

**Missouri State Board of Registration for the Healing Arts**

Drury Inn & Suites  
11980 Olive Blvd I-270  
Creve Coeur, MO 63141

Open Session Meeting Minutes  
January 17-19, 2018

The members of the Missouri State Board of Registration for the Healing Arts convened on January 17-19, 2018 at Drury Inn & Suites, 11980 Olive Blvd I-270, Creve Coeur, MO 63141.

**Board Members Present:**

David Poggemeier, MD, President  
Jade James, MD, Secretary  
James DiRenna, DO, Member  
Sarah Martin, PhD, MPP, MPH, Public Member  
Katherine Mathews, MD, Member  
David Tannehill, DO, Member

**Staff Present:**

Connie Clarkston, Executive Director  
James Leggett, Associate Executive  
Tammy Branch, Executive Assistant  
Paul Lefebvre, General Counsel  
Hong Chen, Associate General Counsel  
Adam Grayson, Contract Legal Counsel  
Harli Bexten, Paralegal  
Bridget Otto, Senior Office Support Assistant  
William Smittle, DO, Chief Medical Officer  
Michelle Heislen, Enforcement Supervisor  
Sidney Conklin, Chief Investigator  
Tim Giger, Probation Supervisor  
John Short, Probation Supervisor  
Paul Williams, Probation Supervisor  
Jerald Barnes, Investigator II  
John Cisper, Investigator II  
Tonya Gammill, Investigator II  
Howard Hammers, Investigator II  
Richard Maxwell, Investigator II  
Maggie McDowell, Investigator II  
Kevin Moroney, Investigator II  
Kerry Placeway, Investigator II  
Richard Schurman, Investigator II  
Elizabeth Stevens, Investigator II  
Catherine Stewart, Investigator II  
Kim Brester, Administrative Services Coordinator  
Rachel Hatfield, Processing Technician III  
Kyle Maddox, Information Support Coordinator

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. Tannehill and seconded by Dr. Martin to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. James, Dr. Martin, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna and Dr. Mathews were not present. Motion carried unanimously.

Motion made by Dr. Martin and seconded by Dr. James to go into closed session pursuant to sections 610.021 (13) RSMo. Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna was not present. Motion carried unanimously.

**Appearance Agenda** - Dr. Poggemier chaired the meeting during the Appearance Agenda.

Motion made by Dr. James and seconded by Dr. Mathews to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna was not present. Motion carried unanimously.

**Investigative Agenda** - Dr. Martin chaired the meeting during the Investigative Agenda.

Motion made by Dr. James and seconded by Dr. Tannehill to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna was not present. Motion carried unanimously.

**Malpractice Agenda** - Dr. Tannehill chaired the meeting during the Malpractice Agenda.

Motion made by Dr. James and seconded by Dr. Mathews to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna was not present. Motion carried unanimously.

Motion made by Dr. Martin and seconded by Dr. Tannehill to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

**Board Hearings** – Dr. Poggemeier chaired the meeting during the Board Hearings.

**12. Webb, James H., DO – AHC Hearing**

**2016-001119**

On or about March 16, 2016, Dr. James H. Webb voluntarily surrendered his controlled substance registration to the Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs (BNDD), effective immediately. BNDD investigated allegations that Dr. Webb illegally possessed controlled drugs outside the scope of his state registration, specifically cocaine. Dr. Webb was aware he was the subject of an ongoing investigation at the time he surrendered his controlled substance registration to BNDD, which is cause to discipline his license pursuant to 334.100.2(26), RSMo. The Board filed a properly pled Complaint against Dr. Webb wherein it requested the Administrative Hearing Commission (AHC) find there is cause to discipline his physician and surgeon's license. Dr. Webb did not file an answer or respond to the Complaint, and

the AHC entered a Default Decision in favor of the Board. Dr. Webb was not present, nor was he represented by counsel.

Motion made by Dr. DiRenna and seconded by Dr. Tannehill to go into closed session pursuant to sections 610.021 (1), (5), (7) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

### **13. Neely, Richard S., DO – Automatic Revocation Hearing** **2017-001814**

One June 19, 2017, the Michigan Board of Osteopathic Medicine and Surgery entered a Final Order in which Dr. Richard Neely's license to practice osteopathic medicine and surgery in the State of Michigan was unconditionally revoked and he was assessed a one-hundred-thousand dollar (\$100,000) fine.

The Board's counsel made a motion to continue this matter to the April 2018 Board Meeting, and the motion was granted.

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

#### **1. Prerogatives of the Chair**

Dr. Poggemeier welcomed Dr. Katherine Mathews to the Board.

#### **2. Approval of Minutes**

The following minutes were presented for approval by the Board:

- October 27-28, 2017 Board Meeting Open Minutes
- December 10, 2017 Conference Call Open Minutes

Motion made by Dr. Tannehill and seconded by Dr. DiRenna to approve the October 27-28, 2017 and December 10, 2017 minutes as submitted. Dr. DiRenna, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. James was not present. Motion carried unanimously.

#### **3. Financial Report**

Ms. Clarkston updated the Board on the Financial Report and presented the five (5) year projection of the Board's funding.

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

#### **4. 2018 Legislation**

Ms. Clarkston updated the Board on the following topics:

- A. 2018 Legislative Report
- B. Opioid Prescribing CME Requirements
- C. Licensure – Threshold Criteria
- D. Prescription Drug Monitoring Program

The information was provided for discussion purposes. No action was taken by the Board.

