

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

PRESENT: Mary Jo Capodice, D.O.; Rodney Erickson, M.D.; Suresh Misra, M.D., Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; John Tripoli; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D., Robert Zondag

EXCUSED: Greg Collins; David Roelke, M.D.

STAFF: Tom Ryan, Executive Director; Nifty Lynn Dio, 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 eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Added to item G.1:
 - a. Alliance of Health Insurers' Request for Meeting Regarding Telemedicine – Discussion and Possible Action
- Replaced Newsletter Pages under item L.1

MOTION: Carolyn Ogland Vukich moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- Page 10 of September minutes; *13 MED 385, Barbara O'Connell. Should read case number. Corrected from case numbers.*

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to approve the minutes of September 16, 2015 as amended. Motion carried unanimously.

**PRESENTATION OF PETITION FOR DESIGNATION OF HEARING OFFICIAL IN CASE
NUMBER 15 MED 261**

(Mary Jo Capodice recused herself and left the room for presentation of the matter concerning Charles R. Szyman, D.O. DLSC case number 15 MED 261.)

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Med 24 - Telemedicine

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to approve the preliminary rule draft of Med 24, relating to telemedicine for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to allow Kenneth Simons to speak with the Alliance of Health Insurers regarding telemedicine. Motion carried unanimously.

COUNCIL MEMBER APPOINTMENT MATTERS

Respiratory Care Practitioners Examining Council

Consider Appointment – Ann Bonner

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to appoint Ann Bonner to the Respiratory Care Practitioners Examining Council, for a term to expire on July 1, 2017. Motion carried unanimously.

Ann Bonner replaces Ann Meicher on the Respiratory Care Practitioners Examining Council.

Consider Reappointments – William Rosandick and Lynn Waldera

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to reappoint William Rosandick and Lynn Waldera to the Respiratory Care Practitioners Examining Council for a term to expire on July 1, 2016 and July 1, 2017. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

Interstate Medical Licensure Compact – Inaugural Meeting, October 27-28, 2015 in Chicago Illinois – Consider Attendance

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to approve the attendance of Tom Ryan and Kenneth Simons at the Interstate Medical Licensure Compact Inaugural Meeting on October 27-28, 2015 in Chicago, IL and to authorize travel. Motion carried unanimously.

NEWSLETTER MATTERS

MOTION: Mary Jo Capodice moved, seconded by Timothy Westlake, to approve the Fall 2015 MEB Newsletter draft as published and to request distribution as soon as possible. Motion carried unanimously.

CLOSED SESSION

MOTION: Suresh Misra 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; Rodney Erickson – yes; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; Kenneth Simons – yes; John Tripoli – yes;

Sridhar Vasudevan – yes; Timothy Westlake – yes; Russell Yale – yes, and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:33 a.m.

RECONVENE TO OPEN SESSION

MOTION: Suresh Misra moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 10:43 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to affirm all motions made and votes taken in Closed Session. Motion carried.

DELIBERATION ON PETITION FOR SUMMARY SUSPENSION AND DESIGNATION OF HEARING OFFICIAL

15 MED 261 – Charles R. Szyman, D.O.

MOTION: Suresh Misra moved, seconded by Carolyn Ogland Vukich, to find that notice was given to Charles R. Szyman, D.O., DLSC case number **15 MED 261**, of the Summary Suspension proceedings pursuant to Wis. Admin. Code §§ SPS 6.05 and 6.06. Motion carried. Recused: Mary Jo Capodice.

MOTION: John Tripoli moved, seconded by Timothy Westlake, to find probable cause to believe that Charles R. Szyman, D.O. has violated the provisions of Subchapter II, Wis. Stat. ch 448, and that it is necessary to suspend the respondents license immediately to protect the public health, safety, or welfare, and to issue the Order of Summary Suspension in the matter of disciplinary proceedings against Charles R. Szyman, D.O., DLSC case number **15 MED 261**, pursuant to Wis. Stat. § 448.02(4). Motion carried. Recused: Mary Jo Capodice.

MOTION: Rodney Erickson moved, seconded by Robert Zondag, to designate a Hearing Official for any Hearing to Show Cause in the matter of the Summary Suspension of Charles R. Szyman, D.O., DLSC case number **15 MED 261**, pursuant to Wis. Admin. Code §§ 6.09 and 6.11. Motion carried. Recused: Mary Jo Capodice.

