

**Missouri State Board of Registration for the Healing Arts  
Missouri Council of School Administrators Building  
3550 Amazonas Drive  
Jefferson City, Missouri 65109**

**Open Session Meeting Minutes  
October 24-25, 2019**

The members of the Missouri State Board of Registration for the Healing Arts convened on October 24-25, 2019, at Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri 65109.

**Board Members Present:**

Sarah Martin, PhD, President  
James A. DiRenna, DO, Member  
Jeffrey S. Glaser, MD, FACP, Member  
Jade D. James-Halbert, MD, MPH, Member  
David E. Tannehill, DO, Member  
Marc K. Taormina, MD, FACP, Member  
Naveed Razzaque, MD, FACP, Member

**Board Members Absent:**

Katherine J. Mathews, MD, Secretary  
Jeffrey D. Carter, MD, Member

**Staff Present:**

Connie Clarkston, Executive Director  
James Leggett, Associate Executive  
Ashley Minor, Executive Assistant  
Kayci Hollingsworth, Associate Executive Assistant  
Kyle Maddox, Information Support Coordinator  
Morgan Colbert, Senior Office Support Assistant  
Angie Rummerfield, Senior Office Support Assistant  
Katie Brenneke, General Counsel  
Hong Chen, Associate General Counsel  
Jana Jacobs, Associate General Counsel  
Whitney Long, Paralegal  
Kaylee Bennett, Paralegal  
Adam Grayson, Contract Legal Counsel  
William Smittle, DO, Chief Medical Officer  
Gerald Cupp, MD, Medical Staff  
William Voss, DO, Medical Staff  
James R. Ennis, DO, Contract Medical Consultant  
Douglas L. Wheeler, DO, Contract Medical Consultant  
Sarah Dunn, DO, Contract Medical Consultant  
Michelle Heislen, Enforcement Supervisor  
Sid 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  
Maggie McDowell, Investigator III  
Kevin Moroney, Investigator II  
Kerry Placeway, Investigator II  
Richard Schurman, Investigator II  
Elizabeth Stevens, Investigator II  
Curtis Wirths, Investigator III  
Kim Brester, Administrative Services Coordinator  
Rachel Hatfield, Licensing Supervisor

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. Martin chaired the meeting during the Appearance Agenda.

**11. Saadi, James A., MD**

**2017-001480**

The Board received a complaint against James A. Saadi, MD stating his hospital privileges had been suspended due to disruptive behavior and possible medical impairment. A review of patients' records found his compliance rate was below the accepted minimum of sixty percent (60%). A multidisciplinary comprehensive assessment showed marked neurocognitive deficits. A MSO was completed stating that Dr. Saadi had received two (2) professional evaluations and both found him to have neurocognitive deficits leaving him unfit for practice. After further review of this matter during its April 2018 meeting, the Board directed staff to schedule Dr. Saadi for an appearance. Dr. Saadi appeared before the Board with his attorney, Mark Lynch, at the Board's August 2018 meeting. The Board decided to offer Dr. Saadi the option of (1) a settlement agreement restricting his practice to exclude surgery or (2) completion of a surgical competency evaluation by Physician Assessment and Clinical Education (PACE) or CPEP with the results submitted to the Board for consideration. Dr. Saadi presented the Board with a counteroffer which was reviewed and denied by the Board during its May 2019 conference call, at which time the Board also voted to schedule Dr. Saadi for a competency proceeding.

Motion made by Dr. DiRenna and seconded by Dr. Razzaque to go into closed session pursuant to sections 610.021 (1), (3), (5), (7), (13) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

**12. Thomas, V. Jose, MD**

**2015-006886**

The Illinois Department of Financial and Professional Regulation (Illinois Board) suspended the license of V. Jose Thomas, MD based upon conduct likely to deceive or defraud the public. Dr. Thomas appealed the original Illinois Order and the Board staff continued to monitor the appeal for a final outcome. On August 17, 2017 the Appellate Court of Illinois, First Judicial District, affirmed the Illinois Board's order to suspend Dr. Thomas' license based upon prescribing controlled substances for a purpose other than medically accepted therapeutic purpose and for engaging in a dishonorable, unethical or unprofessional conduct of character likely to harm the public, thus making it final. The Board received a copy of the final decision on March 18, 2019. During its June 2019 conference call, the Board voted to immediately file a complaint with the Board and schedule Dr. Thomas for a hearing based on the Illinois Board action.

Motion made by Dr. Glaser and seconded by Dr. Razzaque to go into closed session pursuant to sections 610.021 (1), (3), (5), (7), (13) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. Razzaque, and Dr. Taormina voted in favor of the motion. Dr. Carter, Dr. James-Halbert, Dr. Tannehill and Dr. Mathews were not present. Motion carried unanimously.

### **Closed Session**

Motion made by Dr. James-Halbert and seconded by Dr. Glaser to go into closed session pursuant to sections 610.021 (1), (3), (5), (7), (13) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. Razzaque, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

### **Closed Session**

Motion made by Dr. James-Halbert and seconded by Dr. Glaser to go into closed session pursuant to sections 610.021 (1), (3), (5), (7), (13) and (14), 324.001 (8) and (9), and 334.001, RSMo. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

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

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

There were no prerogatives of the Chair.

