The members of the Missouri State Board of Registration for the Healing Arts convened on August 2-3, 2018, at the Hilton Garden Inn, 19677 East Jackson Drive, Independence, Missouri 64057.

**Board Members Present:**
David Poggemeier, MD, President
Jade James, MD, Secretary
James DiRenna, DO, Member
Jeffrey Glaser, MD, Member
Sarah Martin, PhD, MPP, MPH, Public Member
Katherine Mathews, MD, Member

**Board Members Absent:**
David Tannehill, DO, Member

**Staff Present:**
Connie Clarkston, Executive Director
James Leggett, Associate Executive
Katie Struemph, General Counsel
Hong Chen, Associate General Counsel
Adam Grayson, Contract Legal Counsel
Bridget Otto, Senior Office Support Assistant
Ashley Minor, Associate Executive Assistant
William Smittle, DO, Chief Medical Officer
Melvin Abend, MD, Medical Staff
William Voss, DO, Medical Staff
Sarah Dunn, DO, Contract Medical Consultant
John Krautmann, MD, Contract Medical Consultant
Douglas Wheeler, DO, Contract Medical Consultant
Michelle Heislen, Enforcement Supervisor
Sidney Conklin, Chief Investigator
John Cisper, Probation Supervisor
John Short, Probation Supervisor
Jerald Barnes, 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
Curtis Wirths, Investigator II
Kim Brester, Administrative Services Coordinator

**Division of Professional Registration Staff**
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.

**Appearance Agenda** - Dr. Poggemeier 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), RSMo. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

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), RSMo. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.


The Board received a complaint alleging Blake H. Donaldson, DO, while serving as primary care physician for the complainant’s family, exercised influence within the physician-patient relationship for purposes of engaging in a sexual relationship with one (1) of the family members. The first sexual encounter purportedly occurred when the patient was sixteen (16) years old, which would constitute sexual misconduct. The complaint also stated Dr. Donaldson and the patient engaged in sexual activity on a number of occasions after the patient turned seventeen (17), the age of consent in Missouri. After reviewing this matter during its October 2017 meeting, the Board directed counsel to file a complaint with the Administrative Hearing Commission (AHC) and ask the Commissioner to enter an Emergency Suspension Order. The Commissioner granted the Board’s motion for emergency suspension on December 1, 2017, and the order went into effect on December 4, 2017. Dr. Donaldson filed a Civil Injunction in the Circuit Court of Cole County attempting to stop the AHC and the Board. On June 4, 2018, the Board’s contract counsel won a Motion to Dismiss. The Civil Injunction was dismissed. A two (2)-day trial was held on February 22 and 23, 2018. On March 16, 2018, the Board office received the AHC decision indicating Dr. Donaldson was subject to discipline and the emergency suspension was to remain in effect pending a hearing before the Board. Dr. Donaldson was present at this disciplinary hearing and was represented by his attorney, Scott R. Pool, Gibbs Pool and Turner, P.C.

Under the rule of necessity to maintain quorum, Dr. DiRenna abstained from participation of this matter in terms that he did not participate in the discussion and deliberation, but he remained in the room.

Motion made by Dr. Mathews 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), RSMo. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Tannehill was not present. Motion carried unanimously.

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

Dowden, Deborah L., MD (Auto Revocation Hearing)  2017-006810  
On November 13, 2017, Deborah L. Dowden, MD, entered a guilty plea in the United States District Court for the Eastern District of Missouri, to one (1) count of Making False Statements Relating to Health Care Matters, a felony offense and violation of Title 18 U.S.C. Section 1035. The case arose out of an incident, occurring on September 6, 2016, wherein Dr. Dowden knowingly and willfully made false statements in connection with the delivery of and payment for health care services to a health care benefit program by representing that she had a valid medical license and had actually provided services to a patient; when in fact, Dr. Dowden knew said statements and representations were false, as she did not have a valid medical license and had previously vacated her office. Per the Board's Delegated Authority, on March 2, 2018, Dr. Dowden was sent a Consent Order for revocation of her physician license for seven (7) years, which was returned to the Board office on June 11, 2018, marked “undeliverable as addressed.”

An auto revocation hearing was scheduled for August 3, 2018, but was continued to the October 2018 meeting due to improper service.

