

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

September 20, 2012

DATE OF MEETING September 20, 2012

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

MEMBERS PRESENT Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
C. Michael Ogle, D.O.
Carl B. Pettigrew, D.O.
Catherine C. Taylor, J.D.
Cheryl A. Vaught, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT Thomas R. Pickard, D.O.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Andrea Blanchard
Nancy Chase, *OHPP*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Susan Fennimore, *DNR Reporting*
Mitsi Faubion, D.O.
Eric Flegel, D.O.
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Trenton Horst, D.O.
George M. Jennings, D.O.
Bobby C. Kang, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
John Musilla, D.O.
Lany Milner, *Oklahoma Osteopathic Association*
Clayton Royder, D.O.
Mona Royder
Hugh D. Tidler, *Board of Osteopathic Examiners*
Lela Tenney
Jerry Valentine, *Board of Osteopathic Examiners*
Monte Veal, D.O.
Robert Westcott, M.D.*OHPP*
Michael Whinery, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: Catherine C. Taylor, J.D., *President*

SWEARING-IN OF NEW BOARD MEMBER

President Catherine Taylor administered the oath of office to new Board Member C. Michael Ogle, D.O. Dr. Ogle assumed the office and took his seat at the Board table.

1. CALL TO ORDER & ESTABLISH QUORUM

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Catherine C. Taylor, J.D., *President* called the meeting to order at 9:05 a.m. and announced that a quorum was established.

2. APPROVAL OF MINUTES

Ms. Taylor asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of June 21, 2012 and asked for any additions, corrections or deletions to the minutes.

Dr. Pettigrew moved to approve the minutes of the June 21, 2012 Quarterly Board Meeting.
Ms. Vaught seconded the motion.

Ms. Taylor called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abstain; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

On behalf of the board, Deborah Bruce thanked Dr. Young for providing donuts for the meeting. She introduced Sgt. Jerrod Cox, OCPD, who was providing security for the meeting. She also introduced the Board to Jerry Valentine, new Special Investigator for the Board. Ms. Bruce reported that Mr. Valentine had retired from Homeland Security after twenty-five years of service.

B. BUDGET

On behalf of Mr. Turner, Ms. Bruce submitted the monthly Summary of Income and Expenses to the Board. Ms. Taylor asked if there was further discussion.

Dr. Young moved to accept the budget report.
Dr. Laird seconded the motion.

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

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

4. PROBATION APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

John Musilla, D.O.

Ms. Taylor called the matter of John Musilla, D.O. to order. Dr. Musilla appeared in person without counsel. Dr. Robert Westcott of OHPP accompanied Dr. Musilla and reported on his progress while on probation.

Dr. Young moved to partially remove the restriction on prescribing and grant prescriptive authority for Dr. Musilla to prescribe Schedule III controlled drugs. Dr. Musilla shall check the PMP on each patient prior to prescribing such drugs. Dr. Musilla shall also report dosages and quantities on a form provided by Board Staff

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which will monitor Dr. Musilla's prescribing practices through the PMP. Dr. Musilla is to return for the Board Meeting on December 13, 2012.
Ms. Vaught seconded the motion.

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

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

Mitsi Faubion, D.O.

Ms. Taylor called the matter of Mitsi Faubion, D.O. to order. Dr. Faubion appeared in person without counsel. Dr. Robert Westcott of OHPP accompanied Dr. Faubion and reported on her progress while on probation. Investigator Richard Zimmer also reported on Dr. Faubion's progress. No motions were made.

Bobby Chu Kang, D.O.

Ms. Taylor called the matter of Bobby Chu Kang, D.O. to order. Board Member, Dr. C. Michael Ogle, recused from the hearing and left the room. Dr. Kang appeared in person without counsel. His office administrator, Andrea Blanchard appeared with him.

Dr. Pettigrew moved to continue the probation of Bobby Chu Kang, D.O. without modification.
Dr. Young seconded the motion.

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

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, recused; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

Christopher Scott Blaisdell, D.O.

Ms. Taylor called the matter of Christopher S. Blaisdell, D.O. to order. Dr. Blaisdell appeared in person without counsel. Dr. Robert Westcott of OHPP appeared and reported on Dr. Blaisdell's progress while on probation. Investigator Richard Zimmer also reported on Dr. Blaisdell's progress.

