Scott D. Dycus, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren announced that Dr. Dycus had requested a continuance and the Agency had agreed to the continuance.

**10. OLD BUSINESS**

1. Board consideration of CME requirement on proper prescribing prior to licensure was decided at the Special Meeting on 12/10/2014.
2. Ms. Bruce reported on the status of the Medical Board Physician Data Base.
3. Ms. Bruce reported on the status of acquisition of video equipment and electronic Board Materials. Committee Members are Dr. Carter, Ms. Templeton, Ms. Bruce and Mr. Turner.
4. Ms. Bruce reported on the FSMB Foundation Grant.
5. Because the minutes did not reflect the vote on the appointment of Dr. Carter to the Physician Assistants Committee, Ms. Bruce requested a vote be taken.

Dr. Young moved to appoint Dr. Carter to the Physician's Assistant Committee. Dr. Ogle seconded the motion.
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Dr. Pettigrew called for the votes to approve the motion.

The votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.
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The motion passed.

6. Ms. Bruce reported that the Agency had not yet pursued adding a third leased vehicle and would not do so until investigations warranted it.

7. Ms. Bruce asked if Board Members wanted her to pursue CME credit for Board Members for Board Meetings. By consensus the Board approved and asked Ms. Bruce to contact Delores Rogers of the AOA.

**11. NEW BUSINESS**

1. The Board & Staff Activities & Honors report was reviewed.

**12. ADJOURNMENT**

Dr. Carter moved to adjourn the December 11, 2014 Regularly Scheduled Board Meeting.  
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes to approve the motion.

The votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting was adjourned at 3:00 p.m.