Manuel, Timothy S., MD (Auto Revocation Hearing) 2018-000691  
On May 24, 2018, Timothy S. Manuel, MD, entered guilty pleas in the Court of Common Pleas, Highland County, Ohio, in case number 17-CR-0202, to four (4) counts of Aggravated Trafficking in Drugs, and one (1) count of Worker’s Compensation Fraud. On or about August 3, 2018, the Board held an automatic revocation hearing on the above matter. Dr. Manuel did not appear despite proper notice being served and was not represented by counsel.

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

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

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 had no prerogatives to discuss.

2. Approval of Minutes
The April 5-6, 2018 Open Board Meeting Minutes were presented for approval by the Board.

Motion was made by Dr. Mathews and Dr. James to accept the minutes as submitted. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

3. Board Opinion – Physical Therapy Services
The Board received a letter from Signature Medical Group, Inc., a physician owned and operated entity, who is considering providing patients in need of physical therapy services with a generic, alphabetically organized, non-provider specific prescription and list of all Missouri licensed physical therapists.

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therapy providers in the same geographic area (“List”); including physical therapists employed by Signature Medical Group, Inc. Signature Medical Group, Inc., presented to the Board to obtain its opinion as to whether the contemplated arrangement described in their request would be permissible under Missouri law (section 334.253, RSMo.).

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

No decision was made by the Board on this issue.

4. Board Opinion – International Resident Exchange Program
The Board received an inquiry from Dr. Alex Evers, the Chairman of Washington University’s Department of Anesthesiology, who contacted the Board to inquire about the feasibility of amending the temporary license requirements to enable his department to start a resident-exchange program with two (2) international postgraduate training programs.

While no formal motion was made by the Board, the Board advised Dr. Evers that a legislative change would be needed to amend the statutes to establish a resident-exchange program; furthermore, the Board would encourage quality assessment of applicants with attention to English proficiency and cultural expectations while ensuring appropriate supervision and proper informed consent.

5. 2018 Legislative Action
Several bills passed during the 2018 Legislative Session that may impact the Board’s Rules. The bills include: SB718, SB951, SB826, SB840, SB843, HB1350, HB1719 and HB1769. The following rule amendments were presented for consideration:

20 CSR 2150-2.080 – Physician Licensure Fees
20 CSR 2150-2.200 – Assistant Physician Application for Licensure
20 CSR 2150-2.230 – Assistant Physician Continuing Education
20 CSR 2150-2.240 – Assistant Physician Collaborative Practice Agreements
20 CSR 2150-2.250 – Assistant Physician Supervision Change Requirements
20 CSR 2150-2.260 – Assistant Physician Certificate of Prescriptive Authority
20 CSR 2150-3.210 – Advisory Commission for Physical Therapists
20 CSR 2150-9.140 – Advisory Commission for Anesthesiologist Assistants
20 CSR 2150-5.100 – Collaborative Practice Rule
20 CSR 2150-7.135 – Physician Assistant Supervision Agreements
20 CSR 2150-7.320 – Advisory Commission for Physical Assistants
20 CSR 2150-8.150 – Advisory Commission for Clinical Perfusionists

Motion was made by Dr. James and Dr. Mathews approve the rules listed above as submitted. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

6. 2019 Legislation
Staff presented legislative proposals for the Board’s consideration for the 2019 Legislative Session. Proposals included regulation of pain management clinics; an enforcement package related to the disposition of records, physical therapy disciplinary statutes and notice by publication; a licensure package related to the assistant physician grandfather clause; physician examination requirements; speech language pathologists and speech language pathology assistants licensure requirements; and the establishment of a physician reentry license.
Motion was made by Dr. Mathews and seconded by Dr. DiRenna to move the regulation of pain management clinics forward for the Division and Department’s consideration. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. James and seconded by Dr. Glaser to approve the enforcement package as presented. Dr. DiRenna, Dr. James and Dr. Poggemeier voted in favor of the motion. Dr. Martin, Dr. Mathews and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. DiRenna and seconded by Dr. James to approve the licensure package as presented. Dr. DiRenna, Dr. James and Dr. Poggemeier voted in favor of the motion. Dr. Martin, Dr. Mathews and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. James and seconded by Dr. Glaser to approve the physician re-entry package as presented. Dr. DiRenna, Dr. James and Dr. Poggemeier voted in favor of the motion. Dr. Martin, Dr. Mathews and Dr. Tannehill were not present. Motion carried unanimously.

