

**MEDICAL EXAMINING BOARD
MEETING MINUTES
September 17, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Suresh Misra, M.D.; Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D. (*via teleconference.*); Russell Yale, M.D.; and Robert Zondag

EXCUSED: James Barr; Rodney Erickson, M.D.; Timothy Swan, M.D.

STAFF: Tom Ryan, Executive Director; Gretchen Morzinski, Legal Counsel; Taylor Thompson, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:02 a.m. A quorum of ten (10) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

MOTION: Greg Collins moved, seconded by Suresh Misra, to approve the minutes of August 20, 2014 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

PHYSICIAN CONTINUING EDUCATION AUDIT COMPLIANCE REPORT

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to refer all audited non-compliant license holders to DLSC for further review and action. Motion carried unanimously.

ADMINISTRATION OF ORAL EXAMINATIONS VIA TELEPHONE

MOTION: Suresh Misra moved, seconded by Michael Phillips, to require all oral examinations for applicants for Wisconsin Medical License to be in person. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

Greg Collins recused himself from the discussion and consideration of FSMB nominations.

MOTION: Robert Zondag moved, seconded by Carolyn Ogland Vukich, to support Dr. Sridhar Vasudevan as a candidate for FSMB Elected Office. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to support Wisconsin's participation in the Interstate Medical Licensure Compact in concept. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

165 MED 1, 3, AND 5 PHYSICIAN LICENSURE

MOTION: Suresh Misra moved, seconded by Michael Phillips, to create a work group consisting of Doctors Sridhar Vasudevan, Mary Jo Capodice, Timothy Westlake, and Mr. Robert Zondag to assist with matters relating to 165 MED 1, 3, and 5 Physician Licensure. Motion carried unanimously.

165-MED 18 INFORMED CONSENT

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to approve the Legislative Report and Clearinghouse Rule 14-040 for submission to the Governor's Office and Legislature. Motion carried unanimously.

SCOPE STATEMENT FOR MED 1 ENTRANCE TO EXAM

MOTION: Russell Yale moved, seconded by Robert Zondag, to approve the Scope Statement for Med 1 Entrance to exam for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

SPEAKING ENGAGEMENTS

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to authorize Dr. Mary Jo Capodice to speak at the WAOPS meeting in October 2014. Motion carried unanimously.

CLOSED SESSION

MOTION: Sridhar Vasudevan 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; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Westlake – yes; Sridhar Vasudevan – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:20 a.m.

RECONVENE TO OPEN SESSION

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 12:29 A.M. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, to find that Lawrence Williamson, M.D., **failed** the MEB Full Board Oral Examination. **Reason for failure:** Candidate did not prove that he can practice Medicine with reasonable skill and safety. Motion carried unanimously.

MOTION: Greg Collins moved, seconded by Suresh Misra, to **deny** the request of Lawrence Williamson, M.D. for Full Licensure. **Reason for denial:** Candidate did not prove that he can practice Medicine with reasonable skill and safety. Motion carried unanimously. .

PETITION FOR MENTAL EXAMINATION

ANGELINA M. MONTEMURRO, M.D.

MOTION: Russell Yale moved, seconded by Mary Jo Capodice, to allow Board Legal Counsel to correspond with Respondent and to delegate review of the letter to the Board Chair. Motion carried unanimously.

MOTION: Carolyn Ogland Vukich moved, seconded by Michael Phillips, to request that Respondent complete any necessary physical, mental, or professional examinations as ordered and approved by the Board Chair or in the event of his unavailability the highest ranking or longest serving member of the Board. Motion carried unanimously.

LINDA R. ROGOW, M.D.

MOTION: Mary Jo Capodice moved, seconded by Greg Collins, to request that Respondent complete any necessary physical, mental, or professional examinations as ordered and approved by the Board Chair or in the event of his unavailability the highest ranking or longest serving member of the Board. Motion carried unanimously.

MONITORING MATTERS

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

ROGER PELLMANN, M.D. – REQUESTING STAY OF SUSPENSION

MOTION: Robert Zondag moved, seconded by Russell Yale, to **deny** the request of Roger Pellmann, M.D. for stay of suspension and the Board will not consider any requests prior to March 31, 2015. **Reason for denial:** Respondent has not established that he can safely and competently practice Medicine. Motion carried unanimously.

DEVINDER SIDHU, M.D. – REQUESTING REDUCTION OF DRUG SCREENINGS

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to **grant** the request of Devinder Sidhu, M.D. for reduction of drug and alcohol screenings to 36 times a year. Motion carried unanimously.

STEPHEN HAUGHEY, M.D. – REQUESTING TO BE ALLOWED TO WORK IN A SETTING WHERE HE HAS ACCESS TO CONTROLLED SUBSTANCES AND REQUESTING A REDUCTION IN DRUG SCREENS

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to reduce drug and alcohol screenings to 36 times per year. Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by Greg Collins, to **deny** the request of Stephen Haughey, M.D. for work in a setting where he has access to controlled substances and the Board will not consider any requests prior to March 31, 2015. **Reason for denial:** Not enough time under compliance with current order. Motion carried unanimously.

KEVIN WEIDMAN, M.D. – REQUESTING FULL UNRESTRICTED LICENSE

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to **grant** the request of Kevin Weidman, M.D. for full unrestricted license. Motion carried unanimously.

MICHAEL MACATOL, M.D. – REQUESTING PERMISSION TO RENEW

MOTION: Robert Zondag moved, seconded by Michael Phillips, that the request of Michael Macatol, M.D. is tabled and the Board requests that Dr. Macatol meet with the Medical Examining Board for permission to renew his Wisconsin license. Motion carried unanimously.

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

LEWIS R. DOMKE, JR., M.D. – 12 MED 417

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Lewis R. Domke, Jr., M.D., DLSC case number 12 MED 417. Motion carried unanimously.

KORBY J. KRUEGER, R.C.P. – 13 MED 393

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Korby J. Krueger, R.C.P., DLSC case number 13 MED 393. Motion carried unanimously.

GREGORY G. BULLIS, M.D. – 14 MED 202

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory G. Bullis, M.D., DLSC case number 14 MED 202. Motion carