

**MEDICAL EXAMINING BOARD
MINUTES
NOVEMBER 17, 2010**

PRESENT: Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Jerold Harter, MD; Sujatha Kailas, MD; Jack Lockhart, MD; Raymond Mager, DO; Suresh Misra, MD; Ian Munro, MD; Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD

STAFF: Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Anne Hletko, Council on Physician Assistants; Mark Grapentine, Wisconsin Medical Society; Eric Jensen, WAPA, WSA, WACEP

CALL TO ORDER

Dr. Sujatha Kailas, Chair, called the meeting to order at 8:04 a.m. A quorum of thirteen (13) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Under Item 9g – Outreach Issues – add Report from Gene Musser on his presentation to the Wisconsin Hospital Association
- Under Item 10b – Copy of Presentation on the ARRA Grant
- Under Item CS4 – Full Board Oral Examination – Jorge L. Garcia – should also be listed as an appearance at 11:15 a.m.

MOTION: Jude Genereaux moved, seconded by Ian Munro, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 20, 2010

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to approve the minutes of October 20, 2010 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**BRUCE LYNN KLINK, DO
09 MED 359**

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Bruce Lynn Klink, DO. This matter will be deliberated in closed session.

**DAVID L ROQUE, MD
10 MED 115**

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against David L. Roque, MD. This matter will be deliberated in closed session.

PRESENTATION OF MOTION TO CLOSE DISCIPLINARY PROCEEDINGS

**NARENDAR K JAIN, MD
DHA CASE NO DRL-10-0054**

Attorney Pamela Stach, DOE, presented a Motion to close disciplinary proceedings against Narendar K. Jain, MD. This matter will be deliberated in closed session.

ELECTION OF OFFICES AND BOARD APPOINTMENTS FOR 2011

MOTION: Carolyn Bronston nominated Sandra Osborn for Chair

MOTION: Jerold Harter nominated Sujatha Kailas for Chair.

Sujatha Kailas called for nominations three times. Hearing no additional nominations, she called for a vote. The Board voted by paper ballot.

After all ballots were tallied, Sujatha Kailas was re-elected as Chair.

MOTION: Sujatha Kailas nominated Sandra Osborn for Vice Chair.

Sujatha Kailas called for nominations three times. Hearing no additional nominations, she called for a vote.

Sandra Osborn was re-elected as Vice Chair by unanimous vote.

MOTION: Gene Musser nominated Sheldon Wasserman for Secretary.

MOTION: Ian Munro nominated Raymond Mager for Secretary.

Sujatha Kailas called for nominations three times. Hearing no additional nominations, she called for a vote. The Board voted by paper ballot.

After the ballots were tallied, Sheldon Wasserman was elected as Secretary.

2011 ELECTION RESULTS

Chair – Sujatha Kailas
Vice Chair – Sandra Osborn
Secretary – Sheldon Wasserman

Board members appointments were not made at this time.

ITEMS FOR BOARD DISCUSSION

October 2010 Meeting at the Medical College of Wisconsin

Sujatha Kailas polled the Board regarding their opinions on the October 20, 2010 meeting at the Medical College of Wisconsin. The audience was relatively small but there was some positive press that resulted. The general consensus was that the time and work involved in preparing for meetings outside of Madison outweighs any benefits. The Outreach Committee will discuss other options for making the Board and its work more visible.

Wis. Admin. Code Chapter MED 10 Rule Review Workgroup Report

Dr. Gene Musser spoke regarding Wis. Admin. Code Chapter MED 10. The workgroup members are Dr. Musser, Dr. Sheldon Wasserman, Mr. LaMarr Franklin and Attorney Michael Berndt. Shawn Leatherwood has also been instrumental in this process. The workgroup has met and this is still a work in progress.

Regulatory Digest Planning

Dr. Kailas wants the Regulatory Digest to be more interactive with hyperlinks. Tom Ryan will send the DRLink to all the Board members. Dr. Kailas asked the Board members to submit articles to her for the next Digest no later than the December meeting.

