The members of the Missouri State Board of Registration for the Healing Arts convened on January 12-13, 2017 at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri 65109.

**Board Members Present:**
David Tannehill, DO, President
David Poggemeier, MD, Secretary
James DiRenna, DO, Member
Jade James, MD, Member
James Kelly, Jr., MD, Member
Sarah Martin-Anderson, PhD, MPP, MPH, Public Member

**Board Members Absent:**
Robert Gardner, Sr., MD Member

**Staff Present:**
Connie Clarkston, Executive Director
James Leggett, Associate Executive
Paul Lefebvre, General Counsel
Frank DiMaggio, Associate General Counsel
Hong Chen, Associate General Counsel
Adam Grayson, Contract Legal Counsel
Tammy Branch, Executive Assistant
William Smittle, DO, Chief Medical Officer
William Voss, DO, Medical Staff
Melvin Abend, MD, Medical Staff
Gerald Cupp, MD, Medical Staff
Jerald Barnes, Chief Investigator
John Short, Probation Supervisor
Paul Williams, Probation Supervisor
Sidney Conklin, Investigator II
Tonya Gammill, Investigator II
Howard Hammers, Investigator II
Richard Maxwell, Investigator II
Kevin Moroney, Investigator II
Kerry Placeway, Investigator II
Richard Schurman, Investigator II
Elizabeth Stevens, Investigator II
Catherine Stewart, Investigator II
Michelle Heislen, Processing Technician III
Kim Brester, Administrative Services Coordinator
Rachel Hatfield, Processing Technician III
Kyle Maddox, Information Support Coordinator
Robyn Williams, Processing Technician I

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the Board.

**Licensure Agenda** - Dr. James chaired the meeting during the Licensure Agenda.

Motion made by Dr. James and seconded by Dr. Kelly to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. Gardner was not present. Motion carried unanimously.

**Appearance Agenda and Board Hearings** - Dr. Tannehill chaired the meeting during the Appearance Agenda and Board Hearings.

5. Carter, Robert L., MD – HB 265  
   The Board previously filed a complaint alleging cause exists to discipline Dr. Robert Carter’s physician and surgeon license pursuant to section 334.103.1, RSMo. Specifically, the complaint alleged that on or about March 30, 2015, Dr. Carter entered a guilty plea in the United States District Court for the Western District of Missouri, in case number 15-03032-01-CR-S-DPR, to the charge of Receiving Misbranded Prescription Drugs in Interstate Commerce, which is a misdemeanor offense and violation of 21 U.S.C. §§ 331(c), 333(a)(1) and 18 U.S.C § 2. Dr. Carter was not present nor was he represented by counsel.

   General Counsel for the Board, Paul Lefebvre, notified the Board that this case was resolved by settlement agreement prior to the meeting. Therefore, the hearing was not held.

6. Peter, David A, MD – Automatic Revocation  
   The Board previously filed a complaint alleging cause exists to revoke Dr. David Peter’s physician and surgeon license pursuant to section 334.103.1, RSMo. Specifically, the complaint alleged that on or about June 21, 2016, Dr. Peter entered a guilty plea in the United States District Court for the Eastern District of Missouri to one count of Health Care Fraud by creating fraudulent prescriptions, using the names of three (3) patients and relatives to illegally obtain controlled substances from a pharmacy. Dr. Peter was present with his attorney David Bohm.

   Motion made by Dr. Kelly and seconded by Dr. Martin-Anderson to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly and Dr. Martin-Anderson voted in favor of the motion. Dr. Poggemeier recused. Dr. Tannehill participated out of necessity but abstained. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

7. Dickie, James D., MD – Automatic Revocation  
   The Board previously filed a complaint alleging cause exists to revoke Dr. James Dickie’s physician and surgeon license pursuant to section 334.103.1, RSMo. Specifically, the complaint alleged that on or about June 2, 2016 Dr. Dickie and the Kansas Board of Healing Arts entered into a consent order where Dr. Dickie agreed to voluntary surrender, which was treated as revocation of his license to practice medicine in the state of Kansas. Dr. Dickie was not present nor represented by counsel.

Mark Lynch, Dr. Dickie’s attorney, requested a continuance. Dr. Tannehill granted this request. The hearing was not held.
8. Hall, Adam P., DO – Automatic Revocation 2013-002938
The Board previously filed a complaint alleging cause exists to revoke Dr. Adam Hall’s physician and surgeon license pursuant to section 334.103.1, RSMo. Specifically, the complaint alleged that on or about January 26, 2016 Dr. Hall entered a guilty plea in the Circuit Court of Lawrence County, Ohio to one (1) count of Tampering with Evidence and one (1) count of Possession of Criminal Tools, both are felonies. Dr. Hall was not present but was represented by his attorney, Nicole Sublett.

