

**MEDICAL EXAMINING BOARD  
MINUTES  
JULY 18, 2012**

**PRESENT:** Carolyn Bronston; Mary Jo Capodice, DO; Rodney Erickson, MD (arrived 8:15 a.m.); LaMarr Franklin; Jude Genereaux (excused at 1:20 p.m.); Gene Musser, MD; Sandra Osborn; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD; Timothy Westlake, MD (non-voting member)

**EXCUSED:** Sujatha Kailas, MD

**STAFF:** Tom Ryan, Executive Director; Colleen Baird, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUESTS:** Mark Grapentine, Wisconsin Medical Society; Anne Hletko, Council on Physician Assistants; Judy Warmuth, WHA; Scott Becher, Becher Group; Julie Doyle and Eric Jensen, WAPA; Jeremy Levin, RWHC; Bob Phillips, Marshfield Clinic

**CALL TO ORDER**

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

**INTRODUCTION OF NEW BOARD MEMBERS**

Sheldon Wasserman welcomed Mary Jo Capodice, DO, and Timothy Westlake, MD, to the Board. They gave a brief history of their backgrounds. Sridhar Vasudevan, MD, was re-appointed to the Board.

**RECOGNITION OF BOARD MEMBERS**

Sheldon Wasserman acknowledged Raymond Mager, DO, and Sujatha Kailas, MD, for their service and dedication to the Board.

**ADOPTION OF AGENDA**

**Amendments:**

- Under INTRODUCTION OF NEW BOARD MEMBERS (open session), add:
  - a. Mary Jo Capodice, DO
  - b. Reappointment of Sridhar Vasudevan, MD
  - c. Timothy Westlake, MD

- Under Item 7 (open session), CASE PRESENTATIONS, add:
  - g. Terrance Moe, MD – 08 MED 323, 10 MED 430 and 10 MED 431
    - Attorney Kim Kluck
    - Case Advisor – Sridhar Vasudevan
- Item 10e (open session) – CHAPTER MED TO DISCUSSION, insert additional information after page 58
- Item CS-1 (closed session), DELIBERATION OF PROPOSED STIPULATIONS, Insert after page 188:
  - g. Terrance Moe, MD – 08 MED 323, 10 MED 430 and 10 MED 431
    - Attorney Kim Kluck
- Item CS-2 (closed session) – DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS, Case 11 MED 121 is removed from the Agenda
- Item CS-4 (closed session) – MONITORING:
  - a. Rudy V. Byron, Jr., MD – add APPEARANCES 11:15 A.M. – RUDY V. BYRON, JR., MD, AND ATTORNEY JOHN A LARTZ
- Under DELIBERATION OF ITEMS RECEIVED AFTER PREPARATION OF THE AGENDA (closed session) – add:
  - d1. 10 MED 031/SPS-11-0074 - In the Matter of Disciplinary Proceeding Against Iftekhar Bader, MD, and Paul Berce, MD - Respondent’s Objections to ALJ Orders Denying Motions to Dismiss - -APPEARANCES 10:15 A.M – ATTORNEY MARK E. LARSON AND DOE ATTORNEY KIM KLUCK
  - e1. Consideration of Complaint – 09 MED 223
- Case Status Report – insert at the end of the agenda in closed session

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 20, 2012**

**MOTION:** Gene Musser moved, seconded by Sridhar Vasudevan, to approve the minutes of June 20, 2012 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

<b>Javier Rincon, MD</b>	<b>12 MED 004</b>
<b>James D. Hanna, MD</b>	<b>12 MED 136</b>
<b>Marta C. Muller, MD</b>	<b>11 MED 131</b> Dr. Marta Muller was present.
<b>Bradley A. Bourkland, MD</b>	<b>12 MED 069</b>
<b>John A. Kidd, MD</b>	<b>10 MED 399</b>

**Michael E. Brouette, PA-C**  
**Terrance Moe, MD**

**10 MED 381**  
**08 MED 323, 10 MED 430 and 10 MED 431**

These items will be deliberated in closed session.

### **EXECUTIVE DIRECTOR MATTERS**

#### **Review Board Assignments for Screening and Exams**

The following are assignments for screening and exams:

#### **SCREENING**

<b>JULY</b>	<b>Bronston, Swan, Vasudevan</b>
<b>AUGUST</b>	<b>Franklin, Osborn, Simons</b>
<b>SEPTEMBER</b>	<b>Bronston, Misra, Vasudevan</b>
<b>OCTOBER</b>	<b>Genereaux, Misra, Simons</b>
<b>NOVEMBER</b>	<b>Bronston, Musser, Wasserman</b>
<b>DECEMBER</b>	<b>Genereaux, Simons, Swan</b>

