

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

**DATE OF MEETING**           September 21, 2017

**PLACE OF MEETING**       OSU-Health Sciences Center  
744 W 9<sup>th</sup> St.  
Tulsa, OK 74127

**MEMBERS PRESENT**       Dennis J. Carter, D.O.  
Jay D. Cunningham, D.O.  
Bret Langerman, 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*  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Douglas Carlson, D.O.  
Cindy Coman  
Brenda Davidson, OSU  
Kelsey Devinney, *Board of Osteopathic Examiners*  
Melonie Ferry, D.O.  
Daniel Gamino, J.D., *Board Legal Advisor*  
Tina Hale, *DNR Reporting*  
Carol Hanson, D.O.  
Chris Hanson, D.O.  
Marilyn Kelley  
Corinne Kilbury, *OHPP*  
Merlin Kilbury, M.D. *OHPP*  
Sheridan Lindley, J.D.  
Joshua Livingston, D.O.  
Richard Marrs, J.D.  
Colm McCauley, D.O.  
Roma McElwee, J.D.  
John Mobley, *Board Investigator*  
Mary Ogle  
Margie Ott, D.O.  
Clay Roberts, J.D.  
Robert Sartin, J.D.  
Chris Slater, D.O.  
Kim Slater  
Brett Whatcott, D.O.  
Stephanie Whatcott  
Michael Wyly, D.O.

OSBOE Regular Meeting, September 21, 2017

Cecilia Zinnikas, *OHPP*  
Richard Zimmer, *Board of Osteopathic Examiners*  
General Public

**PRESIDING:** LeRoy E. Young, D.O. *President*

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

LeRoy E. Young, 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. Young asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of June 15, 2017. He asked for any additions, corrections or deletions to those minutes.

Dr. Cunningham moved to approve the minutes of the June 15, 2017, Quarterly Board Meeting as presented.  
Dr. Langerman seconded the motion.

Dr. Young 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. Langerman, 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, Ms. Bruce thanked Ms. Davidson and the staff at OSU-HSC for their excellent hospitality. She also made house-keeping announcements regarding prior cases or actions and handouts for this meeting.

**B. BUDGET**

Ms. Bruce advised the Board that the financial documents they were presented were prepared by OMES. The report was accepted by consensus.

**4. APPLICANTS FOR LICENSURE – APPEARANCES**

**Douglas Carlson, D.O.**

The Board considered Dr. Carlson's request for Licensure. Dr. Carlson appeared in person and was accompanied by Dr. Merlin Kilbury of OHPP.

Dr. Carter moved to grant Dr. Carlson an out-of-state license. He is to continue to be monitored by OHPP. He is to report to Board Staff prior to working in-state.  
Dr. Pettigrew seconded the motion.

Dr. Young 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. Langerman, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Vinson Michael DiSanto, D.O.**

Dr. DiSanto was not present. Continued to December 2017.

**Michael Wyly, D.O.**

The Board considered Dr. Wyly's request for Reinstatement. Dr. Wyly appeared in person without counsel.

Dr. Cunningham moved to deny Dr. Wyly's request for reinstatement.  
Ms. Templeton seconded the motion.

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

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

The motion passed.

**5. PROBATION/MONITORING APPEARANCES**

**Carol Hanson, D.O.**

Dr. Young called the matter of Carol Hanson, D.O. to order. Dr. Hanson appears in person without counsel. Merlin Kilbury, M.D. of OHPP appears on behalf of Dr. Hanson. Board Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board considered Dr. Hanson's compliance with her Interim Order of Suspension with Conditions 9/15/16 (Effective 10/5/16).

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

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

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

The motion passed. All Board Members left the room.

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

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

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

The motion passed.

Ms. Templeton moved to Reinstate the license of Carol Hanson under several terms and conditions: She is to continue her contract with OHPP; Board staff is to monitor her prescribing; She shall not prescribe to any employees or friends without keeping a complete set of medical records and staff is to review selected medical charts.  
Dr. Langerman seconded the motion.

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

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

The motion passed.

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

Dr. Young called the matter of Joshua J. Livingston, D.O. to order. Dr. Livingston appears in person without counsel. Merlin Kilbury, M.D. of OHPP appears on behalf of Dr. Livingston. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Livingston's compliance with his five (5) year Probation Ordered on 3/21/13.

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

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

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

The motion passed. All Board Members left the room.

Dr. Ogle moved to come out of Executive Session.

Dr. Carter seconded the motion.

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

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

The motion passed.

Ms. Templeton moved to grant request in part, to allow Dr. Livingston to prescribe suboxone to a maximum of 30 patients. He is not to dispense out of his office. The rest of the terms and conditions in his Order of 3/21/13 remain in full force and effect.  
Dr. Carter seconded the motion.

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

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

The motion passed.

**Colm P. McCauley, D.O.**

Dr. Young called the matter of Colm P. McCauley, D.O. to order. Dr. McCauley appears in person with counsel of record Robert Sartin, J.D. Merlin Kilbury, M.D. of OHPP appears on behalf of Dr. McCauley. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. McCauley's compliance of his Order with Conditions of 6/15/17.

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

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

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

The motion passed. All Board Members left the room.

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

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

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

The motion passed.