FSMB Board Attorney Workshop Report

Michael Berndt and Sandra Nowak both attended the FSMB Board Attorney Workshop in San Francisco. Both attorneys stated it was an informative and worthwhile meeting.

FSMB Call for Nominations

Sandra Osborn is on the FSMB Editorial Committee and Sujatha Kailas recently completed her term on the FSMB Nominating Committee.

MOTION: Jude Genereaux moved, seconded by Jerold Harter, to have Tom Ryan continue to serve on the FSMB Bylaws Committee. Motion carried unanimously.

Legislative Activity

Sheldon Wasserman had no report as the legislature is not currently in session. The legislature will be tied up with the State budget for the first six months of 2011 and that will allow the Board time to plan how to best proceed with the legislation the board supports.

Outreach Issues

Sujatha Kailas asked the Board's opinion regarding outreach and the level of outreach activity for each board member. One suggestion was to have each board member give one presentation per year, possibly at county or local medical society meetings. Other ideas for presentations included grand rounds and contacting deans at the medical schools to ask about presentations to the students from the MEB.

ADMINISTRATIVE MATTERS

Board Chair, Vice Chair and Public Member Training, December 2-3, 2010

Invitations have gone out for the training being offered to board chairs, vice chairs and public members. The training will be held at the Concourse Hotel in Madison on December 2-3. After the training sessions on December 2 there will be a reception at the hotel.

ARRA Portability Project Summit Report

Tom Ryan, Chad Zadrazil, Ari Oliver and Nikhil Zaveri gave a PowerPoint presentation on the ARRA portability project.

SCREENING PANEL REPORT

Carolyn Bronston reported the screening panel reviewed 54 cases; 33 of which were backlog cases. Thirty cases were opened and one 10-day letter was sent.

INFORMATIONAL ITEMS

Sandra Osborn passed around a newspaper article for the Board to review.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:16 a.m.

RECONVENE IN OPEN SESSION

MOTION: Ian Munro moved, seconded by Gene Musser, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:28 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Ian Munro moved, seconded by LaMarr Franklin, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**BRUCE LYNN KLINK, DO
09 MED 359**

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Bruce Lynn Klink, DO. Motion carried unanimously.

**DAVID L ROQUE, MD
10 MED 115**

MOTION: Jerold Harter moved, seconded by Sandra Osborn, to reject the Final Decision and Order in the disciplinary proceedings against David L. Roque, MD, and return it to the Division of Enforcement. Motion failed.

MOTION: Ian Munro moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against David L. Roque, MD. Motion carried.

MOTION TO CLOSE DISCIPLINARY PROCEEDINGS

**NARENDER K JAIN, MD
DHA CASE NO DRL-10-0054**

MOTION: Gene Musser moved, seconded by James Conterato, to adopt the Motion and Order to close to close the disciplinary proceedings against Narender K. Jain, MD. Motion carried unanimously.

DELIBERATION OF APPLICATION

NEVINE MAHMOUD, MD

Nevine Mahmoud, MD, and Attorney Michael Ganzer appeared before the Board

MOTION: Sheldon Wasserman moved, seconded by James Conterato, to request Nevine Mahmoud, MD, to complete the University of Wisconsin Medical School's competency assessment program, including interpersonal skills, and have the results sent to the Board for review. Motion carried. Jerold Harter and Jack Lockhart dissented.

REQUEST FOR 12-MONTH ACGME TRAINING EQUIVALENCY DECISION

KAREN R DIZON, MD

MOTION: Carolyn Bronston moved, seconded by Jack Lockhart, to approve the 12-month ACGME training equivalency to Karen R. Dizon, MD. Motion carried unanimously.

FULL BOARD ORAL EXAM

JORGE L GARCIA, MD

MOTION: Gene Musser moved, seconded by Jerold Harter, to grant a license to Jorge L. Garcia, MD, when all requirements are met. Motion carried unanimously.

