

**MEDICAL EXAMINING BOARD
MEETING MINUTES
October 19, 2016**

PRESENT: Mary Jo Capodice, D.O.; Michael Carton, (*via GoToMeeting*;) Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; Carolyn Ogland Vukich, M.D. David Roelke, M.D.; Kenneth Simons, M.D. (*arrived via GoToMeeting at 9:36 a.m.*;) Timothy Westlake, M.D.; Robert Zoeller, M.D.

EXCUSED: Padmaja Doniparthi, M.D.; Russell Yale, M.D.; Robert Zondag

STAFF: Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

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

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Added one Oral Examination Candidate*
- *Added AAOE Meeting to Item K*
- *Removed duplicate Chapter from page 2 of Newsletter*

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to adopt the agenda as amended. Motion carried unanimously.

MINUTES OF SEPTEMBER 21, 2016 – REVIEW AND APPROVAL

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to approve the minutes of September 21, 2016 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Department and Staff Updates

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to recognize Michael Phillips for his dedicated service to the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

**8:00 A.M. PUBLIC HEARING: CLEARINGHOUSE RULE 16-047 – MED 1 AND 14
RELATING TO GENERAL UPDATE AND CLEANUP OF RULES**

MOTION: Lee Ann Lau moved, seconded by David Roelke, to reject Clearinghouse comment numbers 2., 3.d., and 3.h., and to accept all remaining Clearinghouse comments for Clearinghouse Rule 16-047 relating to general update and cleanup of rules. Motion carried unanimously.

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to appoint Kenneth Simons to approve the Legislative Report and Draft for Clearinghouse

Rule 16-047 relating to general update and cleanup of rules for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Review Revised Draft Language for Med 13 Relating to Continuing Medical Education for Prescribing Opioids

MOTION: David Roelke moved, seconded by Bradley Kudick, to approve the emergency rule draft of Wisconsin Administrative Code Ch. MED 13 relating to continuing medical education for prescribing opioids for submission to the Governor's Office and to authorize Timothy Westlake to approve the emergency rules for publication. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to approve the permanent rule draft of Wisconsin Administrative Code Ch. MED 13 relating to continuing medical education for prescribing opioids to solicit economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Med 24 Relating to Telemedicine

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to approve the revised rule draft of Wisconsin Administrative Code Ch. MED 24 relating to telemedicine for posting to solicit public comment and request DSPS staff notice a public hearing on the revised rule draft for the Board's next meeting. Motion carried unanimously.

Review of Proposed Changes to DI 2 Relating to Credentials for Certification

MOTION: Mary Jo Capodice moved, seconded by Robert Zoeller, to affirm the Board has reviewed the proposed rule revising Wisconsin Administrative Code Ch. DI 2 relating to credentials for certification and has no comments for the Dietitians Affiliated Credentialing Board to consider. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

AAOE Annual Business Meeting on January 21, 2017 in Tampa, FL

MOTION: David Roelke moved, seconded by Lee Ann Lau, to designate Mary Jo Capodice to attend the AAOE Annual Business Meeting on January 19-21, 2017 in Tampa, FL and to authorize travel. Motion carried unanimously.

NEWSLETTER MATTERS

Fall 2016 Newsletter Draft

MOTION: Bradley Kudick moved, seconded by Carolyn Ogland Vukich, to approve the 2016 Newsletter Draft as amended and authorize Kenneth Simons to make any additional changes. Motion carried unanimously.

(Kenneth Simons arrived via GoToMeeting at 9:36 a.m.)

