

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

DATE OF MEETING June 21, 2018

PLACE OF MEETING Oklahoma State Board of Osteopathic Examiners
4848 N. Lincoln Blvd.
Oklahoma City, OK 73105

MEMBERS PRESENT Dennis J. Carter, D.O.
Jay D. Cunningham, D.O.
Bret Langerman, D.O.
Carl B. Pettigrew, D.O.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT C. Michael Ogle, D.O.
Catherine C. Taylor, J.D.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Kash Biddle, D.O.
Jen Boren, *OHPP*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Kim Contreras, *Board of Osteopathic Examiners*
Kelsey Devinney, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Susan Fenimore, *DNR Reporting*
David Furr, D.O.
Daniel Gragert, D.O.
Lana Ivy, *OOA*
Susan Jordan, J.D.
Chad Keeney, D.O.
Corinne Kilbury, *OHPP*
Merlin Kilbury, M.D. *OHPP*
John Kushnir, *DEA*
Sheridan Lindley, J.D.
John Marlar, D.O.
Colm McCauley, D.O.
Roma McElwee, J.D.
Mary Kathryn Mercer, D.O.
John Mobley, *Board Investigator*
Timothy Moser, D.O.
Regan Nichols, D.O.
Margie Ott, D.O.
Randall S. Reust, D.O.
Kayla Rochelle
Elizabeth A. Scott, J.D.
Katrece Tate
Evan Way

OSBOE Special Meeting, June 21, 2018

Robert Westcott, M.D. *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., roll was called and he 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 Special Board Meeting of March 15, 2018 and the Special Board Meeting of May 4, 2018. He asked for any additions, corrections or deletions to those minutes.

Dr. Langerman moved to approve the minutes of the March 15, 2018 and May 4, 2018, Special Board Meetings as presented.
Ms. Templeton 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, abstain; Dr. Langerman, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

Ms. Bruce announced that 73% of physicians had renewed their licenses as of June 20, 2018. She praised the staff for a job well done this licensing period. She reminded the Board that the September Meeting would be held at the OSU HSC in Tulsa and asked the Board what hotel they want designated for reimbursement purposes.

Dr. Carter moved to approve the Doubletree Hotel Downtown as the official hotel for the September 20, 2018 meeting.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

B. GENERAL COUNSEL - BOARD EDUCATION

Mr. Gamino announced that since it was Spring Break, “school” was out and the Board Education would resume in September.

C. BUDGET

Ms. Bruce advised the Board that the financial documents presented were prepared by OMES.

Dr. Carter moved to accept the reports.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

4. APPLICANTS FOR LICENSURE – APPEARANCES

Daniel Gragert, D.O.

The Board considered Dr. Gragert's request for Licensure.

Dr. Carter moved to approve Daniel Gragert, D.O. for licensure pending completion of his file.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Chad Eric Keeney, D.O.

The Board considered Dr. Keeney's request for Licensure.

Dr. Pettigrew moved to approve Chad Eric Keeney, D.O. for licensure pending completion of his file.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Zachary Veres, D.O. - Continued to September

David W. Furr, D.O.

The Board considered Dr. Furr's request for Licensure.

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

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

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

The motion passed.

Ms. Templeton moved that based upon the record and testimony, the license application of David W. Furr, D.O., be denied.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

5. PROBATION/MONITORING APPEARANCES

Regan G. Nichols, D.O.

Dr. Young called the matter of Regan G. Nichols, D.O. to order. Dr. Nichols appears in person without counsel. Board Chief Investigator, Rick Zimmer, also appeared and gave testimony. The Board considered Dr. Nichols's compliance with her Order of Probation, 9/15/15. Dr. Nichols was informed to next appear in six (6) months.

No motion was made.

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 Sheridan Lindley, 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. McCauley was informed to next appear in six (6) months.

No motion was made.

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, Richard 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 six (6) months.

No motion was made.

John Marlar, D.O.

Dr. Young called the matter of John Marlar, D.O. to order. Dr. Marlar appears in person without counsel. The Board's Investigator, John Mobley, also appeared and gave testimony. The Board addressed Dr. Marlar's compliance with his Agreed Order of 9/15/16.

<p>Dr. Cunningham moved to approve the Termination of the Agreed Order of 9/15/16 with John Marlar, D.O. Ms. Templeton seconded the motion.</p>

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

<p>The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Langerman, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.</p>
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The motion passed.

6. HEARING DOCKET – Individual Proceedings / Disciplinary Actions

Mary Kathryn Mercer, D.O.

Dr. Young called the matter of Mary Kathryn Mercer, D.O. to order. Dr. Mercer appears in person with counsel of record, Elizabeth A. Scott, J.D. The Board's Chief Investigator, Rick Zimmer, appeared and gave testimony. The Board addressed Dr. Mercer's compliance with her Interim Order of Temporary Suspension of 9/15/16. Testimony by both Petitioner and Respondent was heard.

