

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

DATE OF MEETING September 17, 2020

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

MEMBERS PRESENT Jay D. Cunningham, D.O., *via Zoom*
Dale Derby, D.O.
Duane G. Koehler, D.O., *via Zoom*
Bret Langerman, D.O., *via Zoom*
Carl B. Pettigrew, D.O.
Catherine Taylor, J.D., *via Zoom*
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT

In-Person Attendees:
Kim Contreras, *Board of Osteopathic Examiners*
Jeff Cooper, *OCPD*
Kelsey Devinney, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Dennis Ho, D.O.
Michael Leake Jr., J.D., *Board of Osteopathic Examiners*
John Mobley, CMBI, *Board of Osteopathic Examiners*
Patrick Quillian, J.D., *Board Prosecutor*
Elizabeth Scott, J.D.
Janis Womack, *Board of Osteopathic Examiners*
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*

Teleconference Attendees:
Barbara Allen, D.O.
Christi Aquino, *Board of Osteopathic Examiners*
Kash Biddle, D.O.
Ashland Boles, *OHPP*
Paul Cheng, M.D., *OHPP*
Michael Freeman, D.O.
Jeffrey Gerstel, D.O.
David Hyman, J.D.
Susan Jordan, J.D.
Wilson Knight, D.O.
John Kuhn, M.D., *OHPP*
Carolyn Long, D.O.
Timothy Moser, D.O.
Michelle O'Meara, D.O.

Mel Robison, D.O.
Doug Stewart, D.O.
Jeremy Thomas, D.O.
Sherri Wise
Janis Womack, *Board of Osteopathic Examiners*
Michael Yost, D.O.
General Public

PRESIDING: Katie Templeton, J.D., *Vice President*

1. SWEAR IN NEW BOARD MEMBER GEORGE DALE DERBY, D.O.

It was announced that the term of Dennis Carter, D.O., had ended, and that Governor J. Kevin Stitt had appointed George Dale Derby, D.O., to replace him. Dr. Carter was thanked for his service to the State of Oklahoma. Mr. Gamino administered Dr. Derby's Oath of Office.

2. ROLL CALL TO ESTABLISH QUORUM

Katie Templeton, J.D., *Vice President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

3. ELECTION OF OFFICERS

Ms. Templeton called for a motion for new Officers of the Board.

Dr. Young moved to elect Katie Templeton, J.D.- President, Bret Langerman, D.O.- Vice President, and Catherine Taylor, J.D.- Secretary-Treasurer.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

4. APPROVAL OF PAST MINUTES

Ms. Templeton asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of June 18, 2020. She asked for any additions, corrections or deletions to those minutes. Dr. Cunningham stated there were a few corrections of names that were incorrectly listed under appearances.

Dr. Pettigrew moved to approve the minutes of the June 18, 2020, Regular Board Meeting, with the corrections from Dr. Cunningham.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

5. APPROVAL OF 2021 QUARTERLY BOARD MEETING DATES

Ms. Templeton called for approval of the 2021 Meeting Calendar of:

March 18, 2021

June 17, 2021

September 16, 2021

December 9, 2021

Dr. Young moved to approve the 2021 Meeting Dates as presented.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for votes on the motion and a roll call.

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

The motion passed.

6. HEARING DOCKET

Dennis Ho, D.O.

Ms. Templeton called the matter of Dennis Ho, D.O., to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Ho appeared in person with counsel of record, Elizabeth Scott, J.D. Chief Investigator for the Board, Rick Zimmer, also appeared and gave testimony. The hearing proceeded. Exhibits were entered and Testimony was given by both parties.

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

Ms. Templeton called for votes on the motion and a roll call.

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

The motion passed.

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

Ms. Templeton called for votes on the motion and a roll call.

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

The motion passed.

Ms. Templeton moved to table action on the complaint filed against Dr. Ho until he undergoes an evaluation by Dr. Rojas. Dr. Ho shall sign a release, allowing this evaluation to be provided to the Board for review. Dr. Ho's complaint will be revisited once results are received and reviewed.
Dr. Cunningham seconded the motion.

Ms. Templeton called for votes on the motion and a roll call.

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

The motion passed.

Wilson Knight II, D.O.

Ms. Templeton called the matter of Wilson Knight II, D.O., to order. Dr. Knight appeared via Zoom without counsel. Dr. Knight was informed of the possible impact this hearing could have on his license. He was offered a continuance until he could obtain counsel for the December 10, 2020 meeting. Dr. Knight accepted the offer and his hearing was tabled.

James Price, D.O.

This hearing was continued to December 10, 2020 at the request of the Respondent.

7. LICENSURE HEARING & REPORTING DOCKET

Applicants for Licensure- Appearing via Zoom

Barbara Allen, D.O.

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

Dr. Pettigrew moved to approve Dr. Allen's application for licensure.
Dr. Cunningham seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Carolyn Long, D.O.

