



MEDICAL EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
January 21, 2015

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda (1-5)

B) Approval of Minutes of December 17, 2014 (6-14)

C) Administrative Updates

- 1) Staff Updates
- 2) Wis. Stat. s 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
- 3) Election of Officers **(15-16)**
 - a) Chair
 - b) Vice Chair
 - c) Secretary
- 4) Appointment of Liaisons, Alternates, and Delegated Authority **(16)**
 - a) Professional Assistance Procedure Liaison and Alternate
 - b) Office of Education and Exams Liaison
 - c) Website Liaison
 - d) Credentialing Liaisons (two) and Alternates (two)
 - e) Legislative Liaisons (four)
 - f) Maintenance of Licensure Liaisons (two) and Alternate
 - g) Newsletter Liaison
 - h) Monitoring Liaison
- 1) Delegated Authority Motion **(17-18)**
 - i) Continuing Education Liaison
 - j) Credentialing Liaisons (two) and Alternates (two)
 - k) Rules Liaison
 - l) Prescription Drug Monitoring Program Liaison
 - m) Other Liaison(s)
 - n) Delegated Authority Motions

- D) **Board Newsletter – Review and Discussion**
 - 1) Spring Newsletter
- E) **Correspondence from Julie Rogers – Board Review (19-20)**
- F) Federation of State Medical Boards (FSMB) Matters
- G) **Legislative/Administrative Rule Matters**
 - 1) Review of MED 1.04 Relating to Entrance to Exam **(21-24)**
 - 2) Update on Pending and Possible Rule Projects **(25)**
- H) **Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) FSMB 2015 Annual Meeting – April 23-25, 2015 – Fort Worth, TX – Board Consideration **(26-28)**
- I) Licensing Committee Report
- J) Screening Panel Report
- K) Informational Items
- L) Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions
 - 13) Presentation of Interim Order(s)
 - 14) Petitions for Re-Hearing
 - 15) Petitions for Assessments
 - 16) Petitions to Vacate Order(s)
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Requests for Disciplinary Proceeding Presentations
 - 19) Motions
 - 20) Petitions
 - 21) Appearances from Requests Received or Renewed
 - 22) Speaking Engagement(s), Travel, or Public Relation Request(s)
- M) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

N) Full Board Oral Examination of Candidates for Licensure

- 1) **8:40 A.M. – APPEARANCE – Samir Haddad, MD (29-124)**

O) Monitoring Matters (125-126)

- 1) **9:10 A.M. – APPEARANCE – Farid A. Ahmad and Attorney – Requesting Return of Full Unrestricted License (127-161)**
- 2) **Devinder Sidhu – Requesting Elimination of Therapy Requirement (162-183)**

P) Request for Board to Take Action on Application. Equivalency for 12 Months of ACGME Approved Post-Graduate Training Found Not Equivalent – Nitinrai Pandya, MD (184-332)

Q) Review of Administrative Warning WARN00000241 DLSC Case Number 14 MED 264 (R.B.) (333-338)

- 1) **9:40 A.M. – APPEARANCES**
 - a) **Roland Brilla, M.D.**
 - b) **Sandy Nowack, DLSC Attorney**

R) Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC)

- 1) **Amy Rongstad Grelle, M.D. – 14 MED 008 (339-344)**
- 2) **James R. Fletcher, M.D. – 14 MED 162 (345-350)**
- 3) **James A. Wichser, M.D. – 14 MED 180 (351-355)**
- 4) **Joseph J. Pietrafitta, M.D. – 14 MED 306 (356-362)**
- 5) **Srinivas P. Jolepalem, M.D. – 14 MED 435 (363-369)**
- 6) **Andrew R. Wentzel, D.O. – 14 MED 503 (370-375)**

S) Deliberation on Complaints for Determination of Probable Cause

- 1) **Karen Butler, M.D. – 13 MED 161 (376-379)**

T) Deliberation on Administrative Warnings

- 1) **13 MED 076 – J.T.K. (380-382)**
- 2) **14 MED 279 – D.R.T. (383-384)**
- 3) **14 MED 514 – W.K.K. (385-386)**

U) Case Closing(s)

