

**MEDICAL EXAMINING BOARD
MINUTES
SEPTEMBER 19, 2012**

PRESENT: James Barr; Carolyn Bronston; Mary Jo Capodice, DO; Rodney Erickson, MD; Jude Genereaux; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD; Timothy Westlake, MD

EXCUSED: Kenneth Simons, MD

STAFF: Tom Ryan, Executive Director; Sandra Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:06 a.m. A quorum of twelve (12) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS (open session), insert – Item I:
Donald Eugene Reimer, MD – 11 MED 290
 - Attorney Arthur Thexton
 - Case Advisor – Sridhar VasudevanWilliam J. Houghton, MD – 12 MED 162
 - Attorney Kim Kluck
 - Case Advisor – Jude Genereaux
- Item CS-2i (closed session) under DELIBERATION OF PROPOSED STIPULATIONS..., insert after page 268:
Donald Eugene Reimer, MD – 11 MED 290
 - Attorney Arthur ThextonWilliam J. Houghton, MD – 12 MED 162
 - Attorney Kim Kluck
- Item CS-5b (closed session) under CONSIDERATION OF COMPLAINTS, insert after page 324:
b. 12 MED 162
- (closed session) Under DELIBERATION OF ITEMS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA, insert after page 584::
k. Petition for Designation of Hearing Official
 - William J. Houghton, MD – 12 MED 162

- Attorney Kim Kluck
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 15, 2012

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to approve the minutes of August 15, 2012 as written. Motion carried unanimously.

ITEMS FOR BOARD DISCUSSION

Consideration of Appointments to the Council of Anesthesiologist Assistants

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to appoint Kenneth Simons, MD, Robert Stupi, AA-C, Jay Mesrobian, MD, Carolyn Farrell, MD, and Marcy Salzer to the Council on Anesthesiologist Assistants. Motion carried unanimously.

MTBT 1-7 Relating to Temporary Licensure and Continuing Education

MOTION: Gene Musser moved, seconded by Jude Genereaux, that the Medical Examining Board has no comment on this matter. Motion carried unanimously.

Wis. Admin. Code Chapter MED 10 Discussion and Voting

MOTION: Sridhar Vasudevan moved, seconded by Timothy Swan, subject to technical legal revisions and review prior to public hearing, to accept draft rule language concerning informed consent as follows:

- Subject to and limited by Wis. Stat. sec. 448.30, performing an act constituting the practice of medicine and surgery without required informed consent.

Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, subject to technical legal revisions and review prior to public hearing, to accept draft rule language concerning self report of practice limitations, as set out below:

- Failure within thirty days, to report to the Department any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine or surgery.

- Failure within thirty days to report to the Department any adverse action taken by the Drug Enforcement Administration against the licensee's authority to prescribe controlled substances.

Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, that the Wisconsin Medical Examining Board (MEB) work collaboratively with the Wisconsin Hospital Association or the Wisconsin Medical Society or both to consider amendments to Wis. Stat. sec 50.36(3) that would provide notice of a practice limitation to the MEB at the same time the report is made to the NPDB, or other mutually agreeable proposal to ensure timely reports to the MEB under this section. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to accept draft rule language concerning violations or convictions of the crimes delineated on page 60 of this agenda in addition to the provisions of current MED10.02(2)(p), and other violations or convictions of laws substantially related to the practice of medicine and surgery. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Jude Genereaux, to accept the draft rule language concerning business practices as follows:

- Obtaining any fee by fraud, deceit or misrepresentation.
- Employing unethical or illegal billing practices.
- Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, unless allowed by law, though this prohibition should not preclude the legal functioning of lawful professional partnerships, corporations or associations.
- Representing, claiming or causing the appearance that the physician possesses a particular medical specialty certification by a Board recognized certifying organization, (ABMS and AOA or successor organizations, if any) if not true.

Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Rodney Erickson, subject to technical legal revisions and review prior to public hearing, to accept the provisions set forth on pages 68-70 of today's agenda with the exceptions as follow:

- Delete lines 27-29
- Correct line 22 to delete "15 minutes" and insert "a period of time necessary to avoid unacceptable risk of harm to the patient"

- Lines 31-32 delete everything after “sec. 146.81(4)”
- Delete lines 38-49

Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, subject to technical legal revisions and review prior to public hearing, to accept the draft rule language with the exceptions as follow:

- Line 14 – delete “in” and insert “on”
- Line 15 – delete “building” and insert “premises”
- Line 18, insert “Knowingly” at the beginning of the sentence

Motion carried. Sandra Osborn and Carolyn Bronston opposed.

