

**MEDICAL EXAMINING BOARD
MEETING MINUTES
April 16, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Jude Genereaux; Suresh Misra, M.D.; Carolyn Ogland, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; Russell Yale, M.D.; Timothy Westlake, M.D.

EXCUSED: James Barr

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 8:00 A.M. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- **REMOVE: Item R.1.a** – Monitoring Matters – APPEARANCE – Michael V. Baich, M.D.
- **REMOVE: Item O.20.a** – Appearances Requested in the Matter of Disciplinary Proceedings Against Zulfiqar Ali, M.D., DHA CASE # SPS-12-0064; DLSC CASE # 11 MED 299
- **REMOVE: Item U** – Proposed Decision and Order of the Administrative Law Judge in the Matter of Disciplinary Proceedings Against Zulfiqar Ali, M.D., DHA Case Number SPS-12-0064; DLSC Case Number 11 MED 299
- **REMOVE: Item Y.1** – Case Closing – 11 MED 113 (K.H.F.)
- **CORRECT: Item Y.13** – Case Closing – 13 MED 370 (T.J.C.)

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

APPROVAL OF MINUTES

Corrections:

- Change “is” to “are” in Presentation and Deliberation on Complaints for Determination of Probable Cause in the matter of DLSC case number 12 MED 381 against David Drake, M.D., and Graig Aders, M.D.

MOTION: Suresh Misra moved, seconded by Greg Collins, to approve the minutes of March 19, 2014 as corrected. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

2013 WISCONSIN ACT 114 AND MED 1.04 AND MED 8.05

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to request DSPS staff draft a Scope Statement revising Wis. Admin. Code ch. MED 1.04 and MED 8.05, relating to examination requirements, and to designate Kenneth Simons to advise DSPS staff. Motion carried unanimously.

2013 WISCONSIN ACT 240 – CONSIDERATION OF SCOPE STATEMENT

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to request DSPS staff draft a Scope Statement revising Wis. Admin. Code ch. MED 3 and MED 5, relating to licensure of physicians, and to designate Timothy Swan to advise DSPS staff. Motion carried unanimously.

NATIONAL PRACTITIONER DATA BANK CONTINUOUS QUERY – DISCUSSION AND CONSIDERATION

Sharon Henes, Department Rule Coordinator, appeared before the Board to discuss the National Practitioner Data Bank Continuous Query program.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to request that the Department perform a trial using Continuous Query of a statistically significant sample of randomly-selected licensees over the next year, and to request that Department staff advise the Board on the methodology and progress of the trial, and to designate Rodney Erickson to advise Department staff on the trial. Motion carried unanimously.

REVIEW OF INTERNATIONAL MEDICAL EDUCATION DIRECTORY (IMED)

The Board discussed the IMED Directory of medical schools. No action was taken.

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

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to designate Rodney Erickson to speak at the Mayo Family Medicine Residency in La Crosse, Wisconsin to provide an overview of the Medical Examining Board, and to authorize travel. Motion carried unanimously.

Timothy Westlake joined the meeting via telephone at 9:11 a.m.

SCREENING PANEL REPORT

Greg Collins reported that 46 cases were reviewed, 14 cases were opened, and 2 ten-day letters were sent.

CLOSED SESSION

MOTION: Sridhar Vasudevan 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; Carolyn Ogland – yes; Michael Phillips – 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 9:16 A.M.

RECONVENE TO OPEN SESSION

MOTION: Jude Genereaux moved, seconded by Carolyn Ogland, to reconvene in Open Session at 11:08 A.M. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF 12 MED 353 – D.I.S.

Timothy Westlake joined the meeting in-person at 10:05 A.M.

D.I.S. (Respondent) appeared before the Board with legal counsel to request review of the Administrative Warning issued in case number 12 MED 353.

Arthur Thexton, DLSC attorney, appeared before the Board to discuss the review of the Administrative Warning issued in case number 12 MED 353.

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to affirm the Administrative Warning issued in DLSC case number 12 MED 353 against David I. Stein, M.D.. Motion carried unanimously.

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

MONITORING MATTERS

MICHAEL V. BAICH, M.D. – REQUESTING LIMITATIONS BE REMOVED FROM LICENSE

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to table this matter to the May 21, 2014 Board meeting. Motion carried unanimously.

