

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

QUARTERLY MEETING MINUTES

DECEMBER 11, 2008

DATE OF MEETING December 11, 2008

PLACE OF MEETING Oklahoma State Board of Osteopathic Examiners Office (OSBOE)
4848 North Lincoln Boulevard, Suite 100
Oklahoma City, Oklahoma 73105

MEMBERS PRESENT Paul F. Benien, Jr., D.O.
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.

MEMBERS ABSENT None

ALSO PRESENT Lanny Anderson, M.D., *Ok Health Professionals Program*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Susan Fennimore, *Court Reporter*
Daniel Gamino, J.D., *Board Legal Advisor*
Carolyn Goodwin, *Board of Osteopathic Examiners*
Gary L. Hays, D.O.
Lynette C. McLain, *Oklahoma Osteopathic Association*
Jess McCullough, *Board of Osteopathic Examiners*
Jules L. Merenda, D.O.
Richard A. Mildren, *Board Prosecuting Attorney*
Barbara Shepherd, *Board of Osteopathic Examiners*
Mona Spivey, *Oklahoma Osteopathic Association*
Hugh D. Tidler, *Board of Osteopathic Examiners*
Rodney L. Turner, *Board of Osteopathic Examiners*
General Public

PRESIDING Thomas R. Pickard, *President*

1. CALL TO ORDER

Dr. Thomas R. Pickard, President, called the meeting to order at 9:00 a.m.
(Daniel Gamino, J.D., swore in all respondents and witnesses.)

2. APPROVAL OF MINUTES

Dr. Pickard asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 18, 2008 that had been e-mailed to them. Dr. Pickard asked for any additions, corrections or deletions to the minutes.

Dr. Pettigrew moved to approve the minutes of the September 18, 2008 Quarterly Board Meeting.
Dr. Cunningham seconded the motion.

Dr. Pickard called for the votes on the motion to approve the minutes and a roll call.

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

The motion passed.

3. REPORTS

A. PRESIDENT'S REPORT

No report.

B. OOA EXECUTIVE DIRECTOR REPORT

Ms. McLain reported that an agreement to fund OSU-COM had been reached by the Oklahoma House and Senate leadership. Ms. Vaught asked that letters of support be sent by staff and members of the Board to those involved.

C. EXECUTIVE DIRECTOR REPORT

Ms. Bruce explained the handouts in each Board Members on-site-packet. She also alerted the Board to two upcoming events. First, the end of the calendar year 2008 statistical report will be presented to the Board at the March 2009 meeting. In addition, the photographer will be taking photos for new I.D. cards before the March 2009 Board meeting begins.

D. BUDGET

Ms. Bruce and Mr. Turner submitted the most recent Summary of Receipts and Disbursements for FY 2009. Ms. Bruce also submitted the Auditor's Draft Report for FY 2006-2008 and the Board's response. Ms. Bruce reported that Mr. Gamino had been largely responsible for the written response.

4. PROBATION APPEARANCES

Jules L. Merenda, D.O.

Dr. Pickard called the individual hearing of Jules L. Merenda, D.O. to order and discussion followed.

Dr. Merenda was present and accompanied by Dr. Lanny Anderson of OHPP. Both testified.

No motion was made.

Gary L. Hays, D.O.

Dr. Pickard called the individual hearing of Gary L. Hays, D.O. to order and discussion followed.

Dr. Hays was present and accompanied by Dr. Lanny Anderson of OHPP. Both testified. Chief Investigator Hugh Tidler also testified.

Ms. Vaught moved to give Dr. Hays one more month to complete all Board requirements including the assessment at Palmetto not later than January 12, 2008. Dr. Hays is also to make weekly reports to Board Staff and any non-compliance will result in an automatic temporary suspension of Dr. Hays' license to practice osteopathic medicine.
Dr. Shaw seconded the motion.

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

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

The motion passed.

5. HEARING DOCKET

James N. Hall III, D.O.

Dr. Pickard called the individual hearing of James N. Hall III, D.O., to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Hall was not present.

Dr. Lanny Anderson of OHPP and Chief Investigator Hugh Tidler testified.
In closing, Mr. Mildren reviewed the long history of Board actions involving Dr. Hall.

Dr. Benien moved to permanently **Revoke** the license to practice osteopathic medicine held by James N. Hall III and to disseminate the Order of Revocation to all related entities and regulatory agencies.
Ms. Taylor seconded the motion.

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

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

The motion passed.