Dr. Carter moved to go into Executive Session.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

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

Dr. Carter moved to come out of Executive Session.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved that the Board specifically found that Dr. Mercer did not comply with the Interim Order of Suspension of 9/15/16. She failed to provide the Board with the medical Records and all entries on the PMP as directed. Dr. Mercer is practicing osteopathic medicine without a license. The evidence presented showed that Dr. Mercer was writing prescriptions and doing billing under her name while on suspension. 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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved that based on the evidence heard today, the license of Mary Kathryn Mercer to practice osteopathic medicine in the state of Oklahoma is revoked.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Kash Biddle, D.O.

Dr. Young called the matter of Kash Biddle, D.O. to order. Dr. Biddle appears in person with counsel of record, Susan Jordan, J.D. The Board's Investigator, John Mobley, appeared and gave testimony. The Board considered Dr. Biddle's Proposed Agreed Order.

Dr. Carter moved to approve the proposed Agreed Order.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Lee Lamar Gibson, D.O.

Ms. McElwee announced that all charges against Lee Lamar Gibson, D.O. had been dropped in Arkansas and therefore our request for a reciprocal order is stricken.

Randall Reust, D.O.

Dr. Young called the matter of Randall Reust, D.O. to order. Dr. Reust appears in person without counsel. Merlin Kilbury, M.D. of OHPP appears to give testimony. Investigator for the Board, John Mobley, also appeared to give testimony.

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

The motion passed.

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

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

The motion passed.

No further motion was made.

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

Michael Salrin, D.O.

Gregory Rampey, D.O.

7. APPLICANTS FOR LICENSURE - NOT APPEARING

The Board reviewed one hundred and sixty seven (167) new applicant licensure files, three (3) license reissue files, and (57) Resident Training licensure files. The Board informed they would like to see Christopher Dang, D.O. and both applicants Postlethwaite appear at the September Board Meeting before consideration of approval.

Dr. Carter moved to approve the license applications pending completion of their application files satisfactory to Board Staff and to approve all Fast Track applications that had occurred since the last meeting.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

8. LICENSURE MATTERS

Request for Name Change

Kasey B. Barber, D.O. to Kasey B. Brown, D.O.

Willy Bustinza, D.O. to Willy Alberto Bustinza Farfan, D.O.

Patrice Wagner, D.O. to Patrice D. Pace, D.O.

Alicia Marie Loch, D.O. to Alicia Loch Pino, D.O.

Lindsay Anne Marshall, D.O. to Lindsay Anne Wilson, D.O.

Dr. Pettigrew moved to approve the name changes as requested.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Request to change internet information on previous disciplinary action

Patrice Mooney, D.O.

Ms. Templeton moved to approve the request by Dr. Mooney to change the internet information describing her Preceptorship as a disciplinary action.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. OLD BUSINESS

1.) Physician Assistant Advisory Committee Appointment

Ms. Templeton moved to reappoint Dr. Carter.
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, abstain; Dr. Cunningham, yes; Dr. Langerman, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

10. NEW BUSINESS

1. Legislative Update – Dr. Young
2. Renewal Convenience Fees

Dr. Carter moved to absorb the renewal fee increase by OMES for the 18-19 renewal cycle.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. Request Approval for CLEAR Training for Investigators

Dr. Pettigrew moved to approve the request for sending the investigators to Denver for CLEAR training. John Mobley would take the basic program and Richard Zimmer would take the advanced program.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

4. OHPP Quarterly Report was submitted to the Board by Dr. Kilbury.
5. SQ788 report by Dr. Young.
6. SB1446, Law and Rules report by Ms. Templeton
7. Performance Audits were considered by the Board. No motion was made.
8. Opinion request, Choctaw Nation (Handout) Ms. Bruce advised Dr. Hill in writing that the procedure request for approval was already allowed by the Oklahoma Telemedicine Act.

11. CONSENT AGENDA

Dr. Pettigrew moved to approve all items on the Consent Agenda for June, 2018.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

12. EXECUTIVE SESSION

The Board went into Executive Session. When the Board came out of Executive Session, the General Counsel, Mr. Gamino announced there had been no votes taken but that it was expected there would be two motions that resulted from the Executive Session.

Ms. Templeton moved that in light of requirements resulting from implementation of SQ 1446, the Board approves the hiring of three additional full time employees.
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved to approve an annual salary increase of one thousand (\$1,000) dollars for five full time employees (Aquino, Contreras, Devinney, Mobley and Zimmer).
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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; 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, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting adjourned at 4:15 p.m.