DALE BERTRAM, M.D. – REQUESTING RETURN TO FULL LICENSURE

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to grant the request of Dale Bertram, M.D., for full licensure, effective April 21, 2014. Motion carried unanimously.

SEEKING EQUIVALENCY FOR THE 12 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING BASED ON EDUCATION AND TRAINING

DMITRY KOULIKOV, M.D.

MOTION: Timothy Swan moved, seconded by Rodney Erickson, to find that the training and education of Dmitry Koulikov, M.D., is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

TIMOTHY C. PAYNE, M.D.

MOTION: Carolyn Ogland moved, seconded by Rodney Erickson, to find that the training and education of Timothy C. Payne, M.D., is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

APPLICATION REVIEW

MARKUS KAISER, M.D.

MOTION: Michael Phillips moved, seconded by Suresh Misra, to grant a permanent license to practice medicine and surgery to Markus Kaiser, M.D., pursuant to Wis. Stats. § 448.065. Motion carried unanimously.

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

Sridhar Vasudevan abstained from voting in the above matter.

PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

**13 MED 140; 13 MED 228; 13 MED 254; 13 MED 467
TERRANCE D. MOE, M.D.**

MOTION: Carolyn Ogland moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 13 MED 140; 13 MED 228; 13 MED 254; and 13 MED 467 – Terrance D. Moe, M.D. Motion carried unanimously.

**12 MED 239
JOHN P. CHRISTENSEN, M.D.**

MOTION: Carolyn Ogland moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 12 MED 239 – John P. Christensen, M.D. Motion carried unanimously.

12 MED 241

A.B.

MOTION: Carolyn Ogland moved, seconded by Suresh Misra, to adopt the Stipulation and Order for Dismissal in the matter of 12 MED 241 – A.B. Motion carried unanimously.

12 MED 242

BRIGG W. BARSNESS, M.D.

MOTION: Carolyn Ogland moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of 12 MED 242 – Brigg W. Barsness, M.D. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Suresh Misra moved, seconded by Timothy Westlake, not to issue Administrative Warnings in the matters of case numbers 13 MED 152 (J.W.I.) and 13 MED 155 (N.H.R.), to refer the cases to DLSC for preparation of a petition for an extension of time, and to designate the Chair to review and approve the petition. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to issue an Administrative Warning and to close the case in the matter of case number 13 MED 274 (J.R.V). Motion carried unanimously.

CASE CLOSINGS

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

- 1) 13 MED 004, against R.J.R., for insufficient evidence (IE)
- 2) 13 MED 276, against C.E.L., for no violation (NV)
- 3) 13 MED 301, against P.L., for insufficient evidence (IE)
- 4) 13 MED 314, against H.J.B., for prosecutorial discretion (P3)
- 5) 13 MED 318, against R.T., for no violation (NV)
- 6) 13 MED 319, against P.T., for insufficient evidence (IE)
- 7) 13 MED 322, against N.J.Y., for insufficient evidence (IE)
- 8) 13 MED 336, against B.C., for no violation (NV)
- 9) 13 MED 344, against T.S.O., for no violation (NV)
- 10) 13 MED 364, against P.T., for insufficient evidence (IE)
- 11) 13 MED 370, against T.J.C., for prosecutorial discretion (P5) with a hold placed on Respondent's credential
- 12) 13 MED 425, against J.G.K., for no violation (NV)
- 13) 13 MED 458, against D.P.P., for no violation (NV)
- 14) 13 MED 496, against A.L., for no violation (NV)
- 15) 12 MED 450, against M.J.K., for no violation (NV)

Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Michael Phillips, to close case number 13 MED 282, against L.F.C., N.M.H., and A.B.C., for no violation (NV); and to close case number 13 MED 282, against T.A., for lack of jurisdiction (L2). Motion carried unanimously.

OPEN SESSION ITEMS NOTICED ABOVE NOT COMPLETED IN THE INITIAL OPEN SESSION

2013 MEDICAL EXAMINING BOARD ANNUAL REPORT

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the 2013 Annual Report, with the “Physicians by Specialty” and “Age of Physicians in the Four Largest Specialty Groups” charts removed, and to post the report to the Board website. Motion carried unanimously.

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

MOTION: Michael Phillips moved, seconded by Mary Jo Capodice, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Greg Collins moved, seconded by Sridhar Vasudevan, 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 Carolyn Ogland, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:14 A.M.