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

Dr. Pettigrew moved to approve Dr. Long's application for licensure.
Ms. Templeton seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Jeffrey Gerstel, D.O.

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

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Dr. Young moved to table Dr. Gerstel's application for licensure until he provides Board staff with documents and material from the expert witnesses he mentioned in his testimony. Once those are received Dr. Gerstel may appear again for further consideration. Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

8. PROBATION & MONITORING HEARING DOCKET

Kash K. Biddle, D.O.

Ms. Templeton called the matter of Kash Biddle, D.O., to order. Dr. Biddle appeared via Zoom with his counsel of record, Susan Jordan, J.D. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. The Board considered Dr. Biddle's tabled Motion to Terminate Agreed Order.

Dr. Young moved to revisit Dr. Biddle's tabled Motion to Terminate Agreed Order at the December 2020 Board Meeting. The Board will review Dr. Biddle's records from September, 2020 to December, 2020. Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Michael S. Freeman, D.O.

Ms. Templeton called the matter of Michael S. Freeman, D.O., to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Freeman appeared via Zoom with his counsel of record, David Hyman, J.D. Chief Investigator for the Board, Rick Zimmer, also appeared in person and gave testimony. The Board considered reports regarding Dr. Freeman that had been previously stipulated to. Mr. Hyman called John Kuhn, M.D., of OHPP to speak on behalf of Dr. Freeman. Testimony was provided by both parties. Mr. Hyman asked the record to reflect that he and his client take exception with paragraph ten (10) in the previously provided Findings of Fact.

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

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

After the motion and second were given Ms. Templeton announced that Dr. Young was acting administrator in March 2020 when this matter was originally heard. As a result, Dr. Young did not participate in the Executive Session and would be recusing. She then called for the votes on the motion and a roll call.

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

The motion passed.

Ms. Templeton moved there is finding by the Board of clear and convincing evidence to support the allegation in the Interim Order and the Findings of Fact.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Dr. Koehler moved to place Dr. Freeman under a five (5) year probation with the Board of Osteopathic Examiners. Under that five (5) year probation, certain terms and conditions to include specifically that Dr. Freeman comply with all recommendations and requirements of the OHPP, including any SoberLink that they require. Secondly, that Dr. Freeman maintain regular attendance at AA and caduceus meetings as directed by OHPP and undergo counseling as directed by OHPP. That Dr. Freeman specifically follow and incorporate, by reference, the recommendations in the Professional Renewal Center (PRC) report, pages eighteen (18) and nineteen (19) that they make. That Dr. Freeman also be under monitoring in the workplace by a physician at the hospital or group that Dr. Freeman finds employment.

This is also under the terms and condition that Dr. Freeman pay the board a one hundred (100) dollar a month monitoring fee and that Dr. Freeman falls under the normal terms and conditions of probation, which includes reporting to the Board in person when he is ordered in the future, and responding to investigators when they make inquiries.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call. Mr. Hyman asked if Dr. Freeman could comment on this before the roll is called. Mr. Hyman objected to the inclusion of matters that he believes are outside the issue of Dr. Freeman's alcohol problem. Ms. Templeton stated that the Board is following the recommendation of Dr. Kuhn of OHPP and the Professional Renewal Center (PRC). She further stated that Mr. Hyman's objection is noted for the record. Further discussion was had regarding the use of the PRC report, at which point Mr. Gamino read from paragraph one (1) of the "Order" on page five (5) of the March 12, 2020, Interim Order which stated "the Board will defer any decision on the merits of the evidence until the Board meeting in June, 2020, after the Board has opportunity to review the report on the Respondent compiled by the Professional Renewal Center ("PRC"), Lawrence, Kansas and to consider any conclusions, recommendations, or direction included therein." Ms. Templeton stated that Dr. Freeman and Mr. Hyman can petition for further consideration of this matter in December 2020 or at any point in the next five (5) years of probation. A call for votes on the motion was reiterated.

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

The motion passed.

Christopher V. Moses, D.O.

Ms. Templeton called the matter of Christopher V. Moses, D.O., to order. Dr. Moses did not appear in person. An affidavit of Surrender was presented on behalf of Dr. Moses. Mr. Leake announced that Board staff had come to a payment agreement for the amount owed on behalf of Dr. Moses in the amount of fifty (50) dollars a month for five (5) years. The Board considered these terms and the Affidavit.

Dr. Young moved to accept the Affidavit of Surrender and the payment plan as submitted.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Michelle D. O'Meara, D.O.

Ms. Templeton called the matter of Michelle D. O'Meara, D.O., to order. Dr. O'Meara appeared via Zoom without counsel. Investigator for the Board, Rick Zimmer, and John Kuhn, M.D., of OHPP also appeared via Zoom 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. Discussion was had regarding Dr. O'Meara's SoberLink compliance and her related fines.

