

MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Board Meeting
September 15 – 17, 2008
Synergy Business Park
The Kingtree Building
110 Centerview Dr., Room 108
Columbia, South Carolina

MEETING CALLED TO ORDER

Dr. Louis E. Costa, II, President of the Board, called the regular meeting of the S.C. Board of Medical Examiners to order at 8:00 A.M., on Monday, September 15, 2008 at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Dr. Costa announced the meeting was being held in accordance with the Freedom of Information Act by notice emailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the Board's website and on the bulletin boards located at both of the main entrances of the Kingtree Building where the Board office is located.

Board members present for this meeting were:

Dr. Louis E. Costa, II, President, of Charleston
Dr. Stephen R. Gardner, Vice-President, of Greenville
Dr. Satish M. Prabhu, Secretary, of Columbia
Dr. Sompong Kraikit, of Florence
Dr. David deHoll, of Iva
Dr. James L. Hubbard, of Rock Hill
Mrs. Jackie D. Black, of Columbia
Dr. Jim Chow, of Columbia
Dr. Robert T. Ball, Jr., of Charleston

Members of the S.C. Department of Labor, Licensing and Regulation (LLR) staff participating at various times in the meeting included:

S.C. Board of Medical Examiners

Bruce F. Duke, Board Administrator
Melissa Fulton, Administrative Assistant

Office of General Counsel

Lynne Rogers, General Counsel
Sheridan Spoon, Deputy General Counsel
Marvin G. Frierson, Assistant General Counsel
Ken Woodington, Counsel
Paula Magargle, Assistant General Counsel
Patrick Hanks, Assistant General Counsel
Trey Spong, Assistant General Counsel

Professional and Occupational Licensing (POL) Division
Shirley Robinson, Hearing Counsel
James Saxon, Hearing Counsel

Office of Health and Medically Related Professions
Rion Alvey, Assistant Deputy Director

REVIEW/APPROVAL OF AGENDA

An agenda for this meeting was reviewed and approved.

REVIEW/APPROVAL OF MINUTES FROM MAY 2008 BOARD MEETING:

A motion was made to approve the Minutes. Dr. Gardner seconded the motion and it was unanimously passed.

FINAL ORDER HEARINGS

A motion was made and passed for the Board to go into Executive Session to conduct Final Order Hearings. Each hearing was held in Executive Session, and a transcript of each hearing, as well as the Board's Final Order, are on file at the Board Office. No votes were made or actions taken while the Board was in Executive Session. **A motion was made and passed to return to Public Session and the Board voted on the following sanctions after each Final Order Hearing:**

Final Order Hearing
2007-55

A motion was made that the Board accept the private agreement as presented. The motion was seconded by Dr. Gardner. Dr. deHoll, Dr. Gardner, Dr. Costa, Ms. Black and Dr. Ball voted to accept the agreement. Dr. Prabhu, Dr. Kraikit and Dr. Chow voted against the motion.

The motion carries.

Final Order Hearing
2007-124

A motion was made that was seconded by Dr. Chow and unanimously passed to approve the following sanction:

1. The Respondent has violated the Medical Practice Act.
2. Public reprimand
3. Respondent must pay fine in the amount of \$5,000.00 within 1 year.
4. Suspension stayed upon payment of fine and enrollment with RPP
5. Respondent must continue compliance with restrictions recommended by Dr. Gene Abel and continue participation with RPP for no less than five years.

All Board members in favor and Motion carries.

FINAL ORDER HEARING
2002-256 2006-0490

A motion was made that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:

1. Dismissal with letter of concern

All Board members in favor and Motion carries.

FINAL ORDER HEARING
2003-167

A motion was made that was seconded by Ms. Black and unanimously passed to approve the following sanction:

1. The Respondent has violated the Medical Practice Act.
2. Public reprimand
3. Respondent must pay court costs in the amount of \$1026.00 within one year.
4. Respondent is required to take a Board approved course in records-keeping and a course in pain management of no less than 50 hours of CME within one year.

