

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

QUARTERLY MEETING MINUTES

December 9, 2010

DATE OF MEETING December 9, 2010

PLACE OF MEETING Oklahoma Osteopathic Board Offices
4848 N. Lincoln
Oklahoma City, OK 73105

MEMBERS PRESENT Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
Carl B. Pettigrew, D.O.
Thomas R. Pickard, D.O.
B. Frank Shaw, Jr., D.O.
Catherine C. Taylor, J.D.
Cheryl A. Vaught, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT Lanny Anderson, *OHPP*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Lt. Jeff Cooper, *Ok City Police Dept.*
Larry Derryberry, J.D.
Larry E. Ellis, D.O.
Mary Ellis
Susan Fenimore, *DNR Court Reporter*
Kim Floyd, D.O.
Daniel Gamino, J.D., *Board Legal Advisor*
Laketa Halpine, D.O.
Ryan Hearne, J.D.
Kathryn Judd, D.O.
Merlin Kilbury, M.D., *OHPP*
Corinne Kilbury
Angie Lehman
R. Troy Lehman, D.O.
Jess McCullough, *Board of Osteopathic Examiners*
Lynette McLain, *Oklahoma Osteopathic Association*
Rick McKinney, D.O.
Mary K. Mercer, D.O.
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
J. David Ogle, J.D.
Clayton Royder, D.O.
Mona Royder
Jack M. Shearer, D.O.
Barbara Shepherd, *Board of Osteopathic Examiners*
Mona Spivey, *Oklahoma Osteopathic Association*
Hugh D. Tidler, *Board of Osteopathic Examiners*
Rodney Turner, *Board of Osteopathic Examiners*
General Public

PRESIDING: Gordon P. Laird, D.O., *President*

1. CALL TO ORDER

Gordon P. Laird, D.O., President, called the meeting to order at 9:00 a.m.

2. APPROVAL OF MINUTES

Dr. Laird asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 16, 2010. Dr. Laird asked for any additions, corrections or deletions to the minutes.

Dr. Pickard moved to approve the minutes of the September 16, 2010 Quarterly Board Meeting. Ms. Taylor seconded the motion.

Dr. Laird 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

3. REPORTS

A. PRESIDENT'S REPORT

No report.

B. OOA EXECUTIVE DIRECTOR REPORT

Lynette McLain, OOA Executive Director, reported that the expansion of the Board office space would cost \$45,000. She asked the Board to help by paying to rent the Board room. She reminded the Board that there is a catering policy that must be adhered to. She also announced the OOA Winter seminar and Dr. Young's inauguration scheduled for April 30th. Additionally, she reported that the Dean for OSU-COM was expected to be announced soon and that longtime OOA staff member, Mona Spivey would be retiring in May.

C. EXECUTIVE DIRECTOR REPORT

Deborah Bruce thanked Dr. Young for providing donuts for the meeting and announced that materials for the agency's Sunset Review had been timely submitted to the legislature. She also announced the upcoming retirement of Investigator Jess McCullough. Accolades by Senior Investigator Hugh Tidler were given to Mr. McCullough.

D. BUDGET

Ms. Bruce and Mr. Turner submitted the monthly Summary of Income and Expenses to the Board. Dr. Laird asked the members of the Board if they had reviewed the budget documents as submitted.

Dr. Pettigrew moved to accept the budget report. Dr. Shaw seconded the motion.

Dr. Laird 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, yes; Dr. Young, yes.

The motion passed.

4. APPLICANTS FOR LICENSURE – APPEARANCES

Clayton Royder, D.O.

Dr. Laird called the matter of Clayton Royder, D.O. to order. Dr. Royder personally appeared with his attorney, Larry Derryberry. Dr. Laird recognized Richard Mildren, Prosecuting Attorney for the Board. On behalf of the Agency, Mr. Mildren submitted the matter to the Board for consideration. Mr. Derryberry and Dr. Royder addressed the Board and discussion followed.

Dr. Cunningham moved to go into Executive Session.
Ms. Vaught seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

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

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Pickard moved to grant Dr. Clayton Royder, D.O., a license to practice osteopathic medicine in the State of Oklahoma with restrictions. Dr. Royder is to be under a five (5) year probation. He is to report to CPEP for an intervention program and to fulfill all requirements of that program. He is to work with a supervisor or mentor approved by Board Staff. His educational program is to be approved by the Board and must include monthly reports from the mentor. For the first thirty (30) days of the program, he is to work shoulder-to-shoulder with the mentor. During the course of his probation, he shall not supervise any other professional and his practice shall not involve any in-patient or emergency room treatment.
Dr. Shaw seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Laketa Halpine, D.O.

Dr. Laird called the matter of Laketa Halpine, D.O. to order. Dr. Halpine appeared in person without counsel.

Dr. Pettigrew moved to grant a license to practice osteopathic medicine in the State of Oklahoma to Laketa Halpine, D.O., pending completion of her file.
Dr. Shaw seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Kathryn Judd, D.O.

Dr. Laird called the matter of Kathryn Judd, D.O. to order. Dr. Judd appeared in person without counsel.

Dr. Young moved to grant a license to practice osteopathic medicine in the State of Oklahoma on the term and condition that Dr. Judd shall pass Complex Step 3 within one (1) year of the date of issuance and cause a report to be sent to Board Staff verifying her score. Dr. Judd shall also furnish Board Staff with documentation of completion of an AOA approved Residency.
Ms. Vaught seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

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

Kim D. Floyd, D.O.

Dr. Laird called the matter of Kim D. Floyd, D.O. to order. Dr. Floyd appeared in person without counsel. Dr. Lanny Anderson of OHPP appeared and reported on Dr. Floyd's progress while on probation. Senior Investigator Hugh Tidler reported on the improved office practices Dr. Floyd was utilizing.

No motion was made.

Jack M. Shearer, D.O.

Dr. Laird called the matter of Jack M. Shearer, D.O. to order. Dr. Shearer appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Shearer's progress while on probation.

No motion was made.

6. PRECEPTORSHIP APPEARANCES

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

Mary Kathryn Mercer, D.O.

Dr. Laird called the matter of Mary Kathryn Mercer, D.O. to order. Dr. Mercer was present and accompanied by her counsel, Ryan W. Hearne, J.D., and reported on Dr. Mercer's progress during her Preceptorship. Dr. Mercer requested the Board's permission to add a preceptor. The Board acknowledged Dr. Mercer's suggestion of Dr. Bobby Jacobs or Dr. Jennifer Cox. The Board instructed Dr. Mercer to work with Staff on possible preceptors in addition to Dr. Grandle.

No motion was made.

7. HEARING DOCKET

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

R. Troy Lehman, D.O.

Dr. Laird called the matter of R. Troy Lehman, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Lehman was present and accompanied by his counsel, J. David Ogle. Evidence and Exhibits were presented by both parties.

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

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

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

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Cunningham moved that there was clear and convincing evidence to support the allegation in the complaint of unprofessional conduct by Dr. Lehman.
Ms. Vaught seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Ms. Vaught moved to impose a one (1) year probation on the licensure status of Dr. Lehman with the possibility of continuing or extending it at the end of the one year. The probation is imposed under the terms and conditions that Dr. Lehman shall successfully complete an Ethics Course and a course on proper Charting. Both courses are to be approved in advance by Board Staff. Dr. Lehman is to address with CPEP the issues outlined in their report and satisfy those in conjunction with Board Staff. Dr. Lehman is to instruct any hospital where he is on staff to have all personnel reports forwarded to the Board. The Board's Investigator is to make unannounced visits, review the records and reports, and determine if Dr. Lehman's practice is satisfactory. Dr. Lehman is to bear the costs of prosecution.
Dr. Cunningham seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Bobby Chu Kang, D.O.

Dr. Laird called the matter of Bobby Chu Kang, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren submitted a Motion for Continuance filed by counsel for Bobby Chu Kang, D.O. for the Board's consideration.