Dr. Young moved to accept the recommendation made by Executive Director, Michael Leake, to modify Dr. O'Meara's current order to include a one thousand (1,000) dollar fine for any failed, missed, late, or non-compliant test on the SoberLink platform. Also, that Dr. O'Meara is required to test three times a day, between the one-hour windows of 7 a.m.-8 a.m., 5 p.m.-6 p.m., and 8 p.m.-9 p.m. A one thousand (1,000) dollar fine be added for Dr. O'Meara's missed August 2020 test.
Ms. Templeton seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Melvin Robison, D.O.

Ms. Templeton called the matter of Melvin Robison, D.O., to order. Dr. Robison appeared via Zoom without counsel. Chief Investigator for the Board, Rick Zimmer, also appeared in person and gave testimony. The Board considered Dr. Robison's compliance with his Order of Probation. The Board informed Dr. Robison to next appear in March 2021.

No motion was made.

Jeremy Thomas, D.O.

Ms. Templeton called the matter of Jeremy Thomas, D.O., to order. Dr. Thomas appeared via Zoom without counsel. Chief Investigator for the Board, Rick Zimmer, also appeared in person and gave testimony. The Board considered Dr. Thomas's compliance with his Order Reinstating License with Terms of Probation. The Board informed Dr. Thomas to next appear in December 2020.

No motion was made.

Michael Yost, D.O.

Ms. Templeton called the matter of Michael Yost, D.O., to order. Dr. Yost appeared via Zoom without counsel. Chief Investigator for the Board, Rick Zimmer, appeared in person and gave

testimony. The Board considered Dr. Yost's compliance with his Order Granting License with Conditions.

Dr. Young moved to terminate Dr. Yost's Order for good cause shown.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

9. REPORTS AND RECOMMENDED ACTIONS

Michael T. Leake, Jr, J.D., Executive Director:

1. John Kuhn, M.D., of OHPP, presented documentation to the Board regarding a need for additional funding.
2. Mr. Leake informed the Board that the IT Infrastructure upgrades were nearing completion. The projects still being worked on were the redesign of our public site and use of Virtual Private Networks. He also thanked the OOA for allowing installation of a Wireless Access Point in the board room.
3. Mr. Leake elaborated on the financial documentation provided to the Board and announced that Board staff was year-to-date under budget.
4. Mr. Leake announced that the Board currently has three thousand three hundred and six (3,306) active licensees and that Board staff is still processing incoming renewals.
5. Mr. Leake provided the Board with information regarding E-Prescribing Waiver approvals. Board staff has processed three (3) requests for approval since the June 18, 2020 meeting. It was also announced that there has been a total of one hundred and thirty seven (137) approvals given.
6. Mr. Leake gave an update on COVID office and remote work procedures. He provided the Board with his re-opening procedures and a copy of Governor Stitt's current Executive Order (2020-20 4th Amended).
7. Mr. Leake presented the Board with information on active Emergency Temporary Licenses that have been issued in accordance with Executive Order 2020-20. He also stated they have a current expiration date of September 27, 2020.
8. Mr. Leake announced to the Board that he had sent a possible impact notice to Governor Stitt's Oklahoma Commission on Cooperative Sovereignty due to the McGirt v.

Oklahoma decision, and that he would be providing a report on that possible impact by September 30, 2020.

9. Mr. Leake recommended the Board form a committee to discuss changes needed to Title 510, the rules of the Osteopathic Board. It was determined the committee would consist of Dr. Cunningham, Ms. Taylor, Dr. Young, and Mr. Leake.
10. Mr. Leake informed the Board that the OSMA had received a grant from Telligen which would allow for eight (8) one (1) hour counseling sessions to physicians free of charge while funds lasted. Mr. Leake stated he would like to discuss options for a more permanent option with OHPP.
11. Executive Session for approval of bonuses for all eligible employees discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual or employee pursuant to 25 O.S. § 307 (B)(1).

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Dr. Young moved to approve a one-time lump sum bonus to all employees, including the Executive Director, of 10% their annual salary.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

For Report items 12- Discussion of PMP Top 20 Prescribers, 13- Investigative Department Data and Statistics- 2020, and 14- Third Investigator the Board decided the best course of action would be an executive session.

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

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

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

There were no further motions regarding these agenda report items.

15. Mr. Leake informed the Board of a recent change to the Physician's Assistant Act regarding delegation physicians. There was discussion from the Board regarding this topic.

Dr. Young moved to approve the drafting of a rule change that will allow Osteopathic Physicians to oversee six (6) active mid-level practitioners with ten (10) hours of clinical practice.
Dr. Derby seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

General Counsel Gamino:

1. Mr. Gamino made no update on the McGirt Ruling, it was covered Mr. Leake's previous reports.

10. OLD BUSINESS

No old business was discussed.

11. NEW BUSINESS

No new business was discussed.

12. PUBLIC COMMENT

No public comment was made.

13. ADJOURNMENT

The meeting was adjourned by consensus at 5:15 p.m. The next meeting is December 10, 2020, at 9 a.m.