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to authorize the Board Chair as having the authority to act on behalf of the Board to review, approve and sign the Summary Suspension Order and Order Designating Hearing Official in the matter of the Summary Suspension of Charles R. Szyman, D.O., DLSC case number **15 MED 261**. Motion carried. Recused: Mary Jo Capodice.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning Charles R. Szyman, D.O, DLSC case number 15 MED 261.)

DELIBERATION ON ADMINISTRATIVE WARNINGS

13 MED 308 – K.E.B.

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland Vukich, to issue an Administrative Warning in the matter of DLSC case number 13 MED 308 (K.E.B.). Motion carried.

(Mary Jo Capodice was out of the room for deliberation and voting in this matter)

13 MED 353 – G.P.C.

MOTION: Timothy Westlake moved, seconded by Sridhar Vasudevan, to issue an Administrative Warning in the matter of DLSC case number 13 MED 353 (G.P.C.). Motion carried.

(Mary Jo Capodice was out of the room for deliberation and voting in this matter)

13 MED 437 – D.G.

MOTION: Suresh Misra moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 13 MED 437 (D.G.). Motion carried unanimously.

14 MED 170 – D.S.H.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC case number 14 MED 170 (D.S.H.). Motion carried unanimously.

14 MED 355 – R.D.L.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC case number 14 MED 355 (R.D.L.). Motion carried unanimously.

15 MED 224 – P.B.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC case number 15 MED 224 (P.B.). Motion carried unanimously.

15 MED 225 – C.L.U.

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC case number 15 MED 225 (C.L.U.). Motion carried unanimously.

DELIBERATION ON MONITORING MATTERS**Roman Berezovski, M.D. – Requesting Reduction of Drug Screens**

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to grant a reduction in the number of drug screens to Roman Berezovski, M.D. to 14 per year and one annual hair test. Motion carried. Recused: Sridhar Vasudevan

(Sridhar Vasudevan recused himself and left the room for deliberation and voting in the matter concerning Roman Berezovski, M.D.)

Chady Abboud Leon, M.D. – Requesting to have Order Set Aside and Case Reopened

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to deny the request of Chady Abboud Leon, M.D. to have previous Order set aside and case reopened. Motion carried unanimously.

Roger Pellmann, M.D. – Requesting Conditional License to Participate in the Center for Personalized Education for Physicians (CPEP) Program

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to table the request of Roger Pellmann for a conditional license to participate in CPEP Program. Motion carried. Recused: Michael Phillips

(Michael Phillips recused himself and left the room for deliberation and voting in the matter concerning, Roger Pellmann, M.D.)

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

13 MED 149 – Dayna P. Schwarz, M.D.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dayna P. Schwarz, M.D., DLSC case number 13 MED 149. Motion carried. Recused: Rodney Erickson

(Rodney Erickson recused himself and left the room for deliberation and voting in the matter concerning Dayna P. Schwarz, M.D., DLSC case number 13 MED 149.)

13 MED 224 – Scott D. Jenkins, M.D.

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Scott D. Jenkins, DLSC case number 13 MED 224. Motion carried unanimously.

14 MED 150 – Timothy J. Thompson, M.D.

MOTION: Timothy Westlake moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings

against Timothy J. Thompson, M.D., DLSC case number 14 MED 150. Motion carried unanimously.

14 MED 212 – Scott A. Schlidt, M.D.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Scott A. Schlidt, M.D., DLSC case number 14 MED 212. Motion carried unanimously.

14 MED 260 – Robert N. Hetz, M.D.

MOTION: Michael Phillips moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert N. Hetz, M.D., DLSC case number 14 MED 260. Motion carried unanimously.

14 MED 549 – Juan Preciado-Riestra, M.D.

MOTION: Suresh Misra moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Juan Preciado-Riestra, M.D., DLSC case number 14 MED 549. Motion carried unanimously.

15 MED 142 – Ravi Murali, M.D.

MOTION: Russell Yale moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ravi Murali, M.D., DLSC case numbers 15 MED 142. Motion carried. Opposed: Sridhar Vasudevan

DELIBERATION ON PROPOSED STIPULATIONS AND INTERIM ORDERS BY THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)

15 MED 262 – Wilton C. Calderon, D.O.

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, to adopt the Interim Order in the matter of disciplinary proceedings against Wilton C. Calderon, D.O., DLSC case number 15 MED 262. Motion carried unanimously.

