

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

DATE OF MEETING September 16, 2021

PLACE OF MEETING Oklahoma State University Medical Center
744 West 9th Street – 2nd Floor Auditorium
Tulsa, OK 74127

MEMBERS PRESENT Jay Cunningham, D.O.
Duane G. Koehler, D.O.
Bret Langerman, D.O.
C. Michael Ogle, D.O.
Catherine Taylor, J.D.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT In-Person Attendees:
Christi Aquino, *Board of Osteopathic Examiners*
Greg Bradley, D.O.
Kim Contreras, *Board of Osteopathic Examiners*
Colby DeGiacomo, D.O.
Kelsey Devinney, *Board of Osteopathic Examiners*
David George, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Kari Hawthorne, J.D.
William Hayes, D.O.
Caleb Hentges, D.O.
Jamie Hentges
Annette Justesen
Bryce Justesen
David King, D.O.
Alexandria Knecht, D.O.
Wilson Knight, D.O.
Michael Leake Jr., J.D., *Board of Osteopathic Examiners*
Marie Mauhar, D.O.
Meagan McCall, D.O.
Mary Kathryn Mercer, D.O.
John Mobley, CMBI, *Board of Osteopathic Examiners*
James Allen Roseberry, D.O.
Linda Scoggins, J.D.
Elizabeth Scott, J.D.
Randall Sewell, J.D.
Gary L. Slick, D.O.
Sherri Wise, *OFF*
Janis Womack, *Board of Osteopathic Examiners*
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*

Teleconference Attendees:

Tiffany Bartel, D.O.
Laura Bode, D.O.
Jennifer Colburn
Scott Cyrus, D.O.
Shawna Duncan, D.O.
Camillia Estes
Kimbra Freeman
Kevin Klauer, D.O.
Melanie Knight
John Kuhn, M.D., *OHPP*
Megan Locke
Suma Nadimpalli, D.O.
Shontay Patterson
Lowell Robertson, M.D., *OHPP*
Wendi Stearman
Jeremy Thomas, D.O.
Sarah Wolff, D.O.
General Public

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

1. ROLL CALL TO ESTABLISH QUORUM

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

2. REMEMBERING GEORGE DALE DERBY, D.O.

Ms. Templeton conveyed the Boards condolences and sympathy to the family of Dr. Derby due to his passing. She presented a Declaration of Appreciation of Contribution by Dale Derby, D.O. signed by all Board members in memoriam.

3. 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 17, 2021. She asked for any additions, corrections or deletions to those minutes.

<p>Dr. Koehler moved to approve the minutes of the June 17, 2021 Regular Board Meeting as presented. Ms. Taylor seconded the motion.</p>
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Ms. Templeton called for the votes on the motion and a roll call.

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

The motion passed.

Ms. Templeton asked the members of the Board if they had reviewed the minutes from the Emergency Board Meeting of August 14, 2021. She asked for any additions, corrections or deletions to those minutes.

Dr. Koehler moved to approve the minutes of the June 17, 2021 Regular Board Meeting as presented.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, abstain; Dr. Young, yes.

The motion passed.

4. PROBATION, MONITORING, AND HEARING DOCKET

Mary Kathryn Mercer, D.O.

Ms. Templeton called the matter of Mary Kathryn Mercer, D.O., to order. Dr. Mercer appeared in person with counsel of record, Elizabeth Scott, J.D. Chief Investigator for the Board, Rick Zimmer, also appeared in person and gave testimony. The Board recognized substitute General Counsel, Randy Sewell, J.D., who will be advising the Board in place of Daniel Gamino, J.D. in this particular matter. The hearing proceeded; testimony and exhibits were presented by both parties.

Dr. Young moved to go into Executive Session.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to come out of Executive Session.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to grant Dr. Mercer's request to take the COMVEX exam. However, prior to any consideration for reinstatement of license Dr. Mercer is to complete, per the PRC (Professional Renewal Center) report, a sleep study, a neurological evaluation, begin meeting with a psychiatrist, obtain an evaluation from CPEP and receive the FDG-PET scan recommended on page 26 of her PRC report. Dr. Mercer is to sign a release allowing all results from these tests and evaluations to be provided to the Board for review before further evaluation.

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

The motion passed.

Wilson G. Knight, II, D.O.

Ms. Templeton called the matter of Wilson G. Knight, II, D.O., to order. Dr. Knight appeared in person with counsel of record, Kari Hawthorne, J.D. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. The hearing proceeded; exhibits and testimony were entered by both parties.

Dr. Young moved to go into Executive Session.

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

The motion passed.

Dr. Young moved to come out of Executive Session.

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

The motion passed.