- 1) 13 MED 278 – K.J.K. **(387-394)**
- 2) 13 MED 358 – B.S.H. **(395-399)**
- 3) 14 MED 133 – N.A.H. **(400-405)**
- 4) 14 MED 149 – J.L.G. **(406-409)**
- 5) 14 MED 171 – S.A.W. **(410-414)**
- 6) 14 MED 255 – R.N.H. **(415-420)**
- 7) 14 MED 332 – K.D. and R.K. **(421-425)**
- 8) 14 MED 337 – A.M. **(426-428)**
- 9) 14 MED 389 – A.V.D. **(429-435)**
- 10) 14 MED 444 – S.S.B. **(436-445)**
- 11) 14 MED 508 and 14 MED 509 – I.Z. **(446-447)**

V) Case Status Report (448-457)

W) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

X) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Y) Open Session Items Noticed Above not Completed in the Initial Open Session

Z) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

AA) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE
ROOM 124D/E
11:30 A.M., OR IMMEDIATELY FOLLOWING FULL BOARD MEETING**

CLOSED SESSION – Reviewing applications and conducting oral examinations of four (4) candidates for licensure – Drs. Capodice, Erickson, Swan, and Westlake.

**MEDICAL EXAMINING BOARD
MEETING MINUTES
December 17, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D. (*arrived at 8:04 a.m.*); Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D. (*arrived at 8:12 via GoToMeeting*); Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D.; Robert Zondag

EXCUSED: James Barr

STAFF: Tom Ryan, Executive Director; Taylor Thompson, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:01 a.m. A quorum of ten (10) members was confirmed.

ADOPTION OF AGENDA

MOTION: Greg Collins moved, seconded by Sridhar Vasudevan, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to approve the minutes of November 19, 2014 as published. Motion carried unanimously.

PRESENTATION OF PETITIONS FOR SUMMARY SUSPENSION AND DESIGNATION OF HEARING OFFICIAL

Joost Kap, DLSC Attorney, appeared before the Board to present the Petitions for Summary Suspension.

FEDERATION OF STATE MEDICAL BOARDS MATTERS

FINAL CALL FOR APPOINTMENTS AND AWARD NOMINATIONS

MOTION: Timothy Swan moved, seconded by Greg Collins, to recommend Dr. Simons for consideration as a recipient for Federation of State Medical Board's Award of Merit. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to recommend Tom Ryan for consideration to serve on the FSMB's Committee on Ethics and Professionalism. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

REVIEW EMERGENCY RULE FOR MED 1, 3, AND 5 PHYSICIAN LICENSURE

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to approve the draft of the Emergency Rule as amended for forwarding to the Governor's Office. Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by Suresh Misra, to approve the Public Hearing Draft as the Proposed Permanent Rule. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to appoint the Board Chair to adopt the final Emergency Rule before forwarding for publication. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to disband the Disciplinary Guidelines Committee. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Zondag moved, seconded by Suresh Misra, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Greg Collins – yes; Rodney Erickson – yes; Suresh Misra – yes; Carolyn Oglan Vukich – Yes; Michael Phillips – Yes; Kenneth Simons – yes; Timothy Swan – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:45 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to reconvene in Open Session at 10:57 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

JOHN LITTLEFIELD, PA-C

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to find that John Littlefield, PA-C, passed the MEB Full Board Oral Examination. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to grant the application of John Littlefield, PA-C, for licensure as a Physician Assistant, once all requirements are met. Motion carried unanimously.

MONITORING MATTERS

FARID A. AHMAD – REQUESTING RETURN OF FULL UNRESTRICTED LICENSE

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to table this matter until a future meeting. Motion carried unanimously.

FULL BOARD REVIEW – PETITION TO RETAKE USMLE STEP 2

FIDELIS IKEGWUONU

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland Vukich, to deny Fidelis Ikegwonu's request to retake USMLE Step 2. **Reason for Denial:** Failed to comply with the Board's prior order. Motion carried unanimously.

DELIBERATION OF PETITIONS FOR SUMMARY SUSPENSION AND DESIGNATION OF HEARING OFFICIAL

ANGELINA M. MONTEMURRO, M.D.

12 MED 288

Robert Zondag recused himself for deliberation and voting in the matter of Angelina M. Montemurro, 12 MED 288.

MOTION: Carolyn Ogland Vukich moved, seconded by Rodney Erickson, that notice was given to Angelina M. Montemurro, of the Summary Suspension proceedings pursuant to Wis. Admin. Code § SPS 6.05. Motion carried.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, that pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that Angelina M. Montemurro, M.D., engaged in unprofessional conduct in violation of Wis. Stat. § 448.02(3). Motion carried.

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Westlake, that, pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that it is necessary to suspend the license of Angelina M. Montemurro, M.D., to practice medicine and surgery in the State of Wisconsin immediately to protect the public's health, safety, and welfare. Motion carried.