#### **EXAMS**

<b>JULY</b>	<b>Erickson, Osborn, Swan, Vasudevan</b>
<b>AUGUST</b>	<b>Osborn, Simons, Swan, Westlake</b>
<b>SEPTEMBER</b>	<b>Capodice, Musser, Osborn, Vasudevan</b>
<b>OCTOBER</b>	<b>Osborn, Simons, Swan, Westlake</b>
<b>NOVEMBER</b>	<b>Capodice, Misra, Osborn, Wasserman</b>
<b>DECEMBER</b>	<b>Misra, Osborn, Simons, Wasserman</b>

#### **Liaison and Work Group Appointments**

Chair Sheldon Wasserman made the following appointments:

**ARRA Grant Liaison** – Sheldon Wasserman

**MOL Work Group** – Rodney Erickson and Timothy Swan

**PAP Liaisons** – LaMarr Franklin and Sandra Osborn, Timothy Swan – first alternate, Mary Jo Capodice – second alternate

**Credentialing Liaisons** – Suresh Misra and Sheldon Wasserman, Sridhar Vasudevan – first alternate, Kenneth Simons – second alternate

#### **Acknowledgement of Dr. Mager and Dr. Kailas**

Tom Ryan acknowledged the Department's appreciation of the service and expertise of both Dr. Raymond Mager and Dr. Sujatha Kailas.

## **ITEMS FOR BOARD DISCUSSION**

### **FSMB Matters/Maintenance of Licensure**

Lance Talmage, MD, Humayun Chaudhry, DO, and Frances Cain, FSMB, gave a telephone presentation regarding maintenance of licensure and continuing education.

The Board has concerns with the FSMB's proposed Maintenance of Licensure recommendations. Gene Musser stated the Board should not abdicate the responsibility of establishing CME's. Tom Ryan stated a Readiness Inventory Survey can be created with the FSMB's support. The survey would assess whether or not the Board and the Department are ready to pilot the MOL project and if resources are available.

Sheldon Wasserman would like a random audit of licensees for compliance with the CME requirement. Tom Ryan will look into the cost and feasibility of an audit. Timothy Swan stated an audit of CME's should be done when any case is opened for investigation.

### **Board Consideration of Council Appointments**

Julie Doyle, PA-C, was in the audience. The Board invited her to give a brief history of her background as she is a candidate for the Council on Physician Assistants.

**NOMINATION:** Sridhar Vasudevan nominated Julie Doyle, PA-C, for the Council on Physician Assistants.

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to approve the nomination of Julie Doyle, PA-C, and to appoint her to the Council on Physician Assistants. Motion carried unanimously.

**NOMINATION:** Kenneth Simons nominated Jeremiah Barrett, PA-C, for the PA Educator position on the Council on Physician Assistants.

**MOTION:** Sridhar Vasudevan moved, seconded by LaMarr Franklin, to approve the nomination of Jeremiah Barrett, PA-C, and to appoint him to the PA Educator position on the Council on Physician Assistants. Motion carried unanimously.

**NOMINATION:** Sridhar Vasudevan nominated Gary Tsarovsky to the Perfusionists Examining Council.

**MOTION:** Sridhar Vasudevan moved, seconded by Kenneth Simons, to accept the nomination of Gary Tsarovsky and to appoint him to the Perfusionists Examining Council. Motion carried unanimously.

### **Wis. Admin. Code MED 8 Update**

There was no update at this time.

### **Wis Admin. Code Chapter MED 10 Update**

The MED 10 work group met via teleconference yesterday and reviewed the recommendations from the Wisconsin Medical Society. The work group will meet again in two weeks. The Board reviewed the proposed MED 10 draft. Mark Grapentine, WMS, presented comments to the Board. The Board will consider the comments and will continue the review at the August meeting.

### **Legislative Report**

Gene Musser discussed the issue that Wisconsin only requires a one (1) year GME for initial licensure regardless of where the applicant received their education. Most states require completion of three (3) years of GME for international graduates. The Board is on record being in favor of changing the requirement for international graduates to a three (3) yr GME completion. This change would require legislation. The Board may also want to consider issuing a medical residency license. The legislature rejected the criminal background checks for all new licensees and the Board may want to consider other options.

### **ACGME-International**

The Board discussed whether or not the ACGME International (ACGME-I) should be accepted for licensure. Kenneth Simons, a member of the ACGME Board of Directors, stated the ACGME-I is not equivalent to the ACGME.

**MOTION:** Sridhar Vasudevan moved, seconded by LaMarr Franklin, that the Board adopt the policy that the ACGME-I training is not equivalent to the ACGME training. Motion carried. Kenneth Simons abstained.

### **Medical Examining Board Newsletter**

Tom Ryan and Jude Genereaux reviewed the current proposed content of the Newsletter. The draft should be available at the August meeting.

### **Board Outreach**

Gene Musser suggested a DSPS staff member be assigned to assist Board members prepare PowerPoint presentations

## **SCREENING PANEL REPORT**

Carolyn Bronston reported thirty seven (37) cases were screened. Ten (10) cases were opened and one (1) ten-day letter was sent.