Following the Board's executive session Board General Counsel, Daniel Gamino, J.D., announced that while no votes were taken in executive session, he believed there would a motion stating the displeasure, on both sides, at not receiving Dr. Knight's report from PACE and that by agreement the Board would ask that Dr. Knight sign an Agreement Not to Practice in Oklahoma until such time that a new evaluation, at a location determined by Board staff, be completed and received by the Board to be used in further proceedings. Mr. Knights counsel, Ms. Hawthorne, informed the Board that Dr. Knight had recently relocated to Oklahoma and asked that a less restrictive measure be taken by the Board to allow Dr. Knight to continue to practice with whichever restrictions they deemed necessary. Discussion was had over this request.

Dr. Koehler moved to go into Executive Session.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to table further action on Dr. Knight's proceeding until Dr. Knight obtains an evaluation at a location dictated by Board staff. Once received and reviewed by the Board further evidence can be reviewed in this matter. However, Dr. Knight's practice in Oklahoma shall be limited to virtual or telemedicine visits while he is obtaining the aforementioned evaluation and the results are being reviewed.
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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 Board Order. Dr. Thomas asked that the Board excuse him from their previous requirement ordered at the June 17, 2021 meeting that he get an evaluation from Dr. Julio Rojas. John Kuhn, M.D., of OHPP appeared on behalf of Dr. Thomas and stated Dr. Thomas's counselor, Rusty Gillette, had sent a letter stating he was releasing Dr. Thomas from his care because he felt he no longer needed the sessions.

Dr. Young moved to approve Dr. Thomas's request and excuse him from the previously ordered requirement of obtaining an evaluation from Dr. Rojas.
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

William Hayes, D.O.

Ms. Templeton called the matter of William Hayes, D.O., to order. Dr. Hayes appeared in person with counsel of record, Elizabeth Scott, J.D. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. Dr. Hayes requested that the Board reconsider his request for re-issue of his Oklahoma license following his denial of application at the June 17, 2021 meeting. The hearing proceeded; testimony was heard and Ms. Scott presented the Board with exhibits.

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

The motion passed.

Dr. Cunningham moved to grant Dr. Hayes request for re-issue of licensure in Oklahoma. Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, no.

The motion passed.

5. LICENSURE & RENEWAL HEARING DOCKET

Applicants for Licensure- Appearing

James Roseberry, D.O.

The Board considered Dr. Roseberry's request for re-issue of his licensure in Oklahoma. Dr. Roseberry appeared at the June 17, 2021 meeting and the Board informed him they would see him in September 2021, once the Board obtained his CPEP report. The Board received and reviewed Dr. Roseberry's CPEP evaluation.

Dr. Koehler moved to go into Executive Session.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to grant Dr. Roseberry's request for re-issue of Oklahoma licensure with the condition he obtain a preceptor approved by Board staff and follow the recommendations laid out in the CPEP evaluation.
Dr. Ogle seconded the motion.

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

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

The motion passed.

Colin Bumann, D.O.

Board Executive Director, Michael Leake, announced that Dr. Bumann is at Bradford and subsequently could not make an appearance at this meeting. Mr. Leake asked that the Board extend Dr. Bumann's Resident Training license until the December 9, 2021 meeting unless Bradford reports that Dr. Bumann is unsafe to practice, at which point he would agree to stop practice immediately and await his next Board appearance.

Dr. Koehler moved to approve the request to extend Dr. Bumann's Resident Training license unless he is determined to be unsafe to practice as stated by Mr. Leake.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Caleb Hentges, D.O.

The Board considered Dr. Hentges' request for Licensure in Oklahoma. Dr. Hentges' appeared at the March 18, 2021 and June 17, 2021 where his application was tabled on both occasions. Dr. Hentges appeared in person with counsel of record, Linda Scoggins, J.D. The information the Board requested of Dr. Hentges' was presented by Ms. Scoggins and reviewed by the Board. Shawna Duncan, D.O., of OSU appeared and gave testimony regarding OSU's willingness to take Dr. Hentges into their residency program if he was to be granted a license.

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

The motion passed.

Dr. Koehler moved to grant Dr. Hentges' request for Oklahoma licensure with conditions. Dr. Hentges' license is to be restricted to only his training program and the Board is to receive quarterly reports from the aforementioned training program. Dr. Hentges' is also to follow the recommendations set forth in the evaluation received from Dr. Rojas.
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, abstain; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, no.

The motion passed.

6. CANCELLATION OF LICENSES

Ms. Templeton asked the members of the Board if they had reviewed the list for the cancellation of licenses. These are licenses that did not renew for the 2021-2022 renewal cycle. Mr. Leake announced that two licenses had been renewed since the list was run, licenses 4365 and 3157, and that they would be removed from the cancellation list.