All Board members in favor and Motion carries.

Final Order Hearing
2004-169

Ms. Black and Dr. Chow recused themselves.

A motion was made that was seconded by Dr. Ball and unanimously passed to approve the following: The board agrees with the panel report and accepts it. Sanctions as follows:

1. Public Reprimand
2. Respondent required to take courses approved by the Board on recognition of post-op wound infection and appropriate antibiotic prescribing.

Dr. Costa abstained. All other Board members in favor and Motion carries.

Office of General Counsel Report – Lynne Rogers

A motion was made and passed for the Board to go into Executive Session to review the General Counsel reports. No votes were made or actions taken while the Board was in Executive Session.

Dismissals

A motion was made that was seconded by Dr. deHoll and unanimously passed to approve the following cases for dismissal pursuant to the recommendation of LLR's General Counsel that there is a lack of sufficient evidence to warrant a formal complaint:

Cases 1 through 89.

LETTERS OF CAUTION

A motion was made that was seconded by Dr. Costa and unanimously passed to issue a Letter of Caution in the following cases:

Cases 101 through 111.

FORMAL COMPLAINTS

A motion was made that was seconded by Dr. Costa and unanimously passed to authorize the issuance of a Formal Complaint pursuant to the recommendation of LLR's General Counsel that there is sufficient evidence to warrant formal proceeding in the following cases:

Cases 90 through 98.

CASES ON APPEAL

In Executive Session, the Board reviewed the cases that are now on appeal and received specific briefings from Mrs. Rogers.

COMPLIANCE REPORT

The Board received as information a list of monitoring cases that have been determined as being non-compliant. The Office of General Counsel is currently working on these cases to bring them up-to-date.

LICENSEES BEING MONITORED

The Board received as information a list of all the licensees currently being monitored by the Board.

RECESS AND RECONVENE

The Board recessed at 7:30 P.M. and reconvened Tuesday, September 16, 2008 at 8:00 A.M. with a quorum present.

Mrs. Black was not present.

Request to be released from Terms and Conditions
2006-496

A motion was made to drop the continued participation in RPP contingent upon Respondent entering into a private agreement to continue care with a psychiatrist who must provide the Board with twice a year reports. This agreement will be terminated upon the recommendation of the treating psychiatrist. The motion was seconded by Dr. Ball and unanimously passed.

Sara Ratner, of CVS CAREMARK

Presentation on “Minute Clinics” and request to Increase physician-nurse practitioner oversight from 3:1 to 4:1

A request was made for the Board to grant this request. The Board advised that they would take it under consideration. The Board made a motion to deny the request. The motion was seconded by Dr. Kraikit. All in favor. The Executive committee is to draft response to CVS denying their request.

Request to be released from Terms and Conditions
2006-452

A motion was made to release Respondent from his current agreement upon satisfactory review by the Board president of his last report from his psychiatrist. The motion was seconded by Dr. Chow and unanimously passed.

Gary B. Slaughter, M.D., of Charlotte, NC
Applicant for Licensure

A motion was made to grant an unrestricted License pending interview and meeting the remainder of the licensing criteria. Motion was seconded by Dr.Chow. All in favor.

Motion Carries.

Final Order Hearing
2004-29

A motion was made to accept the panel report and dismiss with a letter of concern. Motion was seconded by Dr. Ball. All in favor.

Motion Carries.

Final Order Hearing
2007-287

A motion was made that was seconded by Dr. Ball and unanimously passed to approve the following sanction:

1. The Respondent has violated the Medical Practice Act.
2. Public Reprimand
3. Suspension will be lifted contingent on signing a private agreement to continue with RPP for five more years.

Motion carries.

Steven M. Diamond, D.O., of Bethlehem, PA
Applicant for Licensure

A motion was made to grant an unrestricted License pending interview and meeting the remainder of the licensing criteria. Motion was seconded by Dr. Costa. All in favor.

Motion Carries.