## **INFORMATIONAL ITEMS**

None.

## **PUBLIC COMMENTS**

None.

**OTHER/NEW BUSINESS**

None.

**RECESS TO CLOSED SESSION**

**MOTION:** Kenneth Simons moved, seconded by LaMarr Franklin, to allow Timothy Westlake to sit in on closed session. Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Gene Musser, 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; Mary Jo Capodice-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:40 a.m.

**RECONVENE IN OPEN SESSION**

**MOTION:** LaMarr Franklin moved, seconded by Sridhar Vasudevan, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:38 p.m.

**ITEMS VOTED ON DURING CLOSED SESSION**

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Suresh Misra moved, seconded by Sridhar Vasudevan, to reject the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against **Javier A. Rincon, MD (12 MED 004)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **James D. Hanna, MD (12 MED 136)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Marta C. Muller, MD (11 MED 131)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Bradley A. Bourkland, MD (12 MED 069)**. Motion carried unanimously.

**MOTION:** Carolyn Bronston moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **John A. Kidd, MD (10 MED 399)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Michael E. Brouette, PA-C (10 MED 381)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Terrance Moe, MD (08 MED 323, 10 MED 430 and 10 MED 431)**. Motion carried unanimously.

#### **PROPOSED ADMINISTRATIVE WARNING(S)**

**MOTION:** LaMarr Franklin moved, seconded by Carolyn Bronston, to issue the Administrative Warning in case **11 MED 196 against respondent F.S., MD**. Motion carried unanimously.

#### **CONSIDERATION OF COMPLAINT(S)**

**MOTION:** Carolyn Bronston moved, seconded by Sandra Osborn, to find probable cause to issue a complaint in the matter of **09 MED 223**. Motion carried. Gene Musser abstained.

#### **MONITORING**

M.A.G, MD, and Attorney Maureen Molony appeared before the Board to request reconsideration of M.A.G.'s application to the Professional Assistance Procedure (PAP).

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to allow M.A.G, MD, to enter the PAP. Motion carried six to five.

Rudy V. Byron, Jr., MD, and Attorney John A. Lartz appeared before the Board.

**MOTION:** Sridhar Vasudevan moved, seconded by LaMarr Franklin, to grant the request from **Rudy V. Byron, Jr., MD**, for full licensure. Motion carried unanimously.

Alfred L. Neuhoff, MD, and Attorney Mary Lee Ratzel appeared before the Board.

**MOTION:** Carolyn Bronston moved, seconded by Jude Genereaux, to grant the request from **Alfred L. Neuhoff, MD, for full licensure**. Motion carried. Rodney Erickson, Suresh Misra, Kenneth Simons and Timothy Swan opposed.

**RESPONDENTS' OBJECTIONS TO ALJ ORDERS DENYING MOTIONS TO DISMISS**

**IFTEKHAR BADER, MD, AND PAUL BERCE, MD  
10 MED 031/SPS-11-0074**

**MOTION:** Jude Genereaux moved, seconded by Kenneth Simons, to deny the petition in the disciplinary proceedings against Iftekhar Bader, MD, and Paul Berce, MD, because it is not a final order and is not yet ripe for a final order, and the Board declines the opportunity to question counsel. Motion carried. Gene Musser abstained.

**CASE CLOSINGS**

**MOTION:** Suresh Misra moved, seconded by LaMarr Franklin, to close case **10 MED 381 against respondent P.A.K., MD, for prosecutorial discretion (P3)**. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

**MOTION:** Carolyn Bronston moved, seconded by LaMarr Franklin, to close case **12 MED 160 for prosecutorial discretion (P7)**. Motion carried unanimously.

**MOTION:** Suresh Misra, moved, seconded by Sridhar Vasudevan, to close case **11 MED 424 for prosecutorial discretion (P3)**. Motion carried unanimously.

**MOTION:** LaMarr Franklin, moved, seconded by Sridhar Vasudevan, to close case **11 MED 238 for insufficient evidence**. Motion carried unanimously.

**MOTION:** Gene Musser, moved, seconded by Sandra Osborn, to close case **12 MED 102 for no violation**. Motion carried unanimously.

**MOTION:** Gene Musser, moved, seconded by LaMarr Franklin, to close case **11 MED 422 for insufficient evidence**. Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sridhar Vasudevan, to close case **11 MED 154 for no violation**. Motion carried. Gene Musser abstained.

**MOTION:** LaMarr Franklin moved, seconded by Gene Musser, to close case **12 MED 060 for no violation.** Motion carried unanimously.

**RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Sandra Osborn moved, seconded by LaMarr Franklin, to ratify all licenses and certificates as issued. Motion carried unanimously.

**OTHER/NEW BUSINESS**

None.

**ADJOURNMENT**

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:39 p.m.