Ms. Templeton moved that Dr. McCauley continues under the terms and conditions of his order of 6/15/17. In addition he is to limit his morphine equivalents to 90 for men and 50 for women. He is to furnish staff with his treatment record. He is to continue with his OHPP contract and comply with treatment recommendations from Mayo. He is to make specific efforts to keep staff informed on his status and progress.  
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

**Margie Ott, D.O.**

Dr. Young called the matter of Margie Ott, D.O. to order. Dr. Ott appears in person without counsel. Chief Investigator for the Board, Rick Zimmer, also appeared and gave testimony. The Board considered Dr. Ott's compliance of her Order of Probation of 6/15/17. Dr. Ott was informed to next appear in (6) six months.

No motion was made.

**Melonie Ferry, D.O.**

Dr. Young called the matter of Melonie Ferry, D.O. to order. Dr. Ferry appears in person without counsel. Investigator for the Board, John Mobley, also appeared and gave testimony. The Board considered Dr. Ferry's compliance with her Agreed Order of 6/16/16. Dr. Ferry was informed to next appear in (6) six months.

No motion was made.

**Brett Whatcott, D.O.**

Dr. Young called the matter of Brett Whatcott, D.O. to order. The Board considered Dr. Whatcott 's request for Approval to practice as an In-State physician.

Dr. Ogle moved to approve Dr. Whatcott for in-state practice subject to the terms and conditions of the Agreed Order of 6/17/17.  
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

**6. HEARING DOCKET – Individual Proceedings / Disciplinary Actions**

**Chris Slater, D.O.**

Dr. Young called the matter of Chris Slater, D.O. to order and recognized Special Prosecutor for the Board, Roma McElwee. Dr. McCauley appeared in person with his counsel of record, Richard Marrs and Clay Roberts. Dr. Ogle recused and left the room. The Hearing commenced with Exhibits and testimony presented by both parties. Both parties rested.

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

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

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

The motion passed. All Board Members left the room.

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

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

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

The motion passed.

Ms. Templeton moved that there was clear and convincing evidence to support the allegations in the Complaint that Dr. Slater had violated the Osteopathic Medicine Act.  
Dr. Carter seconded the motion.

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

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

The motion passed.

Ms. Templeton moved to suspend Dr. Slater's license. Dr. Slater is to undergo an evaluation by an entity approved by Board Staff, to determine his fitness to practice medicine. He shall not prescribe, administer or dispense CDS until further order of the Board.  
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Ms. Bruce announced that the following cases were continued to another date:

**Mary Kathryn Mercer, D.O.**  
**Gregory Rampey, D.O.**

## 7. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed seventeen (17) new applicant licensure files and one (1) license reissue. The Board also considered the licenses that had been Fast-tracked since the last meeting.

Dr. Pettigrew moved to approve the license applications and Fast-Tracked licenses pending completion of their application files satisfactory to Board Staff.  
Dr. Ogle seconded the motion.

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

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

The motion passed.

## 8. LICENSURE MATTERS

### Request for Name Change

Rachelle Ann David, D.O. to **Rachelle David Haning, D.O.**  
Jacinda Nuttle, D.O. to **Jacinda Leadford, D.O.**  
Brody Baker, D.O. to **Brian Brody Baker, D.O.**

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

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



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

The motion passed.

## 9. CANCELLATION OF LICENSES

The Board considered the one hundred and twenty four (124) physicians who failed to renew their licenses in 2017 and the thirteen (13) physicians who notified the Board in writing they would not renew. This compares to 120 non-renewals for 2016.

Dr. Cunningham moved to cancel the licenses of one hundred and thirty seven (137) physicians who had not renewed or notified the Board they would not renew for 2018.  
Ms. Taylor seconded the motion.

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

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

The motion passed.

## 10. OLD BUSINESS

1. Policy on Applicants taking CDS Prescriptions (Report)  
Committee: Dr. Young, Dr. Cunningham, Dr Pettigrew, Ms. Bruce – the Committee announced it would have a complete report at the December Meeting.

## 11. NEW BUSINESS

1. Board Room Chairs – Ms. Bruce announced we were in the process of repairing and replacing the worst of the Board Room Chairs. OCI is doing the work.
2. Non-Opioid Therapies and how to implement
3. Certification/Training on Proper Prescribing – Dr. Young appointed a Committee to address this. Chair Dr. Carter, Members Dr. Ogle, Dr. Langerman and a staff member
4. Pain Management Assistance Program (Dr. Duffey) - By consensus, the Board requested a legal opinion from Daniel Gamino, the General Counsel, regarding what lawful assistance if any the Board might provide this endeavor.
5. NPDB Audit results – Ms. Bruce announced that the NPDB found OSBOE 100% compliant with reporting requirements. Ms. Aquino was commended for her work on this.
6. NBOME Visitation Day. The invitation to attend was distributed to the Board. Anyone wishing to attend should contact Dr. Young.

7. Federation of Associations of Regulatory Boards [FARB], Annual Forum, January 25-28, 2018. Because this program has a number of significant topics related to the work of this Board, Ms. Bruce asked for Board approval to fund a representative to attend.

Ms. Templeton moved to approve travel and related expenses to FARB.  
Dr. Langerman seconded the motion.

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

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

The motion passed.

8. S. 1649 / H.R. 3446, the Restoring Board Immunity (RBI) Act – The Board was advised of the status of these bills.

9. Prescription Paper/Forgeries Meeting. Chief Investigator Zimmer reported on this meeting.

## 12. CONSENT AGENDA

Dr. Cunningham moved approve all items on the Consent Agenda for June, 2017.  
Ms Taylor seconded the motion.

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

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

The motion passed.

## 13. ADJOURNMENT

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

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

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

The motion passed and the meeting adjourned at 3:45 p.m.