Pradeep K. Narotam, of Terre Haute, IN
Applicant for Licensure

A motion was made to allow the Respondent to withdraw his application. Motion was seconded by Dr. Costa. All in favor.

Motion Carries.

Ram K. Thinakkal, M.D., of Irving, TX
Applicant for Licensure

Applicant to appear at later Board meeting.

RECESS AND RECONVENE

The Board recessed at 6:00 P.M. and reconvened Wednesday, September 17, 2008 at 8:00 A.M. with a quorum present.

FINAL ORDER HEARING

2002-259

A motion was made that was seconded by Dr. Ball and unanimously passed to approve the following sanction:

1. The Respondent has violated the Medical Practice Act.
2. Public Reprimand
3. Respondent must pay court costs of \$789.95 within six months.

Motion carries.

FINAL ORDER HEARING

2006-449

A motion was made that was seconded by Dr. deHoll and unanimously passed to approve the following sanction:

1. The Respondent has violated the Medical Practice Act.
2. Suspension of license stayed upon payment of fine in the amount of \$3,000.00 and court costs.
3. Respondent can petition the Board to lift the suspension upon completion of DEA, DHEC probation.
4. Respondent must also complete a Board approved prescribing course within six months.

Motion carries.

Request to have license reinstated

A motion was made to reinstate petitioner's license once he meets on of the requirements of 40-47-40. Petitioner will also be required to sign a private agreement with the SC Medical Board to get approval of practice site if he intends to practice in SC. The motion was seconded by Dr. Ball and unanimously passed.

Phyllis Gresham, M.D., of Birmingham, AL – Request to have license reinstated

A motion was made to deny the request of the petitioner. The motion was seconded by Dr. Ball and unanimously passed.

S.C. RCP Advisory Committee Recommendations

Patricia Blakely, Chairperson appeared before the Board to make recommendations from the committee for the Board's approval

Recommendations from the Respiratory Care Committee Meeting,
July 11, 2008

A Motion was made to accept the recommendations and was seconded by Dr. Ball and unanimously passed.

S.C. Physician Assistant Committee Recommendations

Reamer Bushardt, P.A., Chairperson appeared before the Board to make the recommendations from the committee for the Board's approval

Recommendations from the PA Committee Meeting
July 9, 2008 (Telephone Conference Call)

A Motion was made to accept the recommendations and was seconded by Dr. deHoll and unanimously passed.

S.C. Acupuncture Committee meeting recommendations. Meeting held July 4, 2008.

Martin Herbkersman, Chairperson appeared before the Board to make the recommendations from the committee for the Board's approval

A Motion was made to accept the recommendations and was seconded by Dr. deHoll and unanimously passed.

Board Committees

(A) Committee Reports

1. Legislative Impact Committee – *Costa, Gardner, Prabhu, Black*
2. Medical Practice Advisory Committee – (meeting only when needed) *Prabhu, Gardner, Black*
3. Recovering Professional Program Advisory Committee - *Prabhu*
4. Office Based Surgery Ad Hoc Committee – *Costa, Prabhu,*
5. Editorial Committee – *Costa, Prabhu, Gardner*
6. Executive Committee – *Costa, Prabhu, Gardner, Sheridan Spoon, Bruce Duke*
7. Maxillofacial & Oral Surgery Ad Hoc Committee - *Prabhu, Costa, Gardner*
8. Professional Licensure & Responsibility Education Committee –*Prabhu, Sheridan Spoon, Andrew Savage, Esquire*
9. Medical Practice Act (MPA) Revision Committee- *All Board members*
10. Physician Delegation of Permanent Cosmetic Application Ad hoc Committee –*Costa*
11. Athletic Trainers Committee – *Gardner*
12. Continuing Medical Education Committee – *Hubbard,*

ADJOURNMENT

There being no additional business the meeting was adjourned at 6:30 p.m. on Wednesday, September 17, 2008

Bruce F. Duke
Board Administrator

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/maf