CONSIDERATION OF COMPLAINTS

07 MED 433

MOTION: Gene Musser moved, seconded by Ian Munro, to find probable cause to issue a complaint in the matter of **07 MED 433**. Motion carried unanimously.

08 MED 089

MOTION: Jude Genereaux moved, seconded by James Conterato, to find probable cause to issue a complaint in the matter of **08 MED 089**. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

08 MED 169

MOTION: Jerold Harter moved, seconded by Ian Munro, to issue an administrative warning in case **08 MED 169**. Motion carried unanimously.

10 MED 093

MOTION: Jerold Harter moved, seconded by Jude Genereaux, to issue an administrative warning in case **10 MED 093**. Motion carried unanimously.

10 MED 155

MOTION: Jerold Harter moved, seconded by Gene Musser, to issue an administrative warning in case **10 MED 155**. Motion carried unanimously.

10 MED 177

MOTION: Gene Musser moved, seconded by Sheldon Wasserman, to issue an administrative warning in case **10 MED 177**. Motion carried. James Conterato abstained.

ORDER FIXING COSTS

SARA M PANGRAZZI, RCP

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to adopt the Order Fixing Costs in the disciplinary proceedings against Sara M. Pangrazzi, RCP. Motion carried unanimously.

MONITORING

MARK DECKER, MD

MOTION: Carolyn Bronston moved, seconded by Raymond Mager, to accept the proposed payment plan for costs for Mark Decker, MD. Motion carried unanimously.

JOEL JACOBSON, MD

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to grant the request for a reduction in drug screens to fourteen (14) per year for Joel Jacobson, MD, during the period of time he is unemployed. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Sandra Osborn, to increase the drug screens to ninety six (96) per year for Joel Jacobson, MD, upon employment. Motion carried unanimously.

CASE CLOSINGS

09 MED 199

MOTION: James Conterato moved, seconded by Jerold Harter, to close case **09 MED 199** for no violation. Motion carried unanimously.

09 MED 360

MOTION: Jerold Harter moved, seconded by LaMarr Franklin, to close case **09 MED 360** for compliance gained. Motion carried unanimously.

10 MED 066

MOTION: Jack Lockhart moved, seconded by LaMarr Franklin, to close case **10 MED 066** for no violation. Motion carried. Jerold Harter abstained.

08 MED 326

MOTION: Ian Munro moved, seconded by James Conterato, to close case **08 MED 326** for compliance gained. Motion carried unanimously.

09 MED 392

No action was taken. More information is needed and this will be reviewed at the next meeting.

09 MED 331

MOTION: James Conterato moved, seconded by Gene Musser, to close case **09 MED 331** for no violation. Motion carried unanimously.

09 MED 377

MOTION: Suresh Misra moved, seconded by Jerold Harter, to close case **09 MED 377** for insufficient evidence. Motion carried unanimously.

09 MED 089

MOTION: James Conterato moved, seconded by Jerold Harter, to close case **09 MED 089** for compliance gained. Motion carried unanimously.

09 MED 012

MOTION: James Conterato moved, seconded by Jerold Harter, to close case **09 MED 012** for no violation. Motion carried. Jack Lockhart and Sandra Osborn abstained.

10 MED 221

MOTION: Jack Lockhart moved, seconded by LaMarr Franklin, to close case **10 MED 221** for prosecutorial discretion (P7). Motion carried unanimously

09 MED 124

MOTION: Jerold Harter moved, seconded by Suresh Misra, to close case **09 MED 124** for no violation. Motion carried unanimously.

09 MED 125

MOTION: James Conterato moved, seconded by Jack Lockhart, to close case **09 MED 125** for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Ian Munro moved, seconded by Carolyn Bronston, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:29 p.m.

THE NEXT BOARD MEETING IS DECEMBER 15, 2010