

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

March 17, 2016

DATE OF MEETING March 17, 2016

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.
Carl B. Pettigrew, D.O.
Catherine C. Taylor, J.D.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT C. Michael Ogle, D.O.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
David Chorley, D.O.
Mrs. Chorley
Brittney Covert, *Board of Osteopathic Examiners*
John Crabb
Debbie Davis
Eric Delman, D.O.
R. Scott Dycus, D.O.
Susan Fennimore, *DNR Reporting*
Daniel Gamino, J.D., *Board Legal Advisor*
Carol Hanson, D.O.
Dustin Hayes, D.O.
Patricia High, J.D., *Prosecutor for the Board*
Lana Ivy, *OOA*
Lyle Kelsey, *OK Board of Medical Licensure*
Merlin, Kilbury, M.D., *OHPP*
Corinne Kilbury
Joshua Livingston, D.O.
Yvonne Lozano, *OHPP*
Jacqueline McCormick, J.D.
Jayme McTague
Steven Medeiros, D.O.
Mrs. Medeiros
John Mobley, *Board Investigator*
Stanley Monroe, J.D.
Jacob Moore, D.O.
Regan Nichols, D.O.
Doug Rice, J.D.
L.E. Schaeffler, M.D., *President, OK Medical Board*
Libby Scott, J.D.

Rodney Turner, *Board of Osteopathic Examiners*
Tristan Walker, *Board of Osteopathic Examiners*
Ulla West
Joy Wooten
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: Jay D. Cunningham, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

Jay D. Cunningham, 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. Cunningham asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of December 10, 2015, and from the Special Meeting of January 29, 2016. He asked for any additions, corrections or deletions to those minutes.

Dr. Young moved to approve the minutes of the December 10, 2015 Quarterly Board Meeting and the minutes from the Special Meeting of January 29, 2016, as submitted.
Dr. Pettigrew seconded the motion.

Dr. Cunningham 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, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

Ms. Bruce made housekeeping announcements and introduced the new Investigator for the Board, John Mobley and she welcomed Board General Counsel, Dan Gamino, back from a trip to the Holy Lands. She also announced that Dr. Laird had been named Alumnus of the Year by Northern Oklahoma College in Tonkawa. Finally, she advised the Board that Rodney Turner, CPO II had announced his retirement.

B. BUDGET

Rodney Turner submitted the latest Receipt and Disbursement sheet for Fiscal Year 2016, and answered questions from the Board Members.

Dr. Pettigrew moved to approve the Budget Report.
Dr. Laird seconded the motion.

Dr. Cunningham 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, abs;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham delegated the duty of presiding over all hearings on this date to General Counsel, Daniel Gamino. Mr. Gamino swore in all witnesses.

4. PROBATION/MONITORING APPEARANCES

Regan G. Nichols, D.O.

Dr. Cunningham called the matter of Regan G. Nichols, D.O. to order. Dr. Nichols appears in person without counsel. Board Investigator Tristan Walker also appears and gives testimony. The Board considered Dr. Nichols compliance with her Order of Probation of 9/17/15. They also considered the CPEP Evaluation of Medical Records Review provided by Dr. Nichols. She was reminded that pursuant to her order she cannot be a part-time supervisor of any mid-level practitioners

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

Dr. Cunningham 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, abs;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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

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

Dr. Cunningham 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, abs;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

OSBOE Regular Meeting, March 17, 2016

The Board expressed their concern over Dr. Nichols' failure to communicate with Board Staff. She was reminded that under the Board's rules she is not eligible to supervise mid-level practitioners.

Dr. Young moved that Dr. Nichols read and follow through with CPEP record review training and report to the Board at the next meeting. Dr. Nichols was further ordered to contract Board Staff for an in-person consultation and sit down with Ms. Bruce and go over what is expected of her by the Board's Order of 9/17/15.
Dr. Laird seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Christopher Scott Blaisdell, D.O.

Dr. Cunningham called the matter of Christopher S. Blaisdell to order. Dr. Blaisdell appears in person without counsel. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Blaisdell. The Board's Chief Investigator Richard Zimmer also appears and gives testimony.

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Carter moved that Dr. Blaisdell shall, at the next Board Meeting, provide evidence of successful completion of the eight (8) CME track on Pain Management at the OOA Annual Convention in April, 2016.

Ms. Taylor seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Michael Breedlove, D.O.

Dr. Cunningham called the matter of Michael Breedlove, D.O. to order. Dr. Breedlove did not appear. Ms. Bruce announced that Dr. Breedlove had formally surrendered his license to Board Staff on 2/9/16.

