

**MEDICAL EXAMINING BOARD
MEETING MINUTES
November 18, 2015**

PRESENT: Mary Jo Capodice, D.O.; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D., Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.(*via phone*;) David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D., Robert Zondag

EXCUSED: Sridhar Vasudevan, 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:

- *Add Case Number 13 MED 244 Under Item S*
- *Remove item U.3: Case Closing 13 MED 469*
- *Add: T.2 Westscott G. Krieger, M.D.*

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

APPROVAL OF MINUTES

MOTION: Carolyn Ogland Vukich moved, seconded by Robert Zondag, to approve the minutes of September 16, 2015 as published. Motion carried unanimously.

INTERSTATE MEDICAL LICENSURE COMPACT

Consider Appointment of Compact Commissioners (As Needed)

MOTION: Robert Zondag moved, seconded by Greg Collins, to appoint Tom Ryan and Kenneth Simons as Compact Commissioners to the Interstate Medical Licensure Compact. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

Consider MEB Recommendations for Nominations for 2016 FSMB Elections and Committee Appointments

MOTION: Russell Yale moved, seconded by Carolyn Ogland Vukich, to authorize Tom Ryan to seek appointment to an FSMB committee. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

Wisconsin Hospital Association (WHA) Invitation for Dr. Simons to address WHA Quarterly Meeting of Executive Officers – December 2, 2015 in Madison, WI – Regarding Telemedicine

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to designate Kenneth Simons to speak on the Board's behalf at the Wisconsin Hospital Association (WHA) on December 2, 2015 in Madison, WI regarding Telemedicine. Motion carried unanimously.

Mary Jo Capodice to Attend the American Association of Osteopathic Examiners Summit via Phone, January 7-8, 2016

MOTION: Russell Yale moved, seconded by Robert Zondag, to authorize Mary Jo Capodice to attend the American Association of Osteopathic Examiners Summit on January 7-8, 2016 in San Antonio, TX via Phone. Motion carried unanimously.

CLOSED SESSION

MOTION: Carolyn Ogland Vukich moved, seconded by Suresh Misra, 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; David Roekle – yes; Kenneth Simons – yes; Timothy Westlake – yes; Russell Yale – yes, and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:30 a.m.

RECONVENE TO OPEN SESSION

MOTION: Robert Zondag moved, seconded by Rodney Erickson, to reconvene in Open Session at 9:46 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELIBERATION ON COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

14 MED 518 – Robert J. DeFatta, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Suresh Misra, to find probable cause to believe that Robert J. DeFatta, M.D., DLSC case number 14 MED 518, 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.

(Russell Yale recused himself and left the room for deliberation and voting in the matter concerning Robert J. DeFatta, M.D., DLSC case number 14 MED 518)

DELIBERATION ON ADMINISTRATIVE WARNINGS

14 MED 362 – S.C.C.

MOTION: Robert Zondag moved, seconded by Rodney Erickson, to issue an Administrative Warning in the matter of DLSC case number 14 MED 362 – S.C.C. Motion carried.

(Russell Yale recused himself and left the room for deliberation and voting in the matter concerning S.C.C., DLSC case number 14 MED 362.)

15 MED 265 – R.S.S.

MOTION: Greg Collins moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 15 MED 265 – R.S.S. Motion carried unanimously.

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

11 MED 219, 11 MED 363 and 12 MED 039 – Steven G. Meress, M.D.

MOTION: David Roelke moved, seconded by Carolyn Ogland Vukich, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Steven G. Meress, M.D., DLSC case number 11 MED 219, 11 MED 363 and 12 MED 039. Motion carried unanimously.

15 MED 197 – Joseph C. Finley, M.D.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Joseph C. Finley, M.D., DLSC case number 15 MED 197. Motion carried unanimously.

15 MED 201 – Garrick B. Olsen, M.D.

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Garrick B. Olsen, M.D., DLSC case number 15 MED 201. Motion carried unanimously.

13 MED 244 – Steven L. Armus, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings

against Steven L. Armus, DLSC case number 13 MED 244. Motion carried unanimously.

CASE CLOSING(S)

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

1. 13 MED 200 – J.W.S. *Prosecutorial Discretion (P1)*
2. 13 MED 252 – J.W.S. *Prosecutorial Discretion (P3)*
3. 14 MED 222 – B.K. *No Violation*
4. 14 MED 448 – B.K. *No Violation*
5. 15 MED 038 – H.C.M. *Prosecutorial Discretion (P1)*
6. 15 MED 051 – J.R.S. *Prosecutorial Discretion (P1)*
7. 15 MED 119 – A.T.S. *No Violation*
8. 15 MED 146 – R.P.R. *Prosecutorial Discretion (P5 - FLAG)*
9. 15 MED 240 – J.S.B. *No Violation*
10. 15 MED 275 – B.A.L. *No Violation*
11. 15 MED 326 – D.J.O. *Prosecutorial Discretion (P5 - FLAG)*

Motion carried unanimously.

DELIBERATION ON MOTITORING MATTERS

John Edward Kelly, M.D. – Requesting to Travel to India for Mission Trip

MOTION: Suresh Misra moved, seconded by Carolyn Ogland Vukich, to deny the request of John Edward Kelly, M.D. for interruption of testing for mission trip to India.

Reason for Denial: Applicant must comply with the terms of the order (05/20/15.) Motion carried unanimously.

Westscott G. Krieger, M.D. – Requesting Initial Stay of Suspension

MOTION: Greg Collins moved, seconded by Timothy Westlake, to grant the request of Westscott G. Krieger, M.D. for an initial stay of suspension. Motion carried. Opposed: Yale

Paul Strapon III, M.D. – Requesting Removal of Mentoring

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to grant the request of Paul Strapon III, M.D. for removal of mentoring. Motion carried unanimously.

Jesse Van Bommel, M.D. – Requesting Reduction or Eliminating of Drug Screens

MOTION: Suresh Misra moved to deny the request of Jesse Van Bommel, M.D. for elimination of drug screens. Motion failed due to lack of a second.

MOTION: Suresh Misra moved, seconded by Robert Zondag, to grant the request of Jesse Van Bommel, M.D. for reduction of drug screens to 12 tests per year and 1 hair test. Motion carried. Opposed: 4

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Jesse Van Bommel, M.D.)

FULL BOARD INTERVIEW OF CANDIDATE FOR LICENSURE

Martin Cleary, M.D.

MOTION: Mary Jo Capodice moved, seconded by Russell Yale, to approve the License to Practice Medicine and Surgery application of Martin Cleary, M.D., once all requirements are met. Motion carried unanimously.

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

MOTION: Suresh Misra moved, seconded by David Roelke, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Zondag moved, seconded by David Roelke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:22 a.m.