

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

DATE OF MEETING March 12, 2020

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.
Duane G. Koehler, D.O.
Bret Langerman, D.O.
Carl B. Pettigrew, D.O.
Catherine Taylor, J.D.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Jen Boren, *OHPP*
Paul Cheng, M.D., *OHPP*
Kim Contreras, *Board of Osteopathic Examiners*
Jeff Cooper
Kelsey Devinney, *Board of Osteopathic Examiners*
Michael Freeman, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Dennis Ho, D.O.
Roger Hobgood, D.O.
David Hyman, J.D.
Russell Jefferson, D.O.
John Kuhn, M.D., *OHPP*
John Martin, *D&R Reporting*
John Mobley, *Board of Osteopathic Examiners*
Timothy Moser, D.O.
Christopher Moses, D.O.
Michelle O'Meara, D.O.
Regan Nichols, D.O.
Patrick Quillian, J.D., *Board Prosecutor*
David Quy, D.O.
Clifford Ribner, J.D.
Melvin Robison, D.O.
Michael D. Scott, D.O.
Rickey Walker, D.O.
Janis Womack, *Board of Osteopathic Examiners*
Robert L. Wyatt IV, J.D.
Richard Zimmer, *Board of Osteopathic Examiners*

PRESIDING: Dennis J. Carter, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

Dennis J. Carter, 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. Carter asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of December 12, 2019 and the Special Board Meeting of February 20, 2020. He asked for any additions, corrections or deletions to those minutes.

Dr. Cunningham moved to approve the minutes of the December 12, 2019, Regular Board Meeting, and February 20, 2020, Special Board Meeting, as presented.
Dr. Langerman seconded the motion.

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

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

The motion passed.

3. DISCIPLINARY HEARING DOCKET

Michael Freeman, D.O.

Dr. Carter called the matter of Michael Freeman, D.O. to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Freeman appeared in person accompanied by his counsel, David J. Hyman, J.D. The Hearing proceeded. Testimony was given and Exhibits were entered by both parties.

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

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

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

The motion passed.

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

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

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

The motion passed.

Dr. Pettigrew moved that there was clear and convincing evidence to support the allegations in the Complaint.
Dr. Koehler seconded the motion.

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

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

The motion passed.

Ms. Templeton moved that action taken against Dr. Freeman's license shall be delayed and deferred until the June 2020 meeting. Dr. Freeman shall sign a release allowing the Professional Renewal Center (PRC) to provide his discharge summary and any recommendations contained therein to the Board. Once this has been reviewed, the Board may make a decision regarding Dr. Freeman's licensure status. In the meantime, Dr. Freeman was given the recommendation to begin following any suggestions made by PRC and was encouraged to contact Board staff to have any questions answered and discuss logistics.
Dr. Koehler seconded the motion.

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

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

The motion passed.

Dennis Ho, D.O.

Dr. Carter called the matter of Dennis Ho, D.O. to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Ho appeared in person without counsel. It was suggested that this matter be continued to the June 2020 meeting once Dr. Ho has obtained counsel.

Dr. Cunningham moved to continue Dr. Ho's hearing until he has obtained counsel.
Dr. Langerman seconded the motion.

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

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

The motion passed.

Roger Hobgood D.O.

Dr. Carter called the matter of Roger Hobgood, D.O. to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Hobgood appeared in person accompanied by his counsel, Clifford N. Ribner, J.D. The Hearing proceeded. Testimony was given and Exhibits were entered by both parties.

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

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

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

The motion passed.

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

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

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

The motion passed.

Dr. Koehler moved that there was clear and convincing evidence to support the allegations in the Complaint.
Ms. Taylor seconded the motion.

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

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

The motion passed.

Dr. Pettigrew moved to Suspend Dr. Hobgood's license, while under suspension Dr. Hobgood shall complete an evaluation by Dr. David Johnsen and Dr. Art Rousseau by the June 2020 meeting. Dr. Hobgood shall sign a release allowing the results of the aforementioned assessments be released to the Board for review. Once received and reviewed by the Board at the June 2020 meeting, further action could be taken.
Dr. Koehler seconded the motion.

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

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

The motion passed.

David Quy, D.O.

Dr. Carter called the matter of David Quy, D.O. to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Quy appeared in person accompanied by his counsel, Bob Wyatt, J.D. Mr. Wyatt stated Dr. Quy thought it necessary to appear in person to ask the Board to accept the Surrender of his License.

Ms. Templeton moved to accept Dr. Quy's surrender of license as long as it bears the notation that his license is being surrendered while under investigation.
Dr. Koehler seconded the motion.

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

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

The motion passed.

4. PROBATION & MONITORING HEARING DOCKET

Kash Biddle, D.O.- continued to June 2020 meeting per licensee request.

OSBOE Regular Meeting, March 12, 2020
Christopher V. Moses, D.O.

Dr. Carter called the matter of Christopher V. Moses, D.O. to order. Dr. Moses appeared in person without counsel. The Board's Investigator, John Mobley, also appeared and gave testimony. The Board considered Dr. Moses' compliance with his Modified Order of Probation with Conditions of 5/4/18. Dr. McCauley was informed he is to appear in six (6) months.

No motion was made.

Regan G. Nichols, D.O.

Dr. Carter called the matter of Regan G. Nichols, D.O. to order. Dr. Nichols appeared in person without counsel. Chief Investigator for the Board, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. Nichols's compliance with her Order of Probation of 9/15/15. Dr. Nichols was informed to next appear in three (3) months.

No motion was made.

Michelle D. O'Meara, D.O.

Dr. Carter called the matter of Michelle D. O'Meara, D.O. to order. Dr. O'Meara appeared in person without counsel. Jen Boren of OHPP appeared with Dr. O'Meara. Chief Investigator for the Board, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. O'Meara's compliance with her Order Lifting Suspension of License and Restoring License with Conditions of Monitoring 6/20/2019. Testimony given by Ms. Boren of OHPP and by Mr. Zimmer revealed Dr. O'Meara has missed three (3) SoberLink tests since her last appearance, a missed test results in a fail. Thus, Dr. O'Meara shall be fined for each failed test as stated in her previous order. Dr. O'Meara was informed to next appear in three (3) months.

No motion was made.

Jason G. Postlethwaite, D.O.- continued to June 2020 per licensee's request

Melvin L. Robison, D.O.

Dr. Carter called the matter of Melvin L. Robison D.O. to order. Dr. Robison appeared in person without counsel. Chief Investigator for the Board, Richard Zimmer, also appeared and gave testimony. The Board considered Dr. Robison's compliance with his Order of Probation of 6/16/16. Dr. Robison was informed to next appear in nine (9) months.

No motion was made.

5. LICENSURE HEARING & REPORTING DOCKET

Applicants for Licensure- Appearing

OSBOE Regular Meeting, March 12, 2020
Russell W. Jefferson, D.O.

The Board considered the documentation provided by Dr. Jefferson regarding the recommendations made by Dr. Julio Rojas and the letter provided by Dr. Carol Gambrill, of OSU- McAlester, stating that Dr. Jefferson had completed all requirements for his PGY-1 Internship year. John Kuhn, M.D. of OHPP also appeared with Dr. Jefferson and gave testimony.

Ms. Templeton moved to approve licensure of Dr. Jefferson, provided he maintains his five (5) year contract with OHPP.
Dr. Langerman seconded the motion.

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

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

The motion passed.

Michael D. Scott, D.O.

The Board considered Dr. Scott's request for Reinstatement of his Licensure in Oklahoma. The application was considered, and testimony was taken. Dr. Paul Cheng, M.D. also appeared on behalf of Dr. Scott.

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

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

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

The motion passed.

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

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

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

The motion passed.

Ms. Templeton moved to table Dr. Scott's application for Reinstatement. Dr. Scott is asked to complete an evaluation by CPEP and sign a release allowing CPEP to provide the results and recommendations of that evaluation to the Board for review. Once this has been received Dr. Scott may appear before the Board and ask for consideration of licensure. Dr. Koehler seconded the motion.

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

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

The motion passed.

Eddie Stewart, D.O.- Appearance cancelled at Licensee's request.

Rickey B. Walker, D.O.

The Board considered Dr. Walker's request for Licensure in Oklahoma. The application was considered, and testimony was taken.

Ms. Templeton moved to approve Dr. Walker's application for licensure. Ms. Taylor seconded the motion.

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

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

The motion passed.

6. DISCUSSION AND POSSIBLE AMENDMENT OF RULE ON THE NUMBER OF FULL-TIME MID-LEVEL PRACTITIONERS SUPERVISED AND EXCEPTIONS

The Board considered a possible amendment Title 510- The State Board of Osteopathic Examiners Rules to change the amount of Mid-Levels a physician may supervise from the equivalent of four (4) full time to the equivalent of six (6) full time. After discussion, it was determined that the Board will not yet move forward with that change, but will continue with the same practice as before, physicians requesting an exception to the current rule will appear before the Board to discuss and the Board will make the final determination on a case by case basis.

No motion was made.

7. REQUEST FOR DIRECTIVE TO BOARD STAFF ON APPROVAL FOR PLACEMENT OF CATEGORICAL STANDARD LANGUAGE IN ALL ORDERS, PENDING FINAL ORDER APPROVAL BY THE BOARD PRESIDENT

The Board considered a document presented by Board staff which included items regarding standard language to be used in Board Orders.

Ms. Templeton moved to approve the document as presented.
Dr. Koehler seconded the motion.

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

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

The motion passed.

8. REQUEST DISCUSSION AND POSSIBLE ACTION ON REVISED PROFESSIONAL STANDARDS QUESTIONS ON THE OSBOE MEDICAL LICENSE RENEWAL APPLICATION

The Board considered a document presented by Board staff, with revisions by Mr. Gamino, which included changes to the Professional Standards Questionnaire asked each year at renewal.

Dr. Carter moved to approve the document as presented with Mr. Gamino's revisions.
Dr. Langerman seconded the motion.

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

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

The motion passed.

9. REQUEST DISCUSSION AND POSSIBLE ACTION ON REVISED PRE-LICENSING PACKET QUESTIONNAIRE

The Board considered a document presented by Board staff, with revisions by Mr. Gamino, which included changes to the Pre-Licensing Packet Questionnaire asked at initial application of licensure.

Dr. Langerman moved to approve the document as presented with Mr. Gamino's revisions.
Dr. Koehler seconded the motion.

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

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

The motion passed.

10. REQUEST DISCUSSION, CONSIDERATION AND POSSIBLE ADOPTION OF THE OKLAHOMA MEDICAL BOARD GUIDELINES REGARDING MEDICAL SPAS, TITLED AS “POLICY AND GUIDELINES FOR MEDICAL SPAS AND AESTHETIC PROCEDURES”

The Board considered a document presented by Board staff, the “Policy and Guidelines for Medical Spas and Aesthetic Procedures” that had previously been drafted and adopted by the Oklahoma Board of Medical Licensure and Supervision.

Dr. Pettigrew moved to approve the document and make the necessary changes to wording from OBMLS to OSBOE.
Dr. Koehler seconded the motion.

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

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

The motion passed.

11. DISCUSSION OF HIRING PROCESS OF EXECUTIVE DIRECTOR AND AN ADDITIONAL INVESTIGATOR

The Board received an update on the hiring process for their new Executive Director from Dr. Young and Ms. Devinney. They were also informed that the job for a remote Investigator had been posted and a few applications had been received. The Board determined they would use the same Search Committee for the new Investigator that they were using for the Executive Director. (Dr. Carter, Ms. Templeton, Dr. Langerman, Dr. Young, and Dr. Cunningham)

No motion was made.

12. DISCUSSION OF GUIDELINES FOR RE-ENTRY INTO MEDICAL PRACTICE

The Board considered a document presented by Board staff, with revisions by Mr. Gamino, which was regarding the guidelines for Re-Entry into Medical Practice.

Dr. Carter moved to approve the document as presented with Mr. Gamino's revisions and for it to be posted to the OSBOE website for review.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

13. DISCUSSION OF MILITARY CME REQUIREMENTS

The Board considered the current exemption of all Continuing Medical Education (CME) for Active Duty Military physicians.

Dr. Carter moved to change the requirements of Active Duty Military CME to match what other physicians licensed in Oklahoma must complete, sixteen (16) AOA Category 1 hours with one of those being one (1) hour of Proper Prescribing in person or live interactive.
Dr. Langerman seconded the motion.

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

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

The motion passed.

14. REPORTS

Temporary Administrator LeRoy E. Young, D.O.:

1. Dr. Young asked Ms. Devinney to provide a status update on the IT infrastructure upgrade. She informed the Board that the staff's new laptops were being installed the next day and that the new Cox fiber internet should be installed in four (4) to six (6) weeks. The Board asked that she start looking into new iPad's for Board Member use.
2. Budget Report- Dr. Young stated that the Budget reports were available for review and for informational purposes. They were accepted by consensus.
3. Status of waiver requests for electronic prescribing under 63 O.S. § 2-309 effective 1/1/2020- Dr. Young informed the Board the list of waivers approved and denied was available for the Board's review.

General Counsel Gamino:

1. Litigation Status: Tulsa Women's Reproductive Clinic v. Michael Hunter, et al, CV-2019-2176
2. Litigation Status: South Wind Women's Center, LLC v. Hunter, et al, CV-2019-2506
3. Litigation Status: State of Oklahoma v. McKesson Corporation, et al, CV-2020-39-TB (Cleveland County)

Mr. Gamino gave the Board an update on the proceedings listed above and informed them he would keep them apprised as they progressed.

15. OLD BUSINESS

1. Committee status report on volunteer licensing guidelines:
(General Counsel Gamino, Dr. Cunningham, Dr. Langerman, Ms. Templeton)
Volunteer Licensing Status - Christi Aquino

The Board discussed the Volunteer licensing guidelines.

Dr. Carter moved to limit physicians with volunteer licenses to practice only at the location listed in their application. Volunteers are also to be strongly encouraged to obtain CME to keep up with modern medical practices.
Ms. Templeton seconded the motion.

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

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

The motion passed.

16. PUBLIC COMMENT

No public comment was made.

17. ADJOURNMENT

The meeting adjourned by consensus at 3:30 p.m.