Board Outreach/Speaking Engagements/Travel and Public Relations Requests

- **Consider motion to authorize Mary Jo Capodice, DO, to attend the AAOE Meeting, October 8, 2012 in San Diego, CA**

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to authorize Mary Jo Capodice to attend the AAOE Meeting, October 8, 2012 in San Diego, California. Motion carried unanimously.

- **Consider motion to authorize Legal Counsel Sandy Nowack to attend the FSMB Board Attorney Workshop, November 1-2,2012 in New Orleans, LA**

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to request that the Department authorize legal counsel or DOE staff to attend the FSMB Attorney Workshop, November 1-2, 2012 in New Orleans, LA. Motion carried unanimously.

RECESS TO CLOSED SESSION

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: James Barr-yes; Carolyn Bronston-yes; Mary Jo Capodice-yes; Rodney Erickson-yes; Jude Genereaux-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes; Timothy Westlake-yes. Motion carried unanimously.

Open session recessed at 1:16 p.m.

RECONVENE IN OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:41 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

FULL BOARD ORAL EXAMINATION

MOTION: Gene Musser moved, seconded by Sandra Osborn, to deny the application for licensure of **Nanda K. Kar, MD**. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against **Paul E. Mannino, MD (11 MED 137)**. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Michael A. Ganz, MD (11 MED 043)**. 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 **Anatol Stankevych, MD (11 MED 203 and 11 MED 231)**. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Javier A. Rincon, MD (12 MED 004)**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Bruce K. Jacobson, MD (11 MED 415)**. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Ellen Blank, MD (10 MED 383)**. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Behram Pastakia, MD (11 MED 140)**. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Rodrigo A. Castillo, MD (11 MED 245)**. 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 **Donald Eugene Riemer, MD (11 MED 290)**. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **William J. Houghton, MD (12 MED 162)**. Motion carried unanimously.

PROPOSED DECISION(S) AND ORDER(S)

MOTION: Sandra Osborn moved, seconded by Sridhar Vasudevan, to adopt the proposed Final Decision and Order in the disciplinary proceedings against **Amjad Butt, MD, 11 MED 340/DHA Case No. SPS-12-0025**. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Suresh Misra, to adopt the proposed Final Decision and Order in the disciplinary proceedings against **Anthony G. Peters, PA, 10 MED 299/DHA Case No. SPS-12-0024**. Motion carried. Sandra Osborn was excused during deliberation and abstained from voting.

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to adopt the proposed Final Decision and Order in the disciplinary proceedings against **Chinelo S. Ude, MD, 11 MED 325/DHA Case No. SPS-12-0026**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to adopt the proposed Final Decision and Order in the disciplinary proceedings against **Roger A. Pellman, MD, 09 MED 418/DHA Case No. SPS-09-0131**. Motion carried. Gene Musser was excused during deliberation and abstained from voting.

PROPOSED ADMINISTRATIVE WARNING(S)

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to issue the Administrative Warning in case **11 MED 234 against respondent N.C., MD.** Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to issue the Administrative Warning in case **11 MED 344 against respondent D.P.B., MD.** Motion failed 3 to 8. Sridhar Vasudevan abstained.

CONSIDERATION OF COMPLAINT(S)

MOTION: Carolyn Bronston moved, seconded by Gene Musser, to find probable cause to issue a complaint in the matter of **12 MED 103.** Motion carried unanimously.

MONITORING

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to grant the request from **Donald Hennessy, Jr., MD,** for full licensure. Motion carried. Sridhar Vasudevan was excused during deliberation and abstained from voting.

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to grant the request from **John W. Ingalls, MD,** for full licensure. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Sridhar Vasudevan, to grant the request from **William G. Sybesma, MD,** for full licensure. Motion carried. Suresh Misra, Timothy Swan and Rodney Erickson opposed.

CASE CLOSINGS

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to close cases **11MED 171 and 11 MED 259 for P5 with a flag.** Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Suresh Misra, to close case **12 MED 025 for prosecutorial discretion with a referral to the district attorney.** Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to close case **12 MED 068 for prosecutorial discretion with a referral to the district attorney.** Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:41 p.m.