Ms. Vaught moved to grant the Motion for Continuance in the matter of Bobby Chu Kang, D.O. until the March, 2011 Board Meeting.
Ms. Taylor seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Larry L. Ellis, Jr., D.O.

Dr. Laird called the matter of Larry L. Ellis, Jr., D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Pickard announced his recusal and left the room. Dr. Ellis appeared in person without counsel. Evidence and Exhibits were presented.

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

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

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

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Cunningham moved the Board finds, consistent with the complaint, that there was clear and convincing evidence of unprofessional conduct by Dr. Larry Ellis, D.O.
Ms. Taylor seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Pettigrew moved that the Board order Dr. Ellis to immediately resign as Medical Director of LaseMed, Inc. Dr. Ellis is to restrict his practice and prescribing to Osteopathic Manipulative Therapy [OMT]. Dr. Ellis is to return in March, 2011 with Counsel. Until such time as he again appears before the Board, he is not to supervise anyone. He is required to conduct full examinations of patients by the appropriate standard of care for OMT. He is to report to Board Staff his practice locations.
Dr. Young seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed fifteen (15) additional licensure files.

Dr. Pickard moved to grant the request of the fifteen (15) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files.
Dr. Young seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Pickard moved to grant the request of Henry K. Smith II, D.O. to reissue his license to practice osteopathic medicine in the state of Oklahoma, license number 4463, pending completion of his licensure file.
Dr. Young seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

9. LICENSURE MATTERS

Dr. Laird asked the Board to consider the request for a name change of the following:

Brandy Michelle O’Neal, D.O. to Brandy M. O’Neal-Duke, D.O.

Trisha L. Parks-Beakey, D.O. to Trisha Lee Parks, D.O.

Dr. Pickard moved to grant the request for name changes of Brandy Michelle O’Neal, D.O. to Brandy M. O’Neal-Duke, D.O. and Trisha L. Parks-Beakey, D.O. to Trisha Lee Parks, D.O.
Dr. Young seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

10. OLD BUSINESS

All items requiring action were continued to the March 17, 2011 meeting of the Board.

11. NEW BUSINESS

1. The Board reviewed the latest Board and Staff activities and honors.
2. Discussion of Temporary Licenses and Resident Licenses were continued to 3/17/11.
3. The Board considered the Professional Licensing Report.
4. The Board reviewed the proposed lease with the OOA.
5. The matter of a Retreat was continued to 3/17/11.
6. The Board was canvassed for interest in attending the CPEP Summit. No Board Members were available on the dates of the summit.
7. The Board reviewed the Electronic Death Registration (ROVER) System.
8. The Board reviewed the OHPP Quarterly Report.
9. Maintenance of Licensure – FSMB Proposal was continued to 3/17/11
10. The Board considered the staff recommendation on course content for all proper prescribing courses. Dr. Laird appointed a committee to report back to the Board with a recommendation. Dr. Young, Ms. Taylor and Mr. Tidler were appointed.
11. Possible delegates to the AAOE Meeting were considered.

Dr. Cunningham moved that Dr. Laird and Dr. Pickard should represent the Board at the upcoming AAOE Meeting if their schedules permit.
Ms. Taylor seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

12. Ms. Bruce submitted a copy of the Board History which had been submitted to the FSMB. Dr. Young suggested giving a copy to Dr. Thomas Carlile for his comments.

12. EXECUTIVE SESSION

Dr. Pickard moved to go into Executive Session.
Dr. Shaw seconded the motion.

Dr. Laird called for a roll call vote on the motion.

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

The motion passed.

Dr. Pickard moved to come out of Executive Session.
Dr. Shaw 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. Pettigrew, yes; Dr. Pickard, yes; Dr. Shaw, yes; Ms. Taylor, yes; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

13. ADJOURNMENT

Dr. Pickard moved to adjourn the December 9, 2010 Quarterly Board Meeting.
Dr. Shaw seconded the motion.

Dr. Laird called for the votes to approve the motion.

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

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