Agenda

Board of Medical Licensure and Supervision

Regular Meeting
September 12, 2019

This meeting of the Board will be held at the office of the Board, 101 NE 51st Street, Oklahoma City, Oklahoma in accordance with the Administrative Procedures Act and Open Meeting Act of Oklahoma.

The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or vote to strike or not discuss any agenda item.

*INDIVIDUAL PROCEEDINGS: Review and action on all agenda items noted for individual proceedings. In all agenda items noted for individual proceedings, a majority of a quorum of Board members, in a recorded vote, may call for closed deliberations for the purpose of engaging in formal deliberations leading to an intermediate or final decision in an individual proceeding under the legal authority of Oklahoma state statutes, to wit: Article II of the Oklahoma Administrative Procedures Act, 75 O.S. §309 and the Oklahoma Open Meeting Act, 25 O.S. §307(B)(8).

9:00 A.M.

___ Meeting called to order
___ Opening remarks – Lyle Kelsey, Executive Director
___ Board Advisor Comments – Robert C. Margo, JD
___ Review, discussion and possible action – August 1, 2019 Board Meeting Minutes
___ Review, discussion and possible action – Request of SIAVASH NAEL, MD, to supervise a third Advanced Practice Registered Nurse
___ Review, discussion and possible action – Request of TERENCE L. CAREY, MD, to supervise a third Advanced Practice Registered Nurse
___ Presentation – FEDERATION OF STATE MEDICAL BOARDS presentation by Mohammed A. Arsiwala, MD, Director at Large, Michigan, and Lisa Robin, MLA, Chief Advocacy Officer

I. INDIVIDUAL PROCEEDINGS

A. MOTION

___ *BRYAN ANDREW VAN DOREN, MD – Defendant's Motion to Set Aside Agreement

B. PROBATIONARY MATTER

___ *GARY LOVELESS, LPO – Final Probation Review
C. APPLICATIONS

___  *ALBERTO MANUEL MALDONADO, applicant, full medical licensure

___  *JOSEPH MARKEY, applicant, full medical licensure

  • Possible executive session during the individual proceeding pursuant to 25 O.S. § 307(B)(7) for the admission of, or the discussion of, information protected from public disclosure by state or federal law

___  *JAMES LAWRENCE FLECKENSTEIN, MD, applicant, reinstatement of medical licensure

D. DISCIPLINARY MATTERS

___  *ZACHARIAH JESSIC ANDERSON, MD – Agreed Order of Clarification regarding effective date of Surrender in Lieu of Prosecution filed herein on May 9, 2019

___  *DOMINIC LOSACCO, MD –

  • Disciplinary hearing based on allegations of dishonorable or immoral conduct likely to deceive, defraud, or harm the public; prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship; prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need; failure to maintain and office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient; failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including, but not limited to, an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment, and adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained; violating the criminal laws of this State, including 63 O.S. § 2-309D(G)(2)(a), when such act is connected with the physician's practice of medicine; indiscriminate or excessive prescribing, dispenses or administering a controlled substance or narcotic drug without medical need; except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering or giving a habitue or addict or any person previously drug depending, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug; and improper management of medical records

  and, dependent upon the Board's ruling on the above disciplinary proceeding,

  • (Possible) Plaintiff's Motion to Continue

  • (Possible) Plaintiff's Motion to Reconsider

___  *JAMES MELVIN GILBERT, MD – Disciplinary hearing based on allegations of dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public; prescribing or administering a drug or treatment without sufficient
examination and the establishment of a valid physician-patient relationship; prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards; failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient; failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained; indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs; prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes; except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug; and violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board.

*HOBERT STEVENS MILLER, RC – Disciplinary hearing based on allegations of fraud or deceit in procuring or attempting to procure a renewal of a license to practice respiratory care; confession or plea of no contest to a drug related offense; and falsifying documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision.

*JAMES LAWRENCE FLECKENSTEIN, MD – Disciplinary hearing on allegations of procuring, aiding or abetting a criminal operation; habitual intemperance or the habitual use of habit-forming drugs; confession to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state; engaging in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public; the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician’s practice of medicine; the writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs; prescribing a drug without sufficient examination and establishment of a valid physician-patient relationship; the inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition; prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards; adequate medical records to
support diagnosis, procedure, treatment or prescribed medications must be produced and maintained; prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician’s personal use; fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license; and using a false, fraudulent or deceptive statement in a document connected with the practice of medicine and surgery.

*SHAFEEQ SHEIKH, MD — Disciplinary hearing based on allegations of conviction of a felony or of any offense involving moral turpitude; dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public; the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine; engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient; commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery; and engaging in predatory sexual behavior.

II. UNSCHEDULED ITEMS

Ratify applications approved by the Secretary/circularization (Attached to agenda)

Ratify/approve Committee Recommendations
- Music Therapy Committee
- Physician Assistant Advisory Committee
- Respiratory Care Advisory Committee
- Therapeutic Recreation Committee
- Athletic Trainers Advisory Committee

Review, discussion and possible action – Appointment of Medical Doctor to the Oklahoma State Board of Examiners of Perfusionists to fulfill the remainder of the term of Michael Sasevich, MD, which is set to expire on July 1, 2022, pursuant to Title 59 O.S. § 2053 (C)(3) and (E)

Review, discussion and possible action – Re-appointment (or new appointment) of Licensed Dietitian to the Advisory Committee on Dietetic Registration to a three-year term to fill the seat currently held by Lisa Reily Burroughs, LD, which is currently set to expire on September 22, 2019, pursuant to Title 59 O.S. § 1723

Executive Director's report to the Board
- Review and discussion – E-Prescribing 2020: Survey, Waivers, and Extensions
- Update and discussion – Prescription Monitoring Program (PMP) Correspondence to MDs and PAs who have prescribed CDS but are not registered with the PMP
- Update and discussion – Physical Therapy Licensure Compact process
- Statistical Report – A Woman's Right to Know
• Review, discussion and possible action – **Oklahoma Medical Financials FY2019-2020**

____ New Business – any matter not known about or which reasonably could not have been foreseen prior to the required time of posting

____ Adjournment

September 13, 2019: *If needed to complete items on Agenda*