MOTION: Greg Collins moved, seconded by Rodney Erickson, that pursuant to Wis. Admin. Code § SPS 6.11, to issue an order allowing the Department to designate a Hearing Official for an Order to Show Cause Hearing in the matter of the Summary Suspension of the license of Angelina M. Montemurro. Motion carried.

LINDA R. ROGOW, M.D.
14 MED 033

Sridhar Vasudevan recused himself for deliberation and voting in the matter of Linda R. Rogow, 14 MED 033.

MOTION: Robert Zondag moved, seconded by Greg Collins, that notice was given to Linda R. Rogow, of the Summary Suspension proceedings pursuant to Wis. Admin. Code § SPS 6.05. Motion carried.

MOTION: Suresh Misra moved, seconded by Robert Zondag, that pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that Linda R. Rogow, M.D., engaged in unprofessional conduct in violation of Wis. Stat. § 448.02(3). Motion carried.

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Swan, that, pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that it is necessary to suspend the license of Linda R. Rogow, M.D., to practice medicine and surgery in the State of Wisconsin immediately to protect the public's health, safety, and welfare. Motion carried.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, that pursuant to Wis. Admin. Code § SPS 6.11, to issue an order allowing the Department to designate a Hearing Official for an Order to Show Cause Hearing in the matter of the Summary Suspension of the license of Linda R. Rogow. Motion carried.

NANETTE J. LIEGEOIS
14 MED 581

Although listed as Case Advisor, Timothy Westlake has not been consulted in the matter of Nanette J. Liegeois, 14 MED 581.

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, that notice was given to Nanette J. Liegeois, of the Summary Suspension proceedings pursuant to Wis. Admin. Code § SPS 6.05. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Russell Yale, that pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that Nanette J. Liegeois, M.D., engaged in unprofessional conduct in violation of Wis. Stat. § 448.02(3). Motion carried unanimously.

MOTION: Greg Collins moved, seconded by Russell Yale, that, pursuant to Wis. Stat. § 448.02(4), there is probable cause to believe that it is necessary to suspend the license of Nanette J. Liegeois, M.D., to practice medicine and surgery in the State of Wisconsin immediately to protect the public's health, safety, and welfare. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Robert Zondag, that pursuant to Wis. Admin. Code § SPS 6.11, to issue an order allowing the Department to designate a Hearing Official for an Order to Show Cause Hearing in the matter of the Summary Suspension of the license of Nanette J. Liegeois. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER: IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST ROBERT A. CAVANAUGH, M.D., RESPONDENT (DHA CASE SPS-14-0002)(DLSC CASE 12 MED 351)

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to adopt the Proposed Findings of Fact, Conclusions of Law, and Order of the Administrative Law Judge as the Board's Final Decision and Order in the matter of disciplinary proceedings against Robert A. Cavanaugh, M.D., Respondent – DHA Case # SPS-14-0002 / DLSC Case # 12 MED 351. Motion carried unanimously.

DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)

SUL CHUNG, M.D. – 13 MED 390

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Sul Chung, M.D., DLSC case number 13 MED 390. Motion carried unanimously.

KENNETH J. KELLNER, M.D. – 14 MED 068

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kenneth J. Kellner, M.D., DLSC case number 14 MED 068. Motion carried unanimously.

RESCIND PRIOR MOTION AND ADOPT CORRECT PROPOSED FINAL DECISION AND ORDER IN CASE NUMBER 14 MED 020, REGARDING MARK PETROVANI, M.D.

MOTION: Greg Collins moved, seconded by Suresh Misra, to rescind the November 19, 2014 motion to adopt the Findings of Fact, Conclusions of Law and Order, Final Decision and Order for the matter concerning Mark Petrovani, M.D., case number 14 MED 020, and corresponding Final Decision and Order #3126. Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark Petrovani, M.D., DLSC case number 14 MED 020, retroactively effective November 19, 2014. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

SIAMAK B. ARASSI, M.D. – 12 MED 224

Rodney Erickson recused himself for deliberation and voting in the matter of Siamak B. Arassi, 12 MED 224.

