

PUBLIC MINUTES
STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

Board Meeting
November 3, 2008
Synergy Business Park
The Kingstree 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, November 3, 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 Kingstree 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. 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
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 SEPTEMBER 2008 BOARD MEETING:

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

REVIEW/APPROVAL OF PA/RCP RECOMMENDATIONS:

LLR-BOARD OF MEDICAL EXAMINERS
BOARD MEETING, November 3-5, 2008

DISCUSSION TOPIC: Recommendations from the Respiratory Care Committee Meeting, October 10, 2008

FROM: Patricia Blakely, RCP, Chairman
SC Respiratory Care Committee

LLR-BOARD OF MEDICAL EXAMINERS
BOARD MEETING, NOVEMBER 3, 2008

DISCUSSION TOPIC: Recommendations from the PA Committee Meeting
October 29, 2008 (via teleconference call)

A motion was made to approve the recommendations with the reflection that Dr. Ball was in attendance for the PA Committee meeting and to approve the RCP recommendations . Dr. Gardner seconded the motion and it was unanimously passed.

DR. COSTA –PRESIDENT’S REPORT

Dr. Costa discussed his meeting with the SCMA in Charleston and the utilization of the SCMA to facilitate the passing of 39.12

Dr. Costa discussed his appearance at the Dentistry Board meeting and he clarified the policy on injectibles outside of the MPA. Those procedures are only to be performed by a licensed physician or dentist.

Board Members all in favor to defer elections of executive committee until the February 2009 Board meeting.

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
2005-110

A Motion was made that was seconded by Dr. Ball that the respondent had violated the Medical Practice Act and the sanctions are as follows:

- 1: Suspension of license stayed upon payment of court cost of \$3,100 and a fine of \$2,000
- 2: Respondent must take a Board approved ethics class within the next six months.

All 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 32.

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:

Case 39

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:

Case 33

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.

2002-282

Final Order Hearing (Remand from ALC)

A motion was made that was seconded by Dr. deHoll and unanimously passed:

- 1: Board finds no evidence the Respondent terminated the physician-patient relationship with reasonable and sufficient notice prior to learning of the patient's medical condition.**

Berry A. Campbell, M.D., of Georgetown, KY – Final Order Hearing
Request to have license reactivated

A motion was made that was seconded by Dr. Ball and unanimously passed to approve the the Petitions request to reactivate his license.

Final Order Hearing
2006-336

A Motion was made that was seconded by Ms. Black that the respondent had violated the Medical Practice Act and the sanctions are as follows:

- 1: Public Reprimand
- 2: Payment of court cost of \$2,160 to be paid in the next 12 months.
- 2: Respondent must also continue participation with RPP for a period of five years.

All Board members in favor and Motion carries.

Final Order Hearing
2007-1

A Motion was made that was seconded by Ms. Black the sanctions are as follows:

- 1: The Board accepts the MOA
- 2: Respondent is on two year probation to run concurrently with the Georgia Order.
- 3: Respondent must have a chaperone present while attending to female patients.
- 4: Respondent must pay court costs of \$420.00 and investigative costs of \$500.00 within six months.

All Board members in favor and Motion carries.

RECESS

The Board recessed at 7:30 p.m.

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,*

Bruce F. Duke
Board Administrator

Respectfully submitted,

Bruce F. Duke
Board Administrator

BFD/maf