Dr. Pickard recognized Richard Mildren, Prosecuting Attorney for the Board to announce the status of the hearing docket. Mr. Mildren advised the Board that the hearings for

J. Michael Moody, D.O. **R. Wayne Mosier, D.O.**

had been continued by agreement at the request of counsel for Dr. Moody and counsel for Dr. Mosier. He further reported that

Patrick J. O'Neill, D.O.

had requested a continuance in order to acquire legal counsel.
Mr. Mildren recommended the Board approve continuing all three cases to the next meeting.

Dr. Cunningham moved to grant a continuance to J. Michael Moody, D.O., R. Wayne Mosier, D.O., and Patrick J. O’Neill, D.O. until the March 19, 2009 meeting.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

Dr. Pickard called the individual hearing of Jack M. Shearer, D.O., to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Dr. Shearer was not present.

Mr. Mildren advised the Board that Dr. Shearer had requested to voluntarily surrender his license while under investigation. Chief Investigator Hugh Tidler and Special Investigator Jess McCullough both testified.

Dr. Laird moved to accept the Surrender of the License to practice osteopathic medicine while under investigation held by Jack M. Shearer, D.O.
Ms. Taylor seconded the motion.

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

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

The motion passed.

6. OLD BUSINESS

1. Ms. Bruce reported that Board Staff has worked very hard preparing for On-Line Renewal. In order to proceed, OK.GOV needs Board to direct how CME is reported. Ms. Bruce advised the Board that most states which utilize on-line renewal permit self-reporting by the physician and subsequent regular, random audits by the Board.

Dr. Laird moved to permit licenses to self-report CME attendance credit on all future licensure renewals with regular, random audits performed by the Board.
Dr. Shaw seconded the motion.

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

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

The motion passed.

2. Mr. Tidler reported on his attendance at the NADDI National Conference.

3. Ms. Bruce distributed an Agenda of the upcoming Intern Seminar to be broadcast from the OSU Telemedicine Center on February 10, 2009.

4. Ms. Bruce reported that flex hours for the office staff were working well and resulted in the office being open an additional hour each day.
5. Correspondence from Dr. Biczak was distributed to the Board.

7. NEW BUSINESS

1. A summary of Board & Staff Activities & Honors was distributed.
2. Ms. Bruce reported on her attendance at the Administrators in Medicine Conference in Kansas City.
3. Ms. Bruce reported that On-Line Renewal would be advertised in upcoming editions of the OOA Journal.
4. A New York Times article on the Disruptive Physician was distributed to the Board.
5. Ms. Bruce announced that she and Ms. Vaught would be attending the upcoming AAOE conference in New Orleans and would report to the Board at the next meeting.
6. A letter from the Oklahoma Coalition Against the Death Penalty was distributed.

8. APPLICANTS FOR LICENSURE – APPEARANCES

Stephen S. Shinault, D.O.

The Board considered the request for late renewal of License No. 3991 by Dr. Shinault who did not appear.

Ms. Vaught moved to approve the request for late renewal of the license of Stephen S. Shinault, D.O., License No. 3991.
Dr. Shaw seconded the motion.

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

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

The motion passed.

Kim Samuel (K.S.) Young, D.O.

This applicant's name was stricken from the docket.

APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed four new licensure application files.

Dr. Cunningham moved to approve the four new licensure applicants, pending successful completion of their application packets.
Dr. Pettigrew seconded the motion.

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

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

The motion passed.

9. REQUEST FOR NAME CHANGE

The Board considered two requests for name change:

Sharon Marie Hopkins, D.O. to Sharon Marie Darrow, D.O. (#4651)
Angela Irene Robinson, D.O. to Angela Irene Carrick, D.O. (#4433)

Dr. Pettigrew moved to approve the requests for name changes of Dr. Sharon Marie Hopkins to Dr. Sharon Marie Darrow and Dr. Angela Irene Robinson to Dr. Angela Irene Carrick.
Dr. Cunningham seconded the motion.

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

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

The motion passed.

10. EXECUTIVE SESSION

Dr. Shaw moved to go into Executive Session pursuant to 25 O.S. Section 307 (B)(1),(4).
Dr. Benien seconded the motion.

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

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

The motion passed.

The Board, the Executive Director, and Prosecutor Richard Mildren went into Executive Session and all other staff and guests left the Hearing Room.

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

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

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

The motion passed.

The Board came out of Executive Session and all staff and guests re-entered the Hearing Room.

11. ADJOURNMENT

Dr. Shaw moved to adjourn the December 11, 2008 Quarterly Board Meeting.
Ms. Vaught seconded the motion.

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

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

The motion passed and the meeting was adjourned.