Motion made by Dr. DiRenna and seconded by Dr. Kelly to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

The Board previously filed a complaint alleging that Dr. Timothy Beyer violated the terms and conditions of the Settlement Agreement dated March 2, 2015. The hearing is being held pursuant to the provisions of Chapter 536 RSMo. Dr. Beyer was not present nor represented by counsel.

10. Okie, Frederick T., MD – Automatic Revocation 2016-002707
The Board previously filed a complaint alleging cause exists to revoke Dr. Frederick Okie’s physician and surgeon license pursuant to section 334.103.1, RSMo. Specifically, the complaint alleged that on or about March 16, 2016 the Kansas Board of Healing Arts entered a final order against Dr. Okie where his license to practice medicine in the state of Kansas was revoked. Dr. Okie was not present, nor represented by counsel.

Motion made by Dr. Kelly and seconded by Dr. DiRenna to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

Closed Agenda - Dr. Tannehill chaired the meeting during the Closed Agenda.

Motion made by Dr. DiRenna and seconded by Dr. Poggemeier to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

General Business Agenda - Dr. Tannehill chaired the meeting during the General Business Agenda and the Board voted the following actions be taken:

1. Prerogatives of the Chair
Dr. Tannehill discussed the possibility of exploring a non-disciplinary, non-public tool that would be stronger than a letter of concern but did not rise to the level of a public reprimand.

Dr. Tannehill discussed the possibility of adding a quality of care component to the In Lieu of Discipline (ILOD) agreements.

Motion made by Dr. Kelly and seconded by Dr. DiRenna to have legal counsel research what other states offer. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.
2. Approval of Minutes

The following minutes were presented for approval by the Board:

- September 18, 2016 Conference Call Open Minutes
- October 13-14, 2016 Board Meeting Open Minutes
- December 10, 2016 Strategic Planning Open Minutes
- December 11, 2016 Board Meeting Open Minutes

Motion made by Dr. DiRenna and seconded by Dr. Kelly to approve the September 18, 2016, October 13-14, 2016, December 10, 2016 and December 11, 2016 minutes as written. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

4. Legislative Updates

Ms. Clarkston and Mr. Lefebvre updated the Board with Missouri House and Senate Bills that have been filed by the members of the Missouri General Assembly for the 2017 legislative session.

This information was provided for discussion purposes and no action was taken by the Board.

5. Federation of State Medical Boards (FSMB)

The Federation of State Medical Boards (FSMB) sent the Draft Guidelines for the Chronic Use of Opioid Analgesics for comment.

This information was provided for discussion purposes and no action was taken by the Board.

The Federation of State Medical Boards (FSMB) sent information on the Annual Meeting of the FSMB.

Motion made by Dr. DiRenna and seconded by Dr. Poggemeier to make Dr. Tannehill the delegate and Ms. Clarkston the alternate delegate for the annual meeting. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

6. Delegated Board Authorities

The draft of the Delegated Board Authorities was presented for the Board’s review and approval.

Motion made by Dr. Kelly and seconded by Dr. DiRenna to accept the Board Delegated Authorities as presented. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

7. Constituent Inquiry

The Board reviewed an inquiry from a constituent regarding the post-graduate degree requirements.

Motion made by Dr. Martin-Anderson and seconded by Dr. Kelly to draft a response referring the individual to the Chapter 536 rulemaking process and provide the individual with contact information for Medicare billing questions. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.
8. **Impaired Committee Update**
Dr. DiRenna updated the Board on the Impaired Committee meetings from January. Refer to the January 11, 2017 Impaired Physician Committee minutes.

This information was provided for discussion purposes and no action was taken by the Board.

**Legal Reports** Dr. Tannehill chaired the meeting during Legal Reports.

**Closed Session**
Motion made by Dr. Poggemeier and seconded by Dr. Kelly to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Kelly, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner and Dr. James were not present. Motion carried unanimously.

**Adjournment**
Motion made by Dr. Martin-Anderson and seconded by Dr. Poggemeier to adjourn. Dr. DiRenna, Dr. Martin-Anderson and Dr. Poggemeier voted in favor of the motion. Dr. Gardner, Dr. James and Dr. Kelly were not present. Motion carried unanimously.