

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

PRESENT: Mary Jo Capodice, D.O.; Greg Collins; Rodney Erickson, M.D.; Jude Genereaux; Suresh Misra, 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

ABSENT: Michael Phillips, M.D.

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 8:01 A.M. A quorum of ten (10) members was confirmed.

ADOPTION OF AGENDA

MOTION: Russell Yale moved, seconded by Suresh Misra, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to approve the minutes of February 19, 2014 as published. Motion carried unanimously.

DELEGATED SIGNATURE AUTHORITY MOTION

MOTION: Sridhar Vasudevan moved, seconded by Timothy Swan, that the Board delegates authority to the Chair (or order of succession) to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Board members, on documents as necessary. Motion carried unanimously.

CHAIR TO DESIGNATE TWO (2) MEMBERS OF THE COUNCIL ON PHYSICIAN ASSISTANTS TO DETERMINE NEED FOR ORAL EXAMINATION OR PERSONAL APPEARANCE, OR BOTH

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to approve the appointments of Jody Wilkins and Jeremiah Barrett, and Julie Doyle as the alternate, to the Physician Assistants Application Review Panel, with the highest ranking or longest serving member of the Medical Examining Board as the tie-breaker. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

PHYSICIAN RE-ENTRY INTO PRACTICE DISCUSSION

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to refer discussion of the creation of a re-entry to licensure pathway to the Licensing Committee for review. Motion carried unanimously.

ADOPTION OF RULEMAKING ORDER CR 13-090 RELATING TO COPY OF DIPLOMA REQUIREMENTS

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to approve the Adoption Order for Clearinghouse Rule CR 13-090, relating to copy of diploma requirements. Motion carried unanimously.

NEWSLETTER MATTERS – CONTENT REVIEW

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to approve the Spring Newsletter content with the suggested edits and to designate Timothy Swan to approve the final draft of the Spring Newsletter on behalf of the Board. Motion carried unanimously.

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

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to designate Kenneth Simons to speak at the Marquette University Law School on April 8, 2014 in Milwaukee, Wisconsin. Motion carried unanimously.

MOTION: Rodney Erickson moved, seconded by Timothy Swan, to designate Kenneth Simons to speak at the Medical College of Wisconsin in May 2014 in Milwaukee, Wisconsin. Motion carried unanimously.

PRESENTATION BY DR. SANDRA OSBORN AT THE UW MEDICAL SCHOOL - MARCH 26

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to authorize the presentation on March 26, 2014 at the University of Wisconsin Medical School by Department staff and former Board member Dr. Sandra Osborn. Motion carried unanimously.

SCREENING PANEL REPORT

Greg Collins reported that 33 cases were reviewed, 17 cases were opened, 14 cases were closed, and 2 cases were deferred to next month.

CLOSED SESSION

MOTION: Timothy Swan moved, seconded by Mary Jo Capodice, 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; Jude Genereaux – yes; Suresh Misra – 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 8:46 A.M.

RECONVENE TO OPEN SESSION

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to reconvene in open session at 1:29 P.M. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE:

BHARAT PAL, M.D.

Bharat Pal, M.D., appeared before the Board to take the Full Board Oral Exam.

MOTION: Suresh Misra moved, seconded by Russell Yale, to find that Bharat Pal, M.D., failed the Full Board Oral Examination. **Reason for failure:** Based upon the information of record and Applicant's Oral Examination, Applicant is not currently competent to practice with reasonable skill and safety, and would require PGY1-level direct supervision. Motion carried.

Sridhar Vasudevan voted no in the above matter.

MOTION: Timothy Swan moved, seconded by Jude Genereaux, to deny the application of Bharat Pal, M.D., for a license to practice medicine and surgery in the State of Wisconsin. **Reason for denial:** Failure of Full Board Oral Examination. Motion carried.

Sridhar Vasudevan voted no in the above matter.

JITESH J. CHAWLA, M.D.

Jitesh J. Chawla, M.D., appeared before the Board to take the Full Board Oral Exam.

MOTION: Timothy Swan moved, seconded by Rodney Erickson, to find that Jitesh J. Chawla, M.D., failed the Full Board Oral Examination. **Reason for failure:** The Board is not satisfied with the explanation regarding the disciplinary action in the State of Washington, and the Applicant is not able to practice medicine with reasonable skill and safety based on his lack of clinical practice in the last five years. Motion carried unanimously.

MOTION: Greg Collins moved, seconded by Russell Yale, to deny the application of Jitesh J. Chawla, M.D., for a license to practice medicine and surgery in the State of Wisconsin. **Reason for denial:** Failure of Full Board Oral Examination, and disciplinary action in the State of Washington. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF 12 MED 450 – M.J.K.

M.J.K. (Respondent) and legal counsel appeared before the Board to request review of the Administrative Warning issued in case 12 MED 450.

MOTION: Russell Yale moved, seconded by Suresh Misra, to rescind the Administrative Warning issued in DLSC case number 12 MED 450 against M.J.K. Motion carried 6-yes to 2-no.

Timothy Westlake recused himself and left the room for deliberation and voting in the above matter.

MONITORING MATTERS

**JOHN HALE, M.D. – REQUESTING REINSTATEMENT OF STAY,
REDUCTION OF DRUG SCREENS, AND OTHER MODIFICATIONS**

John Hale, M.D., appeared before the Board to present his request for reinstatement of the stay of suspension and other requests.

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to grant the request of John Hale, M.D., to restore to full licensure with no limitations. Motion failed.

Timothy Swan abstained from voting in the above matter.