MOTION: Timothy Swan moved, seconded by Carolyn Ogland Vukich, to find probable cause to believe that Siamak B. Arassi, M.D., DLSC case number 12 MED 224, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

ANGELINA M. MONTEMURRO, M.D. – 12 MED 288

Robert Zondag recused himself for deliberation and voting in the matter of Angelina M. Montemurro, 12 MED 288.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to find probable cause to believe that Angelina M. Montemurro, M.D., DLSC case number 12 MED 288, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

LINDA R. ROGOW, M.D. – 14 MED 033

Sridhar Vasudevan recused himself for deliberation and voting in the matter of Linda R. Rogow, 14 MED 033.

MOTION: Mary Jo Capodice moved, seconded by Timothy Westlake, to find probable cause to believe that Linda R. Rogow, M.D., DLSC case number 14 MED 033, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

JUAN PRECIADO-RIESTRA, M.D. – 14 MED 549

Greg Collins recused himself for deliberation and voting in the matter of Juan Preciado-Riestra, 14 MED 549.

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to find probable cause to believe that Juan Preciado-Riestra, M.D., DLSC case number 14 MED 549, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

NANETTE J. LIEGEOIS, M.D. – 14 MED 581

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to find probable cause to believe that Nanette J. Liegeois, M.D., DLSC case number 14 MED 581, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried unanimously.

PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNING(S)

13 MED 272 – T.G.M.

Timothy Westlake recused himself for deliberation and voting in the matter of 13 MED 272.

MOTION: Greg Collins moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC case number 13 MED 272 (T.G.M.). Motion carried.

13 MED 358 – S.R.J.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC case number 13 MED 358 (S.R.J.). Motion carried unanimously.

14 MED 329 – V.K.N.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC case number 14 MED 329 (V.K.N.). Motion carried unanimously.

14 MED 073 – E.A.S.

Timothy Swan recused himself for deliberation and voting in the matter of 14 MED 073.

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to reject the administrative warning and instead to close DLSC case number 14 MED 073, against E.A.S., for no violation (NV). Motion carried.

CASE CLOSING(S)

13 MED 411 – M.S.J.

MOTION: Greg Collins moved, seconded by Timothy Swan, to close DLSC case number 13 MED 411, against M.S.J., for no violation (NV). Motion carried unanimously.

13 MED 451 – J.R.W.

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to close DLSC case number 13 MED 451, against J.R.W., for no violation (NV). Motion carried unanimously.

13 MED 517 – B.D.H.

Mary Jo Capodice recused herself for deliberation and voting in the matter of 13 MED 517.

MOTION: Greg Collins moved, seconded by Carolyn Ogland Vukich, to close DLSC case number 13 MED 517, against B.D.H., for insufficient evidence (IE). Motion carried.

14 MED 003 – X.W.

MOTION: Suresh Misra moved, seconded by Robert Zondag, to close DLSC case number 14 MED 003, against X.W., for no violation (NV). Motion carried unanimously.

14 MED 095 – Y.S.P.

MOTION: Suresh Misra moved, seconded by Robert Zondag, to close DLSC case number 14 MED 095, against Y.S.P., for no violation (NV). Motion carried unanimously.

14 MED 118 – W.W.D.

Kenneth Simons recused himself for deliberation and voting in the matter of 14 MED 118.

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to close DLSC case number 14 MED 118, against W.W.D., for no violation (NV). Motion carried.

14 MED 126 – R.L.G.

MOTION: Carolyn Ogland moved, seconded by Russell Yale, to close DLSC case number 14 MED 126, against R.L.G., for insufficient evidence (IE). Motion carried unanimously.

14 MED 137 – G.A.C.

MOTION: Robert Zondag moved, seconded by Timothy Westlake, to close DLSC case number 14 MED 137, against G.A.C., for no violation (NV). Motion carried unanimously.

14 MED 237 – J.C.L.

MOTION: Timothy Westlake moved, seconded by Sridhar Vasudevan, to close DLSC case number 14 MED 237, against J.C.L., for no violation (NV). Motion carried unanimously.

14 MED 044 – S.I.C.

Timothy Westlake recused himself for deliberation and voting in the matter of 14 MED 044.

MOTION: Greg Collins moved, seconded by Robert Zondag, to reject the closing of DLSC case number 14 MED 044, against S.I.C., for no violation (NV). Motion carried.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Mary Jo Capodice moved, seconded by Timothy Swan, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Suresh Misra moved, seconded by Robert Zondag, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:07 a.m.

January 2014:

2014 ELECTION RESULTS	
Board Chair	Kenneth Simons
Vice Chair	Timothy Swan
Secretary	Sridhar Vasudevan

2014 LIAISON APPOINTMENTS	
Professional Assistance Procedure Liaison	Mary Jo Capodice <i>Alternate: Michael Phillips</i>
Office of Education and Exams Liaison	Timothy Westlake <i>Alternate: Timothy Swan</i>
Website Liaison	Timothy Swan <i>Alternate: Greg Collins</i>
Credentialing Liaison	Suresh Misra, Mary Jo Capodice <i>Alternates: Timothy Westlake, Sridhar Vasudevan</i>
Legislative Liaison	Timothy Swan, Timothy Westlake, Kenneth Simons, Sridhar Vasudevan
Maintenance of Licensure Liaison	Rodney Erickson, Carolyn Vukich <i>Alternate: Mary Jo Capodice</i>
Newsletter Liaison	Kenneth Simons <i>Alternate: Timothy Swan</i>
Monitoring Liaison	Sridhar Vasudevan <i>Alternate: Mary Jo Capodice</i>
Continuing Education Liaison	Rodney Erickson <i>Alternate: Michael Phillips</i>
Rules Liaison	Timothy Swan
Prescription Drug Monitoring Program Liaison	Timothy Westlake <i>Alternate: Sridhar Vasudevan</i>

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Horton Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted: December 20, 2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Monitoring: Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Appointment of 2014 Monitoring Liaison 2. Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> December 20, 2013 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Signature of person making this request</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Supervisor (if required)</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div>Date</div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.
2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.
5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

Current Authorities Delegated to the Department Monitor

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

Clarification

1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 1/5/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 1/21/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Correspondence from Julie Rogers- Board Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Taylor Thompson		1/5/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

As the disciplinary body for doctors in this state, you have the task of ensuring the highest possible standards of medical practice. Despite widespread evidence of substandard medical practices, your state doled out only 30 serious disciplinary actions (such as license revocations or suspensions) last year. Over the past three years (2004-2006), the average rate of serious disciplinary actions was just 1.78 actions per 1,000 doctors in your state. Low rates are a sign of lax enforcement. That tells me that more could be done to protect Wisconsin residents from questionable doctors.

As a resident of Wisconsin, I can't possibly conduct enough research to assure myself that my physicians are well qualified. Instead, I rely on the state medical board to protect me from substandard doctors.

Please serve the public by consistently meting out and enforcing serious disciplinary actions for doctors' serious violations.

Thank you,

Julie Rogers

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood, Administrative Rule Coordinator		2) Date When Request Submitted: January 12, 2015 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: January 21, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Med 1.04 relating to entrance to exam	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The Board will review and approve the draft of Med 1.04 relating to entrance to exam for posting of EIA Comments and submission to the Clearinghouse.</p>			
11) Shawn Leatherwood		Authorization	
Signature of person making this request 		January 12, 2015 Date 	
Supervisor (if required) 		Date 	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Medical Examining Board to repeal Med 1.04 relating to entrance to exams.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.071 (1), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Medical Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 created s. 440.071 (1) Stats, which provides that neither the Department nor a credentialing board may require a person to complete any postsecondary education or training before the person is eligible to take an examination for a credential. This legislative change prompted the Medical Examining Board to exercise its rule-making authority to draft the proposed rule which seeks to bring current administrative code into compliance with the new legislation.

Related statute or rule:

None.

Plain language analysis:

This proposed rule addresses a change in policy instituted by 2013 Wisconsin Act 114. The new legislation requires the Department of Safety and Professional Services and its attached boards refrain from requiring applicants complete their postsecondary education before being eligible to take an examination for licensure. This change prompted a review of Wis. Admin. Code ch. Med 1. The pertinent section affected is s. Med 1.04, which requires applicants to submit a completed application including all required documents to the board no less than three weeks prior to the date of an administration of the United States Medical Licensing Examination (USMLE). The required documents which must be submitted includes evidence of graduation from medical school; thereby requiring, that applicants graduate medical school before submitting a completed application. However, Act 114 states that no such requirement may be imposed on applicants seeking licensure. The proposed rule repeals s. Med 1.04 in order to bring current rules into conformity with Act 114.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois requires submission of an official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree as a requirement for licensure. 68 Ill. Admin. Code tit.68 § 1285.70 a) 5).

Iowa: Iowa requires evidence of a diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board. Iowa Code §148.3. However, this requirement is not a prerequisite for taking an examination for a credential.

Michigan: For licensure by examination, Michigan requires applicants to establish that he or she is a graduate of a medical school approved by the board. Mich. Admin. Code r. 338.2317 (2). However, Michigan does not require applicants to complete any postsecondary education as a prerequisite to taking an examination for a credential.

