

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
February 19, 2014**

**PRESENT:** Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Jude Genereaux; Suresh Misra, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; and Russell Yale, M.D.

**EXCUSED:** Carolyn Ogland, M.D.; James Barr

**STAFF:** Tom Ryan, Executive Director; Pam Stach, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:02 A.M. A quorum of ten (10) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Suresh Misra moved, seconded by Mary Jo Capodice, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to approve the minutes of January 15, 2014 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**RULES LIAISON**

**MOTION:** Michael Phillips moved, seconded by Sridhar Vasudevan, to appoint Timothy Swan as the Rules Liaison. Motion carried unanimously.

**DELEGATED AUTHORITY MOTION**

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**DELEGATION OF SCHEDULING OF SCREENING PANEL MEMBERS AND EXAMINERS  
TO DEPARTMENT STAFF**

**MOTION:** Timothy Swan moved, seconded by Greg Collins, to authorize Department Staff to schedule Screening Panel members and examiners. Motion carried unanimously.

**PRESENTATION OF PETITIONS FOR SUMMARY SUSPENSION**

**RONALD G. RUBIN, M.D.  
13 MED 039**

*Arthur Thexton, DLSC Attorney, appeared before the Board to present the Petition for Summary Suspension.*

*Ronald G. Rubin, M.D., appeared with legal counsel to respond to the Petition for Summary Suspension.*

**PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) UPDATE**

*Andrea Magermans, Department PDMP Program Analyst, appeared before the Board to provide a status update on the PDMP program.*

**PDMP LIAISON APPOINTMENT**

**MOTION:** Michael Phillips moved, seconded by Russell Yale, to appoint Timothy Westlake as the Prescription Drug Monitoring Program (PDMP) Liaison, and Sridhar Vasudevan as the Alternate. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**165-MED 13.03, CE AUDIT PROPOSED RULE**

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to approve, as amended, the draft of 165-Med 13.03, related to continuing education audits, for posting of the EIA comments and submission to the Clearinghouse. Motion carried unanimously.

**SCOPE STATEMENT FOR MED 18.03, RELATING TO INFORMED CONSENT**

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Swan, to approve the Scope Statement on MED 18.03, as amended, relating to Informed Consent, for submission to the Governor's Office and publication and to authorize the Chair to approve the scope statement for implementation no less than 10 days after publication. Motion carried unanimously.

**FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS  
– DISCUSSION AND CONSIDERATION**

**MINIMUM DATA SET (MDS) IMPLEMENTATION PROJECT**

*Aaron Young, with the FSMB, appeared before the Board via telephone to provide an update on the Minimum Data Set Implementation Project.*

**FSMB REPORT OF THE SPECIAL COMMITTEE  
ON PHYSICIAN RE-ENTRY INTO PRACTICE**

*Timothy Westlake joined the meeting by phone at 9:25 A.M.*

**MOTION:** Timothy Swan moved, seconded by Sridhar Vasudevan, to direct the Department to determine whether there is statutory authority to create a re-entry to licensure pathway, and, if statutory authority exists, direct the Chair to refer this issue to the Licensing Committee for review. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)**

**REQUEST FOR DR. SWAN TO APPEAR BEFORE THE FOND DU LAC COUNTY  
MEDICAL SOCIETY ON FEBRUARY 27, 2014 TO DISCUSS MED 10.**

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to designate Timothy Swan to speak at the Fond du Lac County Medical Society meeting on February 27, 2014 in Fond du Lac, Wisconsin regarding MED 10, and to authorize travel. Motion carried unanimously.

**SCREENING PANEL REPORT**

Greg Collins reported that 73 cases were reviewed, 20 cases were opened, and 2 ten-day letters were sent.

**CLOSED SESSION**

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to convene to Closed Session to deliberate on cases following hearing § 19.85 (1) (a), Stats.; consider closing disciplinary investigations with administrative warning § 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; Jude Genereaux – yes; Suresh Misra – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Swan – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; and Russell Yale – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:29 A.M.

## RECONVENE TO OPEN SESSION

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to reconvene in Open Session at 12:58 P.M. Motion carried unanimously.

## FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

### ZAKI A. QURESHI, M.D.

*Zaki A. Qureshi, M.D., appeared before the Board to take his Full Board Oral Exam.*

*Timothy Westlake arrived at the meeting in-person at 10:18 A.M.*

**MOTION:** Timothy Westlake moved, seconded by Timothy Swan, to find that Zaki A. Qureshi, M.D., failed the Full Board Oral Examination. Motion carried.

*Sridhar Vasudevan and Michael Phillips abstained from voting in the above matter.*

**MOTION:** Greg Collins moved, seconded by Timothy Westlake, to deny the application of Zaki A. Qureshi, M.D. **Reason for Denial:** Applicant has not demonstrated to the satisfaction of the Board that he is currently competent to practice with reasonable skill and safety. Motion carried.

*Sridhar Vasudevan and Michael Phillips abstained from voting in the above matter.*

## PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

### 11 MED 232 CHA LEE, M.D.

*Kim Kluck, DLSC attorney, appeared before the Board to present the proposed Stipulation and Order.*

*Robert Dvorak, attorney for Cha Lee, M.D., appeared before the Board to speak in favor of the proposed Stipulation and Order.*

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 11 MED 232 – Cha Lee, M.D. Motion carried unanimously.

### 12 MED 282 H.S. ASHRAF, M.D.

**MOTION:** Sridhar Vasudevan moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 12 MED 282 – H.S. Ashraf, M.D. Motion carried unanimously.

**13 MED 034**  
**HAROLD H. RANDECKER, JR., M.D.**

**MOTION:** Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 13 MED 034 – Harold H. Randecker, Jr., M.D. Motion carried unanimously.

**PROPOSED DECISION AND ORDER IN THE MATTER OF  
THE APPLICATION FOR NIPA H. SINH, M.D.,  
DHA CASE NO. SPS-13-0049; DLSC CASE NO. 12 MED 398**

*Arthur Thexton, DLSC Attorney, appeared before the Board to present the proposed Decision and Order.*

*Patricia Epstein, attorney for Nipa H. Sinh, M.D., appeared before the Board to respond to the proposed Decision and Order.*

**MOTION:** Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision, and Order in the matter of the Application for Nipa H. Sinh, M.D., DHA case number SPS-13-0049; DLSC case number 12 MED 398. Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, that, based upon additional information which was submitted at the Denial Hearing and which was not available to the Board at the time of the Oral Examination and the denial of the application, the Board rescinds its previous denial and grants Applicant Nipa H. Sinh, M.D., a license to practice medicine and surgery in the State of Wisconsin. Motion failed to achieve the required vote of three-quarters (75%) of the membership of the Board, 7-yes to 4-no.

**MOTION:** Rodney Erickson moved, seconded by Timothy Swan, that, based upon additional information which was submitted at the Denial Hearing and which was not available to the Board at the time of the Oral Examination and the denial of the application, the Board rescinds its previous denial and grants Applicant Nipa H. Sinh, M.D., a limited license to practice medicine and surgery in the State of Wisconsin, requiring that the Applicant complete 50 hours of Category 1 education in primary care, pre-approved by Dr. Rodney Erickson or his alternate, within 6 months of the date of the Order. Motion carried, 10-yes to 1-no.

## MONITORING MATTERS

### TERRANCE MOE, M.D. – REQUESTING FULL LICENSE

*Terrance Moe, M.D., appeared before the Board to present his request for full licensure.*

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to deny the request of Terrance Moe, M.D., for full licensure. Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to deny the request of Terrance Moe, M.D., for assigning the proposed new mentor due to the mentor's potential conflict of interest. Motion carried unanimously.

### AMY COULTHARD-ATWATER, D.O. – REQUESTING FULL LICENSE

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra to grant the request of Amy Coulthard-Atwater, D.O., for full licensure. Motion carried unanimously.

### GOPE HOTCHANDANI, M.D. – REQUESTING FULL LICENSE

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to grant the request of Gope Hotchandani, M.D., for full licensure. Motion carried unanimously.

*Board Legal Counsel Pam Stach was not present for the deliberations or vote in the above matter.*

### WILLIAM B. LYLES, M.D. – REQUESTING AN EXTENSION OF TIME TO PAY COSTS AND COMPLETE CONTINUING EDUCATION REQUIREMENTS

**MOTION:** Timothy Westlake moved, seconded by Greg Collins, to deny the request of William B. Lyles, M.D., for a one year extension of time to pay costs and complete Continuing Education requirements, and to suspend his license pursuant to Paragraph 6 of the original Disciplinary Order dated May 15, 2013. Motion carried unanimously.

