

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
January 21, 2015**

**PRESENT:** Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D. (*arrived at 8:15 a.m.*); Carolyn Ogland Vukich, M.D. (*via GoToMeeting*); Michael Phillips, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Timothy Westlake, M.D. (*arrived at 8:03 a.m.*); Russell Yale, M.D.; Robert Zondag

**EXCUSED:** James Barr; Sridhar Vasudevan, M.D.

**STAFF:** Tom Ryan, Executive Director; Taylor Thompson, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of nine (9) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Robert Zondag moved, seconded by Michael Phillips, to approve the minutes of December 17, 2014 as published. Motion carried unanimously.

**ADMINISTRATIVE UPDATES**

**ELECTION OF OFFICERS**

**BOARD CHAIR**

**NOMINATION:** Greg Collins nominated Kenneth Simons for the Office of Board Chair. Nomination carried by unanimous consent.

Tom Ryan called for other nominations three (3) times.

Kenneth Simons was elected as Board Chair.

**VICE CHAIR**

**NOMINATION:** Mary Jo Capodice nominated Timothy Swan for the Office of Vice Chair. Nomination carried by unanimous consent.

Tom Ryan called for other nominations three (3) times.

Timothy Swan was elected as Vice Chair.

## SECRETARY

**NOMINATION:** Russell Yale nominated Mary Jo Capodice for the Office of Secretary.  
Nomination carried by unanimous consent.

Tom Ryan called for other nominations three (3) times.

Mary Jo Capodice was elected as Secretary.

<b>2015 ELECTION RESULTS</b>	
<b>Board Chair</b>	<b>Kenneth Simons</b>
<b>Vice Chair</b>	<b>Timothy Swan</b>
<b>Secretary</b>	<b>Mary Jo Capodice</b>

## APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATED AUTHORITY

<b>2015 LIAISON APPOINTMENTS</b>	
<b>Professional Assistance Procedure Liaison</b>	<b>Mary Jo Capodice</b> <i>Alternate: Michael Phillips</i>
<b>Office of Education and Exams Liaison</b>	<b>Timothy Westlake</b> <i>Alternate: Timothy Swan</i>
<b>Website Liaison</b>	<b>Timothy Swan</b> <i>Alternate: Greg Collins</i>
<b>Credentialing Liaison</b>	<b>Timothy Westlake, Mary Jo Capodice</b> <i>Alternates: Rodney Erickson, Sridhar Vasudevan</i>
<b>Legislative Liaison</b>	<b>Timothy Swan, Timothy Westlake, Kenneth Simons, Sridhar Vasudevan</b>
<b>Maintenance of Licensure Liaison</b>	<b>Rodney Erickson, Carolyn Ogland Vukich</b> <i>Alternate: Mary Jo Capodice</i>
<b>Newsletter Liaison</b>	<b>Kenneth Simons</b> <i>Alternate: Timothy Swan</i>
<b>Monitoring Liaison</b>	<b>Sridhar Vasudevan</b> <i>Alternate: Mary Jo Capodice</i>
<b>Continuing Education Liaison</b>	<b>Rodney Erickson</b> <i>Alternate: Michael Phillips</i>
<b>Rules Liaison</b>	<b>Timothy Swan</b> <i>Alternate: Russell Yale</i>
<b>Prescription Drug Monitoring Program Liaison</b>	<b>Timothy Westlake</b> <i>Alternate: Sridhar Vasudevan</i>

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to affirm the Chair's appointment of Liaisons for 2015. Motion carried unanimously.

## DELEGATED AUTHORITY MOTIONS

**MOTION:** Robert Zondag 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, make appointments to vacant liaison, panel and committee positions, 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. Such actions will be reported to the Board at the next meeting. Motion carried unanimously.

**MOTION:** Robert Zondag moved, seconded by Suresh Misra, to delegate to the Board's Councils and/or its liaison(s) the authority to review applications and conduct examinations or interviews of candidates for licensure and to make recommendations regarding the licensure of applicants based upon the application reviews and examinations or interviews. Recommended credential denials should be considered by the Medical Examining Board. This delegation motion is not intended to be exhaustive of the Councils' advisory authority. Motion carried unanimously.

**MOTION:** Robert Zondag moved, seconded by Suresh Misra, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code SPS § 1.08(1). Motion carried unanimously.

**MOTION:** Robert Zondag moved, seconded by Michael Phillips, that the full Board delegates authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out the duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Timothy Westlake, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

## LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

### REVIEW OF MED 1.04 RELATING TO ENTRANCE TO EXAM

**MOTION:** Michael Phillips moved, seconded by Russell Yale, to approve the draft of Med 1.04 relating to Entrance to Exam for posting of EIA Comments and submission to the Clearinghouse. Motion carried. *Timothy Swan voted no.*

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

**MOTION:** Russell Yale moved, seconded by Robert Zondag, to authorize Tom Ryan to attend the FSMB 2015 Annual Meeting on April 23-25, 2015 in Fort Worth, Texas. Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Greg Collins, to designate Kenneth Simons as the delegate, and Robert Zondag as the alternate, to the FSMB 2015 Annual Meeting on April 23-25, 2015 in Fort Worth, Texas, and to authorize travel. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Michael Phillips moved, seconded by Robert Zondag, 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; Suresh Misra – yes; Carolyn Ogland Vukich – Yes; Michael Phillips – Yes; Kenneth Simons – yes; Timothy Swan – yes; Timothy Westlake – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:54 a.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Suresh Misra moved, seconded by Michael Phillips, to reconvene in Open Session at 11:39 a.m. 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.