7. Rules Update
Ms. Clarkston provided the Board with an update regarding the Rep Tape Reduction project.

This was a discussion item only and no motion was made.

8. Workforce Data Collection
The Board was provided a copy of the signed Scope of Work Contract to initiate the Workforce Data Collection project. This contract complies with section 324.001.14, RSMo. Additionally, a Minimum Data Set recommended by the Federation of State Medical Boards was included for the Board’s review. Representatives from the University of Missouri – Columbia informed the Board staff that the University can charge an indirect rate for contract services to cover their overhead expenses. This rate can range from thirty to fifty percent (30-50%) and is in addition to the amount agreed upon in scope of the work contract.

Motion was made by Dr. Mathews and seconded by Dr. DiRenna to adopt a zero percent (0%) indirect rate for indirect costs/fees on contracts with other state agencies and/or institutions of higher education. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. Mathews and seconded by Dr. James to authorize the Executive Director to adjust the minimum data set from this point forward. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

9. Federation of State Medical Boards Policy on Wellness and Burnout
Federation of State Medical Boards (FSMB) Policy on Wellness and Burnout was adopted at the April 2018 Board meeting and was presented for the Board’s review.

This was a discussion item only and no motion was made.

10. Board Delegated Authorities
Board Delegated Authorities were presented for the Board’s review. Amendments were proposed for subpoenas, academic remediation and licensure waivers.

Motion was made by Dr. James and seconded by Dr. DiRenna to accept the proposed changes as submitted relating to subpoena request and approval, with the correction that subpoenas can be
approved by any member of the Board in the event the Board President and the Board Secretary are unavailable, either due to recusal or for any other valid reason. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. Glaser and seconded by Dr. James to accept the proposed changes as submitted relating to disclosure of academic remediation. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. James and seconded by Dr. Glaser to accept the proposed changes as submitted relating to examination waivers for applicants having completed an MD/PhD or DO/PhD program in lieu of meeting the seven (7)-year examination requirement; and to accept the changes relating to applicants having exceeded the acceptable number of failed attempts but meeting criteria established under section 334.040, RSMo.. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

Motion was made by Dr. Mathews and seconded by Dr. Glaser to accept the proposed changes as submitted relating to examination waivers for applicants exceeding the seven (7)-year examination requirement given said applicant meets a predetermined set of requirements. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

11. Board Meeting and Conference Call Dates
The following proposed Board meeting and conference call dates were presented to the Board for approval.

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<th>Board Meeting Dates</th>
<th>Conference Call Dates</th>
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<tr>
<td>January 17-18, 2019</td>
<td>February 24, 2019</td>
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<tr>
<td>April 11-12, 2019</td>
<td>May 19, 2019</td>
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<tr>
<td>July 25-26, 2019</td>
<td>August 25, 2019</td>
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<tr>
<td>October 24-25, 2019</td>
<td>November 24, 2019</td>
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Motion was made by Dr. Mathews and seconded by Dr. DiRenna to accept the proposed dates as submitted. 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.

12. Election of Officers
An election of officers was held for 2018-2019.

Motion was made by Dr. DiRenna and seconded by Dr. Glaser to nominate Dr. Jade James as President and Dr. Sarah Martin for Secretary for the 2018-2019 term. 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.
Motion was made by Dr. Mathews and seconded by Dr. James that the new officers are to become effective upon adjournment of this 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.

**13. Meeting with Dr. Randall Williams, Chlora Lindley-Meyers and Katie Steele Danner**

The Board invited Dr. Randal Williams, Director, Department of Health and Senior Services; Chlora Lindley-Meyers, Director, Department of Insurance, Financial Institutions and Professional Registration; and Katie Steele Danner, Division Director, Division of Professional Registration, to join them for a discussion on current issues affecting the Board of Healing Arts and its licensees. Ms. Lindley-Meyers was unable to attend; however, Dr. Williams and Ms. Steele Danner were able to meet with the Board. The group discussed the current state of the opioid crisis, 2019 legislative initiatives and board appointments.

This was for informational purposes only and no formal motions were made.

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

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

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

Motion made by Dr. DiRenna 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). Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.

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

**Adjournment**

Motion made by Dr. DiRenna and seconded by Dr. Mathews to adjourn. Dr. DiRenna, Dr. James, Dr. Mathews and Dr. Poggemeier voted in favor of the motion. Dr. Martin and Dr. Tannehill were not present. Motion carried unanimously.