The members of the Missouri State Board of Registration for the Healing Arts convened on January 17-18, 2019, at the Drury Inn & Suites St. Louis Brentwood, 8700 Eager Road, Brentwood, Missouri 63144.

**Board Members Present:**
- Jade A. James, MD, President
- Sarah Martin, PhD, Secretary
- James A. DiRenna, Jr., DO, Member
- Jeffrey S. Glaser, MD, Member
- Katherine Mathews, MD, Member
- David A. Poggemeier, MD, Member
- David E. Tannehill, DO, Member

**Staff Present:**
- Connie Clarkston, Executive Director
- James Leggett, Associate Executive
- Bridget Otto, Executive Assistant
- Kayci Hollingsworth, Associate Executive Assistant
- Kyle Maddox, Information Support Coordinator
- Katie Struemph, General Counsel
- Hong Chen, Associate General Counsel
- Jana Jacobs, Associate General Counsel
- Whitney Long, Paralegal
- William Smittle, DO, Chief Medical Officer
- William Voss, DO, Medical Staff
- Sarah Dunn, DO, Contract Medical Consultant
- Gerald Cupp, MD, Medical Consultant
- Leslie Scott, MD, 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
- Tim Giger, 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
Appearance Agenda

5. Stone, Chester W., MD 2018-004694
On July 19, 2018, staff received an email notification from the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) indicating that Chester W. Stone, MD, had his Kansas medical license revoked on July 12, 2018, for violations of controlled drug laws and intimate relations with a psychiatric patient who attempted suicide while using the drugs he prescribed to her. The Kansas Medical Board revoked Dr. Stone’s license based upon findings that: (1) Respondent prescribed controlled substances for a former employee and patient without maintaining medical records; (2) Respondent improperly engaged in a sexual relationship with the same former employee and patient; (3) Respondent prescribed controlled substances for his spouse and children without maintaining medical records; and (4) Respondent practiced medicine outside the scope of his Kansas federal license by practicing in non-federal facilities in Kansas. It was also noted that Dr. Stone obtained a BNDD registration by providing a false address. BNDD had since sent Dr. Stone a termination of registration notice. At its August 2018 meeting, the Board voted to schedule Dr. Stone for an automatic revocation hearing. An automatic revocation hearing was scheduled to be held before the Board on January 18, 2019. However, Dr. Stone signed the Consent Order for Revocation of his license for seven (7) years in lieu of holding the hearing before the Board.

6. Setzer, Howard, DO 2017-001196
On January 22, 2018, Howard Setzer, DO, entered guilty pleas in the Circuit Court of St. Charles County, Missouri, in case number 1711-CR00424-01, to four (4) counts of Sodomy – 2nd Degree; one (1) count of Commission of a Fraudulent Insurance Act; one (1) count of Making a False Statement or Misrepresentation to Receive Health Care Payment; and one (1) count of Attempted Sodomy – 2nd Degree. On June 28, 2018, the Board’s delegated authority directed legal counsel to offer Dr. Setzer an order for a seven (7)-year revocation. Dr. Setzer failed to sign the offer and legal staff scheduled an automatic revocation hearing for October 19, 2018. The Board proceeded with the automatic revocation hearing set for Friday, January 18, 2019. Dr. Setzer was not present and directed his attorney, Mr. Mueller, not to appear on his behalf.

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), RSMo. Dr. DiRenna, Dr. Glaser, Dr. James and Dr. Mathews voted in favor of the motion. Dr. Martin, Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.
7. Beyer, Timothy E., DO  2018-001662