Jacob A. Moore, D.O.

Dr. Cunningham called the matter of Jacob Moore, D.O. to order. Dr. Breedlove appeared in person accompanied by his counsel of record, Douglas Rice, J.D. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony. The Board addressed Dr. Moore's compliance with his Agreed Order of 06/18/15. The Board advised Dr. Moore he should again appear before them in six (6) months.

Joshua J. Livingston, D.O.

Dr. Cunningham called the matter of Joshua J. Livingston, D.O. to order. Dr. Livingston appears in person without counsel. Dr. Merlin Kilbury of OHPP appears on behalf of Dr. Livingston. Board Investigator Tristan Walker also appears and gives testimony. The Board addressed Dr. Livingston's compliance with his Order of Probation of 3/21/13 and his request to administer suboxone.

David N. Chorley, D.O.

Dr. Cunningham called the matter of David Chorley, D.O. to order. Dr. Chorley appears in person with counsel of record, Elizabeth Scott, J.D. Board Investigator, Tristan Walker, also appeared and gave testimony. The Board addressed Dr. Chorley's compliance with his Order of suspension with Conditions of 1/29/16.

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to restore the license of David Chorley, D.O. and it be placed on probation for a period of five (5) years. During that time, Dr. Chorley shall not prescribe, administer, or dispense CDS nor practice pain management medicine. He is to also follow the first three recommendations of LifeGuard.
Dr. Pettigrew seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

D. Scott Dycus, D.O.

Dr. Cunningham called the matter of D. Scott Dycus, D.O. to order. Dr. Dycus appears in person with counsel of record, Jessica McCormick, J.D. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony. The Board addressed Dr. Dycus' compliance with his Amended Order with Conditions of 4/16/15.

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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

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

Dr. Cunningham 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, abs;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Laird moved that by the next meeting Dr. Dycus shall have a Preceptor in place. He is also ordered to contact CPEP to schedule and arrange testing outlined in their report. The Board will review those and issue further appropriate orders as it deems necessary and proper.
Dr. Pettigrew seconded the motion.

Dr. Cunningham 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, abs;
Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dustin O’Leath Hayes, D. O.

Dr. Cunningham called the matter of Dustin O. Hayes, D.O. to order. Dr. Hayes appears in person with counsel of record, Elizabeth Scott, J.D. Dr. Merlin Kilbury of OHPP also appeared on behalf of Dr. Hayes. The Board’s Chief Investigator, Richard Zimmer, appeared and gave testimony. The Board addressed Dr. Hayes’ compliance with the Board’s Order with Conditions of 6/19/14.

No motion was made.

Steven Paul Medeiros, D.O.

Dr. Cunningham called the matter of Steven Paul Medeiros, D.O. to order. Dr. Medeiros appears in person without counsel. The Board’s Chief Investigator, Richard Zimmer, appeared and gave testimony. The Board addressed Dr. Medeiros’ compliance with his Order of Monitoring of 06/18/15.

No motion was made

5. LICENSURE MATTERS - Request for Name Change

The Board considered the request for name change of the following:

Anne Winsjansen, D.O. to **Anne Winsjansen Burton. D.O.**

Dr. Pettigrew moved to approve the name change as requested.
Ms. Taylor seconded the motion.

Dr. Cunningham called for the votes on the motion.

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

The motion passed.

6. HEARING DOCKET

Mary Kathryn Mercer, D.O.

Dr. Cunningham called the matter of Mary Kathryn Mercer, D.O. to order and recognized Patricia High, Board Prosecutor. Ms. High announced that the hearing had been continued until June 16, 2016.

Melvin L. Robison, D.O.

Dr. Cunningham called the matter of Melvin L. Robison, D.O. to order and recognized Patricia High, Board Prosecutor. Ms. High announced that the hearing had been continued until June 16, 2016.

Darrell W. Pearman, D.O.

Dr. Cunningham called the matter of Darrell W. Pearman, D.O. to order and recognized Patricia High, Board Prosecutor. Dr. Pearman did not appear. Ms. High presented an Emergency Complaint to the Board for their approval. Testimony of Board Investigator, Tristan Walker, was taken.

Dr. Young moved there was not clear and convincing evidence to support the Emergency Complaint but, that the matter warranted more investigation.
Dr. Carter seconded the motion.

Dr. Cunningham called for the votes on the motion.

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

The motion passed.

Greg Rampey, D.O.

Dr. Cunningham called the matter of Greg Rampey, D.O. to order and recognized Patricia High, Board Prosecutor. Dr. Rampey did not appear. Ms. High presented an Emergency Complaint to the Board for their approval. Testimony of Board Investigator, Tristan Walker, was taken.