### JAVIER A. RINCON, M.D. – REQUESTING LIMITATION BE REMOVED

**MOTION:** Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to grant the request of Javier A. Rincon, M.D., for removal of limitations on his licensure, and to grant a full and unencumbered license. Motion carried unanimously.

### CHARLES E. NELSON, M.D. – REQUESTING FULL LICENSE

**MOTION:** Timothy Westlake moved, seconded by Suresh Misra, to grant the request of Charles E. Nelson, M.D., for full licensure. Motion carried unanimously.

**LAWRENCE J. WILLIAMSON, M.D. – REQUESTING PERMISSION TO REAPPLY FOR LICENSE**

**MOTION:** Timothy Westlake moved, seconded by Sridhar Vasudevan, to deny the request of Lawrence J. Williamson, M.D., for permission to reapply for full licensure.  
**Reason for Denial:** Failure to provide sufficient evidence of ability to practice with reasonable skill and safety. Motion carried unanimously.

**DELIBERATION OF PETITION FOR SUMMARY SUSPENSION**

**RONALD G. RUBIN, M.D.  
(13 MED 039)**

**MOTION:** Suresh Misra moved, seconded by Sridhar Vasudevan, that notice was given to Ronald G. Rubin, M.D., of the Summary Suspension proceedings pursuant to Wisconsin Administrative Code Section SPS 6.05. Motion carried unanimously.

**MOTION:** Michael Phillips moved, seconded by Russell Yale, that, pursuant to Wisconsin Statutes Section 448.02(4), there is probable cause to believe that Ronald G. Rubin, M.D., engaged in unprofessional conduct in violation of Wisconsin Statutes Section 448.02(3). Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Sridhar Vasudevan, that, pursuant to Wisconsin Statutes Section 448.02(4), there is probable cause to believe that it is necessary to suspend the license of Ronald G. Rubin, 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:** Jude Genereaux moved, seconded by Timothy Westlake, to designate a Hearing Official for any Order to Show Cause Hearing in the matter of the Summary Suspension of the license of Ronald G. Rubin, M.D. Motion carried unanimously.

**MOTION:** Russell Yale moved, seconded by Greg Collins, to find probable cause to believe that Ronald G. Rubin, M.D., Case Number 13 MED 039, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a Hearing on such conduct pursuant to Wisconsin Statutes Section 448.02(3) (b). Motion carried unanimously.

**ADMINISTRATIVE WARNINGS**

**MOTION:** Suresh Misra moved, seconded by Russell Yale, to issue Administrative Warnings and to close the cases in the matters of case numbers: 12 MED 353 (D.I.S.), 13 MED 263 (A.J.S.), 13 MED 302 (T.S.O.), 13 MED 342 (J.K.T.), and 13 MED 345 (M.C.C.). Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Russell Yale, not to issue an Administrative Warning in the matter of case number 13 MED 165 (M.R.A.), and to close the case. Motion carried, 9-yes to 2-no.

**PRESENTATION AND DELIBERATION OF COMPLAINTS  
FOR DETERMINATION OF PROBABLE CAUSE**

**JOHN P. CHRISTENSEN, M.D.  
12 MED 239**

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Swan, to find probable cause to believe that John P. Christensen, M.D., Case Number 12 MED 239, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a Hearing on such conduct pursuant to Wisconsin Statutes Section 448.02(3) (b). Motion carried unanimously.

**CASE CLOSINGS**

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to close the following cases according to the recommendations of the DLSC:

- a. 12 MED 219, against A.M.C. and G.P., for no violation (NV)
- b. 13 MED 287, against K.H.M., for prosecutorial discretion (P2)
- c. 13 MED 377, against I.A., for prosecutorial discretion (P5), and to place a flag on the credential
- d. 13 MED 378, against R.J. and R.N., for no violation (NV)

Motion carried unanimously.

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

**MOTION:** Timothy Westlake moved, seconded by Timothy Swan, to affirm all Motions made and all Votes taken in Closed Session. Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 12:59 P.M.