Dr. Koehler moved to approve the cancelation of licenses list with the removal of the two now active licenses.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

7. RATIFICATION OF APPROVED LICENSES

Ms. Templeton asked the members of the Board if they had reviewed the ratification list for all licenses that have been approved by the Boards Director of Licensing, Christi Aquino, since the last Quarterly Board meeting of June 17, 2021.

Dr. Koehler moved to ratify all licenses issued since the June 17, 2021 Board meeting.
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

8. RATIFICATION OF SURRENDERED LICENSES

Ms. Templeton asked the members of the Board if they had reviewed the ratification list of all licenses that have been surrendered since the Quarterly Board meeting of June 17, 2021.

Dr. Koehler moved to ratify the Affidavits of Surrender for Regan Nichols, D.O., Nelson Onaro, D.O., and Barry Waack, D.O. as presented, provided future Affidavits include reasoning for the surrender.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. DISCUSSION AND POSSIBLE ACTION OF COMPENSATION AND/OR BONSUES FOR ALL ELIGIBLE EMPLOYEES

The Board called for an executive session to discuss the compensation of Board staff.

Dr. Koehler moved to go into Executive Session.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to approve the salary increase of the Executive Director to one hundred and three thousand (103,000) dollars per year.
Ms. Taylor seconded the motion.

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

Dr. Koehler moved to approve a one-time lump sum bonus to all eligible employees, including the Executive Director, of ten (10) percent their annual salary.
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Request for Mid-Level Exception

Mr. Leake presented a request from Sarah Minor, D.O. for an exception to the limit of mid-level providers she may supervise from six (6) to eight (8).

Dr. Ogle moved to approve Dr. Minor's request for an exception to the number of mid-level providers she can supervise from six (6) to eight (8).
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, no; Dr. Koehler, no; Dr. Langerman, no; Dr. Ogle, no; Ms. Taylor, no; Ms. Templeton, yes; Dr. Young, no.

The motion failed. Mr. Leake announced he would inform Dr. Minor of the Boards decision.

10. REPORTS AND RECOMMENDED ACTIONS

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

1. Mr. Leake informed the Board the financial reports were in their board materials and they were accepted by consensus.
2. Mr. Leake announced to the Board that he has been actively trying to educate the physicians requesting E-Prescribing waivers to try and minimize the number of requests being approved. He stated he had approved three (3) waivers since the last meeting.
3. Mr. Leake suggested the Board go into executive session to discuss the top twenty prescriber list provided by the OBNDD if they had further questions. No motion was made.
4. Mr. Leake suggested the Board go into executive session to discuss the investigative department updates if they had further questions. No motion was made.
5. Mr. Leake stated the licensing department numbers were in the Board Materials for review. He informed the board that no Emergency Temporary license applications had been received since the Board passed the emergency rules to allow them.
6. Mr. Leake informed the Board about a data mining project Board staff began utilizing which involves the use of OSCN.
7. Mr. Leake addressed the Board and asked that the Board and Board staff begin drafting a policy on DUI reporting by Osteopathic Physicians.
8. Mr. Leake announced that he would be surveying the Board in the next few weeks to obtain available dates for a special meeting regarding the rule changes for the upcoming year.
9. Mr. Leake instructed the board that FSMB (Federation of State Medical Boards) had released a statement regarding misinformation of COVID-19.
10. Mr. Leake informed the Board that Board staff has had inquiries regarding the physician reporting requirements for child abuse on Indian reservations.

Dr. Koehler moved to request an Attorney General opinion on the physician reporting requirements of child abuse on Indian reservations.

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

The motion passed.

General Counsel Gamino:

Mr. Gamino informed the Board he had no new reports to give.

John Kuhn, M.D., Oklahoma Health Professionals Program (OHPP):

Dr. Kuhn gave a presentation from OHPP about substance abuse disorder. He stated, hypothetically, fifteen (15) percent of the Osteopathic Physician workforce may be impaired.

11. OFF LABEL PRESCRIBING

Kerri Williams, D.O. and David King, D.O. appeared before the Board to discuss the use of Ivermectin to treat COVID-19 patients. Ms. Templeton informed them it is the position of the Board that they do not make recommendations or endorsements with regard to practice between a physician and a patient. Ms. Templeton informed Dr. Williams and Dr. King the Board would not be making a statement regarding the use of Ivermectin in treating COVID-19.

12. OLD BUSINESS

No old business was discussed.

13. NEW BUSINESS

No new business was discussed.

14. PUBLIC COMMENT

No public comment was made.

15. ADJOURNMENT

The meeting was adjourned by consensus at 3:00 p.m. The next meeting is December 9, 2021, at 9:00 a.m.