DELIBERATION ON CREDENTIALING MATTERS

Proposed Limited License – My-My Huynh, M.D.

MOTION: Mary Jo Capodice moved, seconded by Russell Yale, to offer applicant My-My Huynh, M.D. a limited license. Motion carried unanimously.

Proposed Limited License – Sohail Imran Mohammad, M.D.

MOTION: Robert Zondag moved, seconded by Suresh Misra, to offer applicant Sohail Imran Mohammad, M.D. a limited license. Motion carried unanimously.

WAIVER CE REQUIREMENTS FOR 2011-2013 BIENNIUM

W. Dudley Johnson, M.D.

MOTION: Robert Zondag moved, seconded by Michael Phillips, to deny a waiver of CE requirements for the 2011-2013 biennium, per Wis. Stat. § 448.05(2)(c). Motion carried unanimously.

CASE CLOSING(S)

MOTION: Suresh Misra moved, seconded by Carolyn Ogland Vukich, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 13 MED 461 – R.B.C. *No Violation*
2. 14 MED 023 – A.K. *Prosecutorial Discretion (P2)*
3. 14 MED 027 – P.G. *No Violation*
4. 14 MED 135 – D.W.M. *No Violation*
5. 14 MED 172 – M.C.O. *Prosecutorial Discretion (P2)*
6. 14 MED 173 – R.J.D. *Prosecutorial Discretion (P3)*
7. 14 MED 174 – S.V.B. *Prosecutorial Discretion (P2)*
8. 14 MED 212 – R.B.L. *Insufficient Evidence*
9. 14 MED 216 – H.D.M. *No Violation*
10. 14 MED 345 – K.E.B. *Prosecutorial Discretion (P7)*
11. 14 MED 363 – K.E.B. *Prosecutorial Discretion (P7)*
12. 14 MED 596 – W.C.J. *Prosecutorial Discretion (P4)*
13. 14 MED 599 – R.S.R. *Prosecutorial Discretion (P4)*
14. 15 MED 115 – U.A. *No Violation*
15. 15 MED 149 – S.D.C. *Prosecutorial Discretion (P4)*
16. 15 MED 175 – G.E.B. *Prosecutorial Discretion (P3)*
17. 15 MED 217 – D.R.H. *No Violation*
18. 15 MED 226 – J.K. *Prosecutorial Discretion (P1)*
19. 15 MED 270 – C.F.H. *Prosecutorial Discretion (P1)*

Motion carried unanimously.

14 MED 612 – P.D.F.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to close DLSC case number 14 MED 612, against P.D.F., for Prosecutorial Discretion (P7). Motion carried unanimously.

15 MED 188 – M.M.S.

MOTION: Timothy Westlake moved, seconded by Rodney Erickson, to close DLSC case number 15 MED 188, against M.M.S., for Prosecutorial Discretion (P7). Motion carried unanimously.

15 MED 196 – D.E.R.

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to close DLSC case number 15 MED 196, against D.E.R., for No Violation. Motion carried. Recused: Carolyn Ogland Vukich

(Carolyn Ogland Vukich recused herself and left the room for deliberation and voting in the matter concerning D.E.R., DLSC case number 15 MED 196.)

15 MED 302 – S.W.R.

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to close DLSC case number 15 MED 302, against S.W.R., for No Violation. Motion carried. Recused: Carolyn Ogland Vukich

(Carolyn Ogland Vukich recused herself and left the room for deliberation and voting in the matter concerning S.W.R., DLSC case number 15 MED 302.)

FULL BOARD INTERVIEW OF CANDIDATE FOR LICENSURE

Asma Aouthmany, M.D.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to approve the License to Practice Medicine and Surgery application of Asma Aouthmany, M.D., once all requirements are met. Motion carried. Abstained: Sridhar Vasudevan

DELIBERATION ON COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

15 MED 261 – Charles R. Szyman, D.O.

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to find probable cause to believe that Charles R. Szyman, D.O., DLSC case number 15 MED 261, has committed 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. Recused: Mary Jo Capodice

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning Charles R. Szyman, D.O., DLSC case number 15 MED 261.)

DISCUSSION OF UNRESTRICTED MINNESOTA LICENSE APPLICATION

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to add the Certification of Post Graduate Training Form 21-65 to the application for individuals with a current unrestricted Minnesota license. Motion carried unanimously.

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

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

The meeting adjourned at 11:16 a.m.