On December 5, 2017, Timothy E. Beyer, DO, entered into a settlement agreement with the Board wherein he was placed on probation for a period of three (3) years. The settlement agreement was based on a disciplinary action imposed by the Minnesota Board of Medicine in May 2017. On March 19, 2018, the probation supervisor assigned to monitor Dr. Beyer filed a report stating Dr. Beyer was in violation of the agreement because he failed to renew his license and comply with the stipulations set forth in the settlement agreement. During an interview with the probation supervisor, Dr. Beyer contended he was under the impression that renewing his license was optional, and the stipulations in the settlement agreement were contingent upon whether or not he continued to obtain a license to practice in Missouri. During its July 2018 conference call, the Board voted to issue a consent order for voluntary surrender and schedule Dr. Beyer for a probation violation hearing. As of September 2018, Dr. Beyer failed to comply with the conditions of the original probationary settlement agreement. A notice of hearing along with consent order for voluntary surrender was mailed to Dr. Beyer on September 14, 2018. Dr. Beyer requested and was granted a continuance from the October Board meeting due to personal health complications as well as scheduling conflicts. The Board continued Dr. Beyer’s hearing to the January 2019 Board meeting. The Board’s counsel filed a notice of intent to use affidavit on January 2, 2019.

Dr. Beyer requested a continuance from the January 2019 meeting; however, the request was denied and the Board proceeded with the probation violation hearing set for Friday, January 18, 2019. Dr. Beyer was not present nor represented by legal counsel at the hearing.

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

8. Verstraete, John C., DO  2016-007131

On April 25, 2018, John C. Verstraete, DO, entered a guilty plea in the United States District Court for the Western District of Missouri, in case number 4:16-CR-00348-GAF, to one (1) count of Conspiracy to Commit Health Care Fraud, in violation of Title 18 U.S.C. sections 1347 and 1349; and one (1) count of Conspiracy to Distribute a Controlled Substance Outside the Course of Legitimate Medical Practice and Not for a Legitimate Medical Purpose, felony offenses, in violation of Title 21 U.S.C., sections 841(a)(1) and 846. On July 5, 2018, counsel sent an offer to Dr. Verstraete for a seven (7)-year revocation. Dr. Verstraete failed to sign the offer. On October 18, 2018, Dr. Verstraete was sentenced to two (2) concurrent terms of twelve (12) months in prison and was ordered to surrender to authorities on December 3, 2018. Counsel prepared a complaint for revocation, which was filed with the Board on December 27, 2018, and Dr. Verstraete’s automatic revocation hearing was set for Friday, January 18, 2019. Dr. Verstraete was not present and was not represented by counsel.

Motion made by Dr. Mathews 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. Glaser, Dr. James and Dr. Mathews voted in favor of the motion. Dr. Martin, Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.
Closed Agenda - Dr. James chaired the meeting during the Closed Agenda.

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

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), RSMo. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

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

Prerogatives of the Chair

There were no prerogatives of the Chair.

Approval of Minutes

The following minutes were submitted to the Board for review and approval.

a. June 10, 2018 Board Conference Call
b. July 8, 2018 Board Conference Call
c. August 2-3, 2018 Board Meeting
d. September 23, 2018 Board Conference Call
e. October 17-19, 2018 Board Meeting
f. December 2, 2018 Board Conference Call

Motion made by Dr. Glaser and seconded by Dr. Mathews to approve the open meeting minutes listed above as submitted. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

Financial Report

Ms. Clarkston provided a financial report to the Board. This was a discussion item only and no action was taken by the Board.

Board Delegated Authority

The Board’s delegated authorities allow the Board to authorize the staff to conduct licensing and enforcement activities without the constant, direct oversight of the entire Board, which would be impossible considering the volume of licensing and disciplinary cases. In general, these instructions are appropriately treated as open records that can be addressed in open meetings, included in open minutes and provided to the public upon request. However, the Board’s instructions to legal counsel in regard to the prosecution and settlement of licensing and disciplinary matters may be treated as confidential communication.
Motion made by Dr. Mathews and seconded by Dr. Glaser to adopt the delegated authorities and instructions to legal counsel and assert attorney-client privilege as to the instructions to legal counsel. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried.

Advisory Committee Appointment
Dr. John Yetter’s term expired as physician member of the Missouri Athletic Trainer Advisory Committee. Byron Bus Tarbox, MD, submitted a request and his curriculum vitae for appointment to the advisory committee as the physician member. During its November 27, 2018 conference call, the Missouri Athletic Trainer Advisory Committee reviewed the request, as well as supplemental documents, and voted to recommend the Board approve Dr. Tarbox’s application for appointment.

Motion made by Dr. Martin and seconded by Dr. DiRenna to accept the Athletic Trainer Advisory Committee’s recommendation and appoint Dr. Tarbox’s as the physician member to the Athletic Trainer Advisory Committee. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

Contract - Legal Services
The Board’s contract counsel submitted a supplement as an amendment to the contract between Grayson & Grayson, LLC, and the Board. The supplement would allow Grayson & Grayson, LLC, to represent other boards under the Missouri Division of Professional Registration so long as Grayson & Grayson, LLC, does not represent any cases which would conflict with the Board.

Motion made by Dr. Mathews and seconded by Dr. Glaser to accept the amendment to the contract for legal services provided to the Board by Grayson & Grayson, LLC. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

Legislation
Ms. Clarkston discussed various legislative proposals; however, this was a discussion item only and the Board took no action.

Medical Marijuana
On November 6, 2018, Missourians approved an amendment to the Constitution to approve the use of medical marijuana by qualifying patients. The purpose of Amendment 2 is to permit licensed physicians to recommend marijuana for medical purposes to patients with qualifying medical conditions. Amendment 2 allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physician to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician.

This was a discussion item only and the Board took no action.

FSMB Annual Meeting
The Federation of State Medical Boards (FSMB) will be holding the Annual Meeting on April 25-27, 2019, in Fort Worth, Texas. The agenda was provided for informational purposes. Dr. DiRenna expressed interest in attending as the Board’s delegate and James Leggett will attend in place of the Board’s Executive Director. No further action was taken by the Board in this matter.

**License Types – Review of 50 States**

During the October 2018 meeting, the Board directed legal counsel to research the various license types available in all fifty (50) states. Ms. Struemph provided an update indicating the project is still pending due to the current workload assigned to the legal section. This was a discussion item only and the Board took no action.

**Impaired Physician Liaison Committee Update**

Dr. Mathews provided the Board an update from the Impaired Physician Liaison Committee.

- a. Prerogatives of the Chair
- b. Approval of Open Meeting Minutes
- c. Approved Providers
- d. Non-Disclosure
- e. Northbound Treatment Center
- f. BoardPrep Recovery Center
- g. Video-Based Communication Assessment (VCA)
- h. Discussion Topics Per MPHP

Motion made by Dr. James and seconded by Dr. DiRenna to allow the Impaired Physician Liaison Committee to work alongside Synergy Recovery Center as well as SSM Health Treatment and Recovery as potential approved treatment providers, monitor their effectiveness for one (1) year, and return reports to the Board for further evaluation. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

Motion made by Dr. Glaser and seconded by Dr. James to approve the draft of the Non-Disclosure Clause proposed by the Impaired Physician Liaison Committee. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

Motion made by Dr. Glaser and seconded by Dr. Martin to accept Northbound Treatment Center as an approved treatment provider. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin and Dr. Mathews voted in favor of the motion. Dr. Poggemeier and Dr. Tannehill were not present. Motion carried unanimously.

**Opinion Statement – Physical Therapy**

Missouri State Medical Association expressed its interest in the Board’s interpretation of section 334.100.2(22), RSMo., and section 334.253, RSMo., and a patient’s ability to choose their physical therapy provider. This was a discussion item only and no action was taken by the Board.
Investigative Agenda - Dr. Martin chaired the meeting during the Investigative Agenda.

Licensure Agenda - Dr. Mathews chaired the meeting during the Licensure Agenda.

Malpractice Agenda - Cases for Discussion - Dr. Poggemeier chaired the meeting during the Malpractice Agenda.

Medical Staff Interview Agenda - Cases for Discussion - Dr. Tannehill chaired the meeting during the Medical Staff Interview 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), RSMo. Dr. DiRenna, Dr. Glaser, Dr. James, Dr. Martin, Dr. Mathews, Dr. Poggemeier and Dr. Tannehill voted in favor of the motion. Motion carried unanimously.

Medical Staff Interview–Letter of Warning Agenda - Cases for Discussion - Dr. Tannehill chaired the meeting during the Medical Staff Interview–Letter of Warning Agenda.

Executive Session- Dr. James chaired the meeting during the Executive Session.

Adjournment

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