## **FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE**

### **SAMIR HADDAD, MD**

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to find that Samir Haddad, MD, passed the MEB Full Board Oral Examination. Motion carried unanimously.

**MOTION:** Michael Phillips moved, seconded by Timothy Westlake, to grant the application of Samir Haddad, MD, for license to practice medicine and surgery, once all requirements are met. Motion carried. *Timothy Swan voted no.*

## MONITORING MATTERS

### FARID A. AHMAD – REQUESTING RETURN OF FULL UNRESTRICTED LICENSE

**MOTION:** Timothy Swan moved, seconded by Russell Yale, to table this matter until the next meeting. Motion carried unanimously.

### DEVINDER SIDHU – REQUESTING ELIMINATION OF THERAPY REQUIREMENT

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to grant the request of Devinder Sidhu for elimination of therapy requirement. Motion carried unanimously.

### REQUEST FOR BOARD TO TAKE ACTION ON APPLICATION. EQUIVALENCY FOR 12 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING FOUND NOT EQUIVALENT.

#### NITINRAI PANDYA, MD

**MOTION:** Timothy Westlake moved, seconded by Greg Collins, to deny the application for licensure. **Reason for denial:** The Board has determined the training and education of Nitinrai Pandya, M.D is not substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

### REVIEW OF ADMINISTRATIVE WARNING WARN00000241 DLSC CASE NUMBER 14 MED 264 (R.B.)

**MOTION:** Robert Zondag moved, seconded by Rodney Erickson, to affirm the Administrative Warning issued to R.B. Motion carried.

### DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)

**MOTION:** Greg Collins moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. Amy Rongstad Grelle, M.D. – 14 MED 008
2. James R. Fletcher, M.D. – 14 MED 162
3. James A. Wichser, M.D. – 14 MED 180
4. Joseph J. Pietrafitta, M.D. – 14 MED 306
5. Srinivas P. Jolepalem, M.D. – 14 MED 435
6. Andrew R. Wentzel, M.D. – 14 MED 503

Motion carried unanimously.

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

**KAREN BUTLER, M.D. – 13 MED 161**

*Suresh Misra recused himself for the deliberation and voting in the matter of Karen Butler, M.D. – 13 MED 161*

**MOTION:** Michael Phillips moved, seconded by Timothy Swan, to find probable cause to believe that Karen Butler, M.D., DLSC case number 13 MED 161, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

**PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNING(S)**

**13 MED 076 – J.T.K.**

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC case number 13 MED 076 (J.T.K.). Motion carried unanimously.

**14 MED 279 – D.R.T.**

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC case number 14 MED 279 (D.R.T.). Motion carried unanimously.

**14 MED 514 – W.K.K.**

*Carolyn Ogland Vukich recused herself in the deliberation and voting in the matter of 14 MED 514 – W.K.K.*

**MOTION:** Mary Jo Capodice moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 14 MED 514 (W.K.K.). Motion carried.

**CASE CLOSING(S)**

**13 MED 278 – K.J.K.**

**MOTION:** Greg Collins moved, seconded by Suresh Misra, to close DLSC case number 13 MED 278, against K.J.K., for no violation (NV). Motion carried unanimously.

**13 MED 358 – B.S.H.**

**MOTION:** Greg Collins moved, seconded by Timothy Swan, to close DLSC case number 13 MED 358, against B.S.H., for no violation (NV). Motion carried unanimously.

**14 MED 133 – N.A.H.**

**MOTION:** Timothy Westlake moved, seconded by Mary Jo Capodice, to close DLSC case number 14 MED 133, against N.A.H., for no violation (NV). Motion carried unanimously.

**14 MED 149 – J.L.G.**

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to close DLSC case number 14 MED 149, against J.L.G., for prosecutorial discretion (P5). Motion carried unanimously.

**14 MED 171 – S.A.W.**

**MOTION:** Timothy Swan moved, seconded by Timothy Westlake, to close DLSC case number 14 MED 171, against S.A.W., for no violation (NV). Motion carried unanimously.

**14 MED 255 – R.N.H.**

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to close DLSC case number 14 MED 255, against R.N.H., for insufficient evidence (IE). Motion carried unanimously.

**14 MED 332 – K.D. AND R.K.**

**MOTION:** Rodney Erickson moved, seconded by Russell Yale, to close DLSC case number 14 MED 332, against K.D. and R.K., for no violation (NV). Motion carried unanimously.

**14 MED 337 – A.M.**

**MOTION:** Timothy Swan moved, seconded by Mary Jo Capodice, to close DLSC case number 14 MED 337, against A.M., for prosecutorial discretion (P2). Motion carried unanimously.

**14 MED 389 – A.V.D.**

**MOTION:** Michael Phillips moved, seconded by Timothy Westlake, to close DLSC case number 14 MED 389, against A.V.D., for prosecutorial discretion (P1). Motion carried unanimously.

**12 MED 444 – S.S.B.**

*Timothy Swan recused himself in the deliberation and voting in the matter of 12 MED 444 – S.S.B.*

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to close DLSC case number 12 MED 444, against S.S.B., for no violation (NV). Motion carried.

**14 MED 508 AND 14 MED 509 – I.Z.**

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to close DLSC case numbers 14 MED 508 and 14 MED 509, against I.Z., for prosecutorial discretion (P5). Motion carried unanimously.

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Mary Jo Capodice moved, seconded by Robert Zondag, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Michael Phillips moved, seconded by Russell Yale, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:40 a.m.