Dr. Young moved there was clear and convincing evidence to support the Emergency Complaint and ordered further investigation.
Ms. Templeton seconded the motion.

Dr. Cunningham called for the votes on the motion.

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

The motion passed.

Carol Hanson, D.O.

Dr. Cunningham called the matter of Carol Hanson, D.O. to order and recognized Patricia High, Board Prosecutor. Dr. Hanson appeared in person accompanied by her counsel, Stanley Monroe. Dr. Hanson waived notice and waived a May 6 Emergency Hearing date. Ms. High presented an Emergency Complaint to the Board for their approval. Testimony of the Board's Chief Investigator, Richard Zimmer, and Dr. Hanson was taken.

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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

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

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Carter moved that there is clear and convincing evidence to support the allegations in the Emergency Complaint.
Dr. Laird seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Carter moved that by the next meeting Dr. Hanson shall obtain and submit to the Board an independent psychological evaluation. The physicians conducting the evaluations are to be chosen by Board Staff from outside the Tulsa geographic. Dr. Hanson is also to submit to random qualitative and quantitative drug screens with minimal notice conducted by Concentra. Dr. Hanson is to bear the expense of all testing and evaluations. As recommended by Dr. Roa, Dr. Hanson is to contact OHPP. The Board will review all results and issue further orders as it deems necessary and proper.
Dr. Laird seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

7. APPLICANTS FOR LICENSURE – APPEARANCES

Eric Delman, D.O.

Dr. Cunningham called the matter of Eric Delman, D.O., applicant for licensure, to order. Dr. Delman appeared in person and answered questions about previous malpractice actions and a DUI in 2014 in California.

Dr. Laird moved to approve licensure for Dr. Delman.
Ms. Templeton seconded the motion.

Dr. Cunningham called for the votes on the motion.

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

The motion passed.

8. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed eighteen (18) new applicant licensure files and one (1) application for reissuance. The Board also considered the licenses that had been Fast-tracked since the last meeting.

Dr. Laird moved to grant the request of the nineteen (19) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff; and to ratify the fast-tracked licenses.
Dr. Young seconded the motion.

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

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

The motion passed.

9. OLD BUSINESS

1. Telemedicine Policy – Final Draft - Consideration of additional status was tabled until 8:30 a.m. on June 16, 2016.

2. Digital Imaging – Ms. Bruce updated the Board on progress on this project.

3. Proposed Pain Management Course. Dr. Carter advised the Board of the Track topics and some of the confirmed speakers.

4. Applicants with CDS prescriptions – Ms. Bruce reported the recommendation by the Case Review Committee to the Board for further consideration. Dr. Cunningham appointed a committee to address this issue. The committee includes Dr. Cunningham, Dr. Laird, Dr. Carter and Ms. Bruce.

5. Dr. Ogle reported on the March 8, 2016 meeting at FSMB on N. C. Dental case and recommended the Board revisit E&O insurance.

6. Executive Order - 2016-01

Ms. Templeton moved to approve compliance with this Executive Order by setting up a distribution account with OMES, putting contact information on the website, and in order to avoid tainting the tribunal, to rout all contacts through the Executive Director for distribution to the appropriate Board Member.
Ms Taylor seconded the motion.

Dr. Cunningham called for the votes on the motion.

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

The motion passed.

10. NEW BUSINESS

1. Ms. Bruce distributed the Board & Staff Activities & Honors list.
2. Dr. Young reported Legislation for 2016
3. The Board considered the Pharmacy Board question on electronic signatures and deferred to the Pharmacy Board for the appropriate policy regarding this matter.
4. Ms. Bruce distributed the FSMB Annual Statistical Report of OSBOE Discipline. Ms. Bruce reported that these statistics indicate the Osteopathic Board is performing well above the national average.

11. EXECUTIVE SESSION

Pursuant to 25 O.S. § 307 (B) (1), the Board went into Executive Session. The Board came out of Executive Session.

Dr. Young moved to approve the hiring of Investigator John Mobley and to approve the hiring of a part-time Medical Advisor.
Ms. Templeton seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed

Dr. Pettigrew moved to follow the advice of retiring CPO II, Rodney Turner, to continue the Shared Services Contract with OMES for another year and to add Budget Preparation to that contract rather than replacing him..
Dr. Young seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed

12. ADJOURNMENT

Dr. Pettigrew moved to adjourn the meeting.
Dr. Young seconded the motion.

Dr. Cunningham 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, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

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