Minnesota: Minnesota does not require applicants to complete any postsecondary education as a prerequisite to taking an examination for a credential.

Summary of factual data and analytical methodologies:

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by recent legislation.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. **Comments must be received on or before * to be included in the record of rule-making proceedings.**

TEXT OF RULE

SECTION 1. Med 1.04 is repealed.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Board Chairperson
Medical Examining Board

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 11/12/14 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: January 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? FSMB Annual Meeting - April 23-25, 2015 - Fort Worth, TX - Board Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Taylor Thompson		11/18/14	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

November 12, 2014

Dear Colleagues:

Preparations are underway for FSMB's 2015 Annual Meeting scheduled for April 23-25 in Fort Worth, Texas. The FSMB's House of Delegates (HOD) business meeting is held on the last day of the Annual Meeting. FSMB member board participation at the HOD meeting is extremely important because it is the boards' unique opportunity to gain greater insight into the FSMB's work and to contribute to the organization's policymaking process. The role of the voting delegate in that process is especially important because the delegate represents his/her state medical board on matters of significance to the board and elects FSMB Fellows to assist in carrying out the FSMB's work.

In anticipation of the HOD business meeting, we ask that you consider which of your board members will be best suited to serve as your voting delegate.

In order for the voting delegate to serve in a truly representative capacity, the delegate is asked to fulfill a number of responsibilities.

Before the HOD meeting, the voting delegate is asked to:

- Become familiar with the structure, purpose and history of the FSMB HOD as well as FSMB's policymaking and election processes
- Attend meetings of the state medical board the delegate represents to gain early information on statewide and national issues to be addressed at the HOD meeting
- Review all pre-meeting materials
- **Participate in a Voting Delegate Webinar on March 26, 2015 from 3:00-4:00 pm CDT**
- **Attend the Candidates Forum and Reference Committee meeting at the Annual Meeting and provide Reference Committee testimony as necessary**
- Network with colleagues at the Annual Meeting for additional information and perspectives on issues

During the meeting, the voting delegate is asked to:

- Follow the meeting rules as outlined by the Rules Committee
- Represent the position of the delegate's board during discussions as necessary
- Vote at the time requested

Following the meeting, the voting delegate is asked to:

- Report the results of the HOD meeting to the delegate's board
- Remain current on statewide and national issues affecting medical regulation in preparation for the next HOD meeting

As you can see, the role of the voting delegate should not be taken lightly. We therefore encourage you to give careful consideration in the selection of the individual who will be your representative at our 2015 meeting.

Sincerely,



Donald H. Polk, DO
Chair



Humayun J. Chaudhry, DO, MACP
President and CEO

MEMORANDUM

DATE: November 12, 2014

TO: **Presidents/Chairs and Executive Directors
Member Medical and Osteopathic Boards**

FROM: Deanne Dooley
Executive Administrative Assistant
Meeting and Travel Planning

RE: **Scholarship Program for the
FSMB 2015 House of Delegates and Annual Meeting**

Preparations are underway for FSMB's 103rd Annual Meeting to be held April 23 – April 25, 2015, at the Omni Fort Worth in Fort Worth, TX.

Reimbursement up to \$1,800 in travel expenses will be provided for each member board's president/chair attending as the voting delegate at the FSMB's House of Delegates Meeting on Saturday, April 25, 2015. If the president/chair is unable to participate, an alternate member of the medical board may be selected by the president/chair to attend as the designated voting delegate. **Please see the attached letter from the FSMB's Chair and President/CEO stressing the importance of the role of the voting delegate.**

The FSMB will also reimburse the executive director of each member board up to \$1,800 for expenses incurred in relation to his/her attendance at the Annual Meeting. In the event the executive director cannot participate, the president/chair may select another senior staff person to attend in the executive director's place.

Reimbursement for the voting delegate and the executive director will be made in accordance with the attached guidelines. Please complete the attached Scholarship Response Form identifying your board's scholarship recipients. **The deadline for returning the response form is February 2, 2015.** Upon receipt of the form, scholarship information and travel policies will be sent to the recipients.

Annual membership dues for member boards must be paid in full in order for both the voting delegate and the executive director to take advantage of the scholarship opportunity. A draft agenda for the 2015 Annual Meeting will be posted on the FSMB's website at www.fsmb.org. Should you have any questions, you may reach me at 817-868-4086.