Dr. Young moved that, prior to the December 13, 2012 Board meeting, Dr. Blaisdell shall consult with Dr. Yarbrough for a recommendation related to Dr. Blaisdell's continued use of provigil. Board Staff is to contact ACUMEN to clarify their position on Dr. Blaisdell's use of provigil. Further, Dr. Blaisdell is granted permission to prescribe only the following SCDS dosages, strengths and quantities: Lyrica, 25 mg, 50 mg, 70 mg, 100 mg or less with a limit of #30 per month per patient; Ambien, limit of #14 per month per patient; Klonopin, 0.25 mg or 0.5 mg with a limit of #30 per month per patient. Dr. Blaisdell shall submit a monthly report to the Board that reflects the SCDS he administers or dispenses including the date, patient, date of birth, dosage, strength and quantity. Board Staff shall have authority to monitor and direct compliance with this Order.
Dr. Ogle seconded the motion.

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

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

Michael Whinery, D.O.

Ms. Taylor called the matter of Michael Whinery, D.O. to order. Dr. Whinery appeared in person without counsel. Dr. Robert Westcott of OHPP appeared and reported on Dr. Whinery's progress while on probation. The Board reminded Dr. Whinery of the importance of his compliance with all the terms and conditions of the Agreed Order of the Board. No motions were made.

Clayton Royder, D.O.

Ms. Taylor called the matter of Clayton Royder, D.O. to order. Dr. Royder personally appeared without counsel. He was accompanied by his wife. He reported on his progress while on probation. No motion was made.

Trenton F. Horst, D.O.

Ms. Taylor called the matter of Trenton F. Horst, D.O. to order. Dr. Horst personally appeared without counsel. He reported on his progress while on probation. Investigator Richard Zimmer also reported on Dr. Horst's progress.

Dr. Young moved to continue the probation of Trenton F. Horst, D.O. without modification. Dr. Horst shall continue to comply with all terms and conditions of the Order and with all terms and conditions of his contract with OHPP. Dr. Horst shall next appear before the Board on December 13, 2012.
Dr. Cunningham seconded the motion.

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

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

Monte D. Veal, D.O.

Ms. Taylor called the matter of Monte D. Veal, D.O. to order. Dr. Veal personally appeared with counsel of record, Christopher Condren. Dr. Robert Westcott of OHPP also appeared on behalf of Dr. Veal. The Board permitted a dispensing permit to issue with the proviso that Dr. Veal, pursuant to his Order, may not dispense SCDS. Dr. Veal is directed to return on December 13, 2012. No motion was made.

5. HEARING DOCKET

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

George M. Jennings, D.O.

Ms. Taylor called the matter of George M. Jennings, D.O. to order. Dr. Jennings appeared in person without counsel. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren, with the consent of Dr. Jennings, advised the Board of scrivener's errors on dosage amounts on pages 2 and 3 of the Complaint. The Hearing commenced. Evidence and exhibits were presented.

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

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Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

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

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved that the allegations in the complaint against Dr. George M. Jennings, D.O. had been proven by clear and convincing evidence.
Dr. Pettigrew seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Laird moved to place Dr. Jennings on Probation for a two (2) year period. The dispensing permit granted by the Board is suspended during the term of the probation. Prior to renewing his license in 2013, Dr. Jennings shall, at his own expense, attend continuing education programs on Proper Prescribing and Record Keeping. These programs are to be approved by Board Staff. Dr. Jennings shall pay the cost of the investigation and proceedings and is to appear before the Board as directed by Board Staff. All other routine requirements for Board Orders are included.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

6. APPLICANTS FOR LICENSURE – APPEARANCES
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Eric G. Flegel, D.O.

Ms. Taylor called the matter of Eric G. Flegel, D.O. to order. Dr. Flegel appeared in person without counsel and was accompanied by Dr. Robert Westcott of OHPP. Dr. Flegel requests to reinstate his license, number 3402, so that he may again practice osteopathic medicine in the state of Oklahoma. Ms. Taylor recognized Richard Mildren, Prosecuting Attorney for the Board. Evidence and testimony was heard.

Dr. Young moved that an Interim Order be entered. Dr. Flegel shall, at his own expense, attend a structured program or Preceptorship and shall be evaluated by CPEP or PACE and cause that evaluation to be forwarded to the Board. Dr. Flegel is to continue his association with MHPP and/or OHPP. Upon completion of these terms and conditions, Dr. Flegel is to return to the Board for further orders as might be appropriate. Dr. Laird seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

7. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed eleven (11) licensure files.

Dr. Laird moved to grant the request of the eleven (11) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files. Dr. Young seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yrs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

8. LICENSURE MATTERS

Request for name change

Ms. Taylor asked the Board to consider the request for a name change of the following:

Shannon Nicole Modlin, D.O. to Shannon Nicole Boughner, D.O.

Robin Eisenhauer, D.O. to Robin Michelle Mikel, D.O.

Ginger Lea Rollings, D.O. to Lea Rollings, D.O.

Julie L. Thomas, D.O. to Julie L. Wiley, D.O.

Tara DeAnn Mena, D.O. to Tara Stewart, D.O.

Dr. Pettigrew moved to grant the request for name change of Shannon Nicole Modlin, D.O. to Shannon Nicole Boughner, D.O.; Robin Eisenhauer, D.O. to Robin Michelle Mikel, D.O.; Ginger Lea Rollings, D.O. to Lea Rollings, D.O.; Julie L. Thomas, D.O. to Julie L. Wiley, D.O.; Tara DeAnn Mena, D.O. to Tara Stewart, D.O. Dr. Laird seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yrs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Request for CME Exemption

Melissa Sandberg, D.O.

Dr. Young moved to grant the request for exemption from CME for 2013 to Melissa Sandberg, D.O.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yrs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Request to Waive Late Fee

Mary Beth Anderson, D.O.

Dr. Young moved to deny the request of Mary Beth Anderson, D.O. for a refund of the late fee she incurred during the license renewal process.
Dr. Cunningham seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yrs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

9. CANCELLATION OF LICENSES

Dr. Cunningham moved to cancel the licenses of forty-nine (49) physicians who had failed to renew their licenses by June 30, 2012.
Dr. Pettigrew seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

10. ELECTION OF OFFICERS

Dr. Young moved to elect Carl B. Pettigrew as Vice-President of the Board and Jay D. Cunningham as Secretary/Treasurer.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

11. DRAFT POLICIES & GUIDELINES

A. Medical Spa Committee

The committee chair, Dr. Cunningham, reported this is still a work in progress.

B. Committee on Supervision

The committee chair, Dr. Young, recommended tabling consideration of this matter. The Board agreed by consensus.

12. OLD BUSINESS

1. Letters from AOA/NBOME regarding Maintenance of Licensure pilot programs were distributed to the Board.

2. Ms. Taylor reported on her April attendance at the Federation of State Medical Boards Meeting in Fort Worth.

3. The Board considered requests of physicians on probation to supervise mid-level practitioners and the method for handling future requests.

Dr. Cunningham moved to ratify the previous consensus decision by the Board to permit two physicians currently on probation, Dr. Tony Brown and Dr. Kim Floyd, to supervise mid-level practitioners. All such future requests by probationers are to be submitted to and decided by the Board's Case Review Committee on a case-by-case basis. This procedure will allow an avenue for appeal of a request's denial.
Dr. Pettigrew seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

13. NEW BUSINESS

1. The Board reviewed the Board and Staff Activities report for June through August, 2012.

2. Ms. Bruce reported on the success of the Pain Management Seminar held in conjunction with the Board of Medical Licensure as well as the OOA and OSMA.

3. Ms. Bruce reported on the upcoming Law and Medicine Conference.

4. The Board considered possible items for the legislative agenda for 2012-13.

5. Ms. Bruce distributed the Tobacco Free Policy drafted by the staff and asked for Board approval.

Dr. Young moved to approve the Osteopathic Board Tobacco Free Policy.
Dr. Cunningham seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

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The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

6. The Board considered the OHPP quarterly report.
7. The Board considered the upcoming AAOE Summit. Any physician Board Member is invited to attend. None of the physician Board Members schedules permitted their attendance.

14. APPROVAL OF 2013 MEETING DATES

Dr. Cunningham moved to approve meeting in 2013 on March 21, June 20, September 19, and December 12.
Dr. Young seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

15. EXECUTIVE SESSION

Dr. Pettigrew moved to go into executive session.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Pettigrew moved to come out of executive session.
Dr. Ogle seconded the motion.

Ms. Taylor called for a roll call vote on the motion.

The roll call/votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, abs; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

16. ADJOURNMENT

Dr. Pettigrew moved to adjourn the September 20, 2012 Quarterly Board Meeting.
Dr. Ogle seconded the motion.

Ms. Taylor called for the votes to approve the motion.

The votes were: Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Dr. Pickard, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, abs.

The motion passed and the meeting was adjourned at 5:45 p.m.