- E. Collaborative Practice

Motion made by Dr. Tannehill and seconded by Dr. James to continue to support a team-based approach to serving patients in Missouri and collaborative practice between physicians and advanced health care professionals. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

### **5. Executive Order 03 (2017) and Red Tape Reduction**

Mr. Lefebvre and Ms. Chen reviewed the spreadsheet and updated the members on the progress per Executive Order 17-03 and Red Tape Reduction initiative.

#### A. Red Tape Reduction

Motion made by Dr. Mathews and seconded by Dr. DiRenna to approve the spreadsheet. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

The following rules were reviewed and discussed by the Board:

#### B. Assistant Physician

- 20 CSR 2150-2.080 Physician Licensure Fees
- 20 CSR 2150-2.200 Assistant Physician – Application for Licensure

#### C. Athletic Trainers

- 20 CSR 2150-6.010 - Definitions
- 20 CSR 2150-6.020 – Applicants for Licensure
- 20 CSR 2150-6.040 – Code of Ethics

#### D. Physical Therapists

- 20 CSR 2150-3.080 Physical Therapists Licensure Fees
- 20 CSR 2150-3.170 Physical Therapy Assistant Licensure Fees

#### E. Speech Language Pathologists and Audiologists

- 20 CSR 2150-4.040 – Internationally Trained Applicants
- 20 CSR 2150-4.055 – Applicants for Provisional Licensure
- 20 CSR 2150-4.056 – Applicants for Provisional Licensure Renewal
- 20 CSR 2150-4.205 – Procedural Process for Registration

Although there was no formal motion; the Board extended an invitation to the Chair of the Advisory Commission for Physical Therapists to discuss collaborative practice.

Motion made by Dr. Mathews and seconded by Dr. DiRenna to approve the proposed amendments and rescission of the rule and regulations notes above and direct the staff to submit the proposed amendments and rescissions to the Division for rulemaking purposes. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Tannehill was not present. Motion carried unanimously.

- #### F. Administration of Vaccines per Protocol - The Missouri Board of Pharmacy requested the Board review their changes to 20 CSR 2220-6.050 which jointly promulgated by both Boards pursuant to section 338.010.7, RSMo.

Motion made by Dr. DiRenna and seconded by Dr. James to table the discussion on the rule until Executive Director from the Board of Pharmacy arrived at the meeting. Dr. DiRenna, Dr. James, Dr.

Martin, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Tannehill was not present. Motion carried unanimously.

Ms. Kimberly A. Grinston, Executive Director of the Missouri Board of Pharmacy, presented rule 20 CSR 2150-2220-6.050 and answered the Board members' questions regarding the proposed changes and revisions.

Motion made by Dr. Mathews and seconded by Dr. DiRenna to approve the amendment of the Board's rule 20 CSR2150-5.025 - Administration of Vaccines per Protocol as presented by the Board of Pharmacy. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Tannehill was not present. Motion carried unanimously.

## **6. Background Check Requirements**

Ms. Clarkston informed the Board that section 334.1206, RSMo of the Physical Therapy Licensure Compact Act ("PT Compact") requires the Board implement criminal background checks for applicants who seek initial licensure through PT Compact. This procedure would require prospective applicants to submit their fingerprints. Subsequently, the Board discussed about the possibility of implementing the same requirement for other professions regulated by the Board.

Motion made by Dr. James and seconded by Dr. Mathews to direct the staff to 1) follow section 334.1206, RSMo and implement background checks on applicants who apply for initial licensure through PT Compact , and 2) table the discussion regarding implementing such requirement for other professions and bring back feedbacks to the Board. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

Motion made by Dr. James and seconded by Dr. Mathews to amend the Physical Therapist fees listed in the rules and regulations to include fees for collecting fingerprints for the background checks. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

## **7. Federation of State Medical Boards**

Ms. Clarkston updated the Board on the FSMB's Annual Meeting and presents topics of discussion.

### A. Annual Conference

- Dr. DiRenna will be delegate and Dr. Mathews will be Alternative Delegate.

### B. ByLaws 2018 DRAFT proposal

### C. Board Structure and Function

### D. Workgroups on PDMP's

### E. Workgroups on Physician Wellness and Burnout

### F. Workgroups on Physician Compounding

### G. Workgroups on Stem Cell Therapy Practices

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

## **8. Board Delegated Authority**

Mr. Lefebvre went through the revisions of the Delegated Authorities which were presented for approval by the Board.

Motion made by Dr. Tannehill and seconded by Dr. Mathews to add “equivalent to reprimand or lesser discipline” behind “disciplined” on Section 6 of Licensure-All Profession, Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

Motion made by Dr. DiRenna and seconded by Dr. James to add “and designated institutional official (“DIO”)” behind “program director” on Section 7 of Licensure Renewals, subsection b. – Unlicensed Practice. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

### **9. Workforce Data Collection**

Ms. Clarkston updated the Board on Workforce Data Collection.

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

### **Closed Session**

Motion made by Dr. James and seconded by Dr. Martin to go into closed session pursuant to section 610.021 (1) RSMo. Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Dr. DiRenna was not present. Motion carried unanimously.

### **Adjournment**

Motion made by Dr. Tannehill and seconded by Dr. Mathews to adjourn. Dr. DiRenna, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.