#### **2. Provider Wellness Liaison Committee Update**

Dr. DiRenna provided the following update to the Board:

##### **National Board of Medical Examiners Presentation**

Ms. Ann King, Senior Assessment Scientist of National Board of Medical Examiners (NBME) held a presentation to discuss an application NBME has developed that provides physicians with scenarios of patient encounters that allow the physician to record their response, to be graded and receive feedback pertaining to their communication skills as well as receiving learning examples of how to handle specific situations. This pilot program is currently not commercialized; but is being tested in certain voluntary systems to obtain voluntary feedback.

##### **Programs and Course Updates**

Site visits are needed at The Ranch, BoardPrep Recovery Center and Center for Professional Recovery to be considered as a Board-approved program. The Committee requested the site visits be completed prior the January 2020 Board meeting.

The Committee recommended approval of Synergy Executive Center as a Board-approved Program based upon the positive feedback from the Board's Chief Investigator and Physicians Health Program's (PHP) suggestion. Motion made by Dr. DiRenna and seconded by Dr. Razzaque to approve Synergy Executive Center as a Board-approved Program. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr.

Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

The Committee recommended to close the request to use the SSM Health Treatment and Recovery Program as an option to add as a Board-approved program as neither PHP utilized the program and has no plans to do so in the future. Motion made by Dr. DiRenna and seconded by Dr. James-Halbert to close the request to use SSM Health Treatment and Recovery Program as an option to add as a Board-approved program. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

The Committee recommended PBI Education's Communication and Civility Court be approved as a Board-approved course. Motion made by Dr. DiRenna and seconded by Dr. Glaser to approve PBI Education's Communication and Civility Court be approved as a Board-approved course. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

#### Committee Membership

Discussion was held pertaining to who the members are of the Professional Wellness Committee.

No motion was made, discussion was tabled for further research from the Board's legal department for further clarification.

### **3. Rule Review**

#### Rule Review Section 536.175, RSMo

Under section 536.175.1(5), RSMo, the rules contained in titles twenty (20) of the code of state regulations should be reviewed no later than July 1, 2019, and every five (5) years thereafter. During this review process, the rules of the Board – Chapters one (1) through nine (9)—were reviewed based on the eight (8) questions posed by the statute:

1. Whether the rule continues to be necessary;
2. Whether the rule is obsolete;
3. Whether the rule overlaps, duplicates, or conflicts with state, federal, or local rules;
4. Whether less restrictive rule can accomplish the same purpose;
5. Whether the rule can be modified to reduce the regulatory burden or eliminate paperwork;
6. Whether the rule properly incorporates materials by reference;
7. Whether it affects small business, and if so, does the public purpose or interest for adopting justify the rule;
8. Whether comments were received.

A copy of the chart summarizing the proposed responses was presented to Board for review.

Motion made by Dr. Glaser and seconded by Dr. Razzaque to accept the proposed rule changes. Dr. DiRenna, Dr. Glaser, Dr. Martin, Dr. James-Halbert, Dr. Razzaque, Dr.

Tannehill and Dr. Taormina voted in favor of the motion. Dr. Carter and Dr. Mathews were not present. Motion carried unanimously.

#### Rule Review – 20 CSR 2150-5.030

The Missouri Board of Registration for the Healing Arts (Board) is in receipt of a letter from Senator Jeanie Riddle's office dated October 1, 2019 regarding 20 CSR 2150-5.030. Specifically, Sen. Riddle has requested the Board clarify a physician's ability to provide patients with the physical therapy disclosure form printed in the *Code of State Regulations* with rule 20 CSR 2150.5.030, RSMo. A copy of Sen. Riddle's letter addressed to the Board, a copy of section 334.100, RSMo and a copy of 20 CSR 2150-5.030, RSMo are being provided for the Board's review.

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

#### Nicotine Therapy Rule

During the recent 2019 legislative session, the Missouri General Assembly revised section, 338.010, RSMo, to grant pharmacists authority to prescribe a prescription or over-the-counter "nicotine replacement therapy product" as authorized by section 338.665, RSMo. The new law became effective August 28, 2019, however, section 338.665 requires joint rulemaking by the Board of Pharmacy and the Board of Healing Arts to implement the provisions. The Board reviewed proposed language. Kim Grinston, Executive Director, was present and discussed the Board of Pharmacy's proposed language. Dr. Martin requested an update follow-up to the implementation of this rule at the Board's July 2020 meeting.

Motion made by Dr. James-Halbert and seconded by Dr. DiRenna to approve the joint rules with the Missouri Board of Pharmacy. Dr. DiRenna, Dr. Martin, Dr. James-Halbert, Dr. Tannehill and Dr. Taormina voted in favor of the motion. Dr. Glaser and Dr. Razzaque voted against the motion. Dr. Carter and Dr. Mathews were not present. Motion carried.

**Investigative Agenda** – Dr. Martin chaired the meeting during the Licensure Agenda.

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

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

**Executive Session** - Dr. Martin chaired the meeting during the Executive Session.

#### **Adjournment**

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