CLOSED SESSION

MOTION: Carolyn Ogland Vukich 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; Michael Carton – yes; Rodney Erickson – yes; Bradley Kudick – yes; Lee Ann Lau – yes; Carolyn Ogland Vukich – yes; David Roelke – yes; Timothy Westlake – yes; and Robert Zoeller – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:34 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to reconvene in Open Session at 11:07 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Bradley Kudick moved, seconded by David Roelke, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**Monitoring***Jonathan Thomas, M.D. – Requesting Voluntary Surrender of License*

MOTION: David Roelke moved, seconded by Bradley Kudick, to offer the Respondent, Jonathan Thomas, M.D. a Stipulation and Order specifying the terms under which the Board would accept the surrender of his license to practice Medicine and Surgery in Wisconsin. Motion carried unanimously.

MOTION: Rodney Erickson moved, seconded by Robert Zoeller, to authorize the Executive Director, to sign on behalf of Mary Jo Capodice to execute the Board's offer to Respondent, Jonathan Thomas, M.D. to accept the surrender of his license to practice Medicine and Surgery in Wisconsin. Motion carried unanimously.

Ronald Rubin, M.D. – Requesting Modification of Limitations

MOTION: Robert Zoeller moved, seconded by Carolyn Ogland Vukich, to grant the request of Ronald Rubin, M.D. to remove the limitations described in ¶5, ¶6.a, ¶6.b.i, ¶7.d.iv, and ¶7.e of the order as Respondent completed the required continuing education and AODA assessment. Respondent shall withdraw the current application and shall not apply for or hold a DEA registration pursuant to ¶7.d.iii. Motion carried.

Complaints

15 MED 002 – D.H. – Amended Complaint

MOTION: Lee Ann Lau moved, seconded by Carolyn Ogland Vukich, to find probable cause to believe that David Houlihan, M.D. DLSC Case No. 15 MED 002 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 unanimously.

(Rodney Erickson recused himself and left the room for deliberation and voting in the matter concerning David Houlihan, DLSC Case No. 15 MED 002.)

Administrative Warnings*14 MED 577 – A.A.*

MOTION: Rodney Erickson moved, seconded by David Roelke, to issue an Administrative Warning in the matter of DLSC Case No. 14 MED 577 against A.A. Motion carried unanimously.

(Lee Ann Lau and Mary Jo Capodice recused themselves and left the room for deliberation and voting in the matter concerning A.A., DLSC Case No. 14 MED 577.)

16 MED 233 – D.M.M.

MOTION: Rodney Erickson moved, seconded by Robert Zoeller, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 233 against D.M.M. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders*14 MED 372 – Muhammad Khan, M.D.*

MOTION: Rodney Erickson moved, seconded by Lee Ann Lau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Muhammad Khan, M.D., DLSC Case No. 14 MED 372. Motion carried unanimously.

15 MED 177 – David Olson, M.D.

MOTION: Mary Jo Capodice moved, seconded by Robert Zoeller, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David Olson, DLSC Case No. 15 MED 177. Motion carried unanimously.

15 MED 324 – Adetunji Adejumo, M.D.

MOTION: David Roelke moved, seconded by Lee Ann Lau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Adetunji Adejumo, DLSC Case No. 15 MED 324. Motion carried unanimously.

15 MED 366 – Leonard Boras Jr.

MOTION: David Roelke moved, seconded by Bradley Kudick, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Leonard Boras Jr., DLSC Case No. 15 MED 366. Motion carried unanimously.

16 MED 023 – James Turner III, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Rodney Erickson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against James Turner III, DLSC Case No. 16 MED 023. Motion carried unanimously.

Case Closings

CASE CLOSING(S)

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 15 MED 397 (F.E. and W.M.) *Prosecutorial Discretion (P2)*
2. 16 MED 013 (K.C.D) *No Violation*
3. 16 MED 105 (W.J.B.) *Prosecutorial Discretion (P2)*

Motion carried unanimously.

16 MED 142 (K.W.L.) Insufficient Evidence

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to not close DLSC Case No. 16 MED 142 against K.W.L. for *Insufficient Evidence*. Motion carried unanimously.

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

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

ADJOURNMENT

MOTION: Mary Jo Capodice moved, seconded by Carolyn Ogland Vukich, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:09 a.m.