MOTION: Greg Collins moved, seconded by Rodney Erickson, to grant the request of John Hale, M.D., for reinstatement of his stay of suspension, reduction of drug screens to 24 times per year, permission to travel abroad, suspension of drug screens during travel time, travel must be pre-approved by the Department at least two weeks prior to departure, removal of the restriction on his consumption of alcohol, and no further screenings for alcohol. The Board denies the request to shorten the length of the order. Motion carried.

Sridhar Vasudevan voted no in the above matter.

Timothy Swan abstained from voting in the above matter.

**LAWRENCE J. WILLIAMSON, M.D. – REQUESTING RECONSIDERATION
OF THE DENIAL OF THE EARLIER REQUEST
FOR PERMISSION TO RE-APPLY FOR LICENSURE**

MOTION: Rodney Erickson moved, seconded by Sridhar Vasudevan, to grant the request of Lawrence J. Williamson, M.D., for permission to reapply for licensure. Motion carried.

PHYSICIAN ORAL EXAMINATION REVIEW – BOARD DISCUSSION

MOTION: Timothy Swan moved, seconded by Rodney Erickson, to appoint Drs. Mary Jo Capodice, Sridhar Vasudevan, and Timothy Westlake to work with DSPS staff to review exam items and procedures. Motion carried unanimously.

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

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

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

Sridhar Vasudevan recused himself and left the room for deliberation and voting in the above matter.

**GUIDITTA ANGELINI, M.D.
11 MED 315**

MOTION: Timothy Westlake moved, seconded by Greg Collins, to find probable cause to believe that Guiditta Angelini, M.D., Case Number 11 MED 315, is guilty of unprofessional conduct and therefore issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3) (b). Motion carried unanimously.

**DAVID DRAKE, M.D. AND GRAIG ADERS, M.D.
12 MED 381**

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to find probable cause to believe that David Drake, M.D., and Graig Aders, M.D., Case Number 12 MED 381, are guilty of unprofessional conduct and therefore issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3) (b). Motion carried unanimously.

Kenneth Simons recused himself and left the room for deliberation and voting in the above matter.

ANNA NUSBAUM, M.D., CYNTHIA LOVE, M.D., AND CAROL ANN DICK, M.D.
12 MED 381

MOTION: Timothy Westlake moved, seconded by Jude Genereaux, to find probable cause to believe that Cynthia Love, M.D., Anna Nusbaum, M.D., and Carol Ann Dick, M.D., Case Number 12 MED 381, are guilty of unprofessional conduct and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3) (b). Motion carried unanimously.

*Kenneth Simons recused himself and left the room for deliberation and voting in the above matter.
Mary Jo Capodice abstained from voting in the above matter.*

PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

12 MED 439
ANNE KRUTCHEN-BARTEL, M.D.

MOTION: Greg Collins moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order, in the matter of 12 MED 439 – Anne Krutchen-Bartel, M.D. Motion carried unanimously.

13 MED 061
SEAN M. YETMAN, M.D.

MOTION: Greg Collins moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order, in the matter of 13 MED 061 – Sean M. Yetman, M.D. Motion carried unanimously.

13 MED 160
WILLIAM V. ROBERTS, M.D.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order, in the matter of 13 MED 160 – William V. Roberts, M.D. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Jude Genereaux moved, seconded by Timothy Swan, to issue Administrative Warnings and to close the cases in the matter of case numbers: 12 MED 325 (E.G.E.); 12 MED 357 (T.P.C.); 13 MED 523 (G.J.B.); 13 MED 528 (P.K.S.); 13 MED 540 (J.W.L.); 13 MED 542 (P.S.F.); 13 MED 543 (D.R.C.); and 14 MED 011 (V.R.N.). Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to table the matters of case numbers 13 MED 152 (J.W.I.) and 13 MED 155 (N.H.R.) for the April 16, 2014 Board meeting. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to issue an Administrative Warning and to close the case in the matter of case number 13 MED 184 (S.L.P.). Motion carried unanimously.

CASE CLOSINGS

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

- a. 12 MED 204, against C.S., for no violation (NV)
- b. 13 MED 138, against M.D.G. and A.B.K., for no violation (NV)
- c. 13 MED 202, against A.V., for no violation (NV)
- d. 13 MED 214, against J.D., J.F.I., K.L., D.M., and K.S., for no violation (NV)
- e. 13 MED 283, against R.D., K.K., and C.B., for no violation (NV)
- f. 13 MED 343, against S.L.S., for insufficient evidence (IE)
- g. 13 MED 404, against H.S.A., for prosecutorial discretion (P7)
- h. 13 MED 483, against G.D.S., for prosecutorial discretion (P7)

Motion carried unanimously.

DELIBERATION OF ITEMS ADDED AFTER PREPARATION OF THE AGENDA

PETITIONS FOR ASSESSMENTS AND EVALUATIONS

PETITION FOR PHYSICAL EXAMINATION IN CASE 14 MED 020, MARK PETROVANI, M.D.

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to find that the results of one or more physical examinations may be useful to the Board in conducting its investigation of case number 14 MED 020 against Mark Petrovani, M.D. The Board therefore grants the Petition for Physical Examination pursuant to Wis. Stat. § 448.02(3)(a), and orders that, for the purpose of determining whether Respondent is unlawfully using or abusing controlled substances, whether Respondent is impaired as a result of chemical dependency or substance abuse, and to identify possible rehabilitative needs, Respondent shall undergo one or more physical examinations and any additional tests to clarify or confirm those examinations. The first physical exam shall occur within 10 days of the date of this order. If necessary, Respondent shall enroll in a drug monitoring program approved by the Department to accomplish the examinations.

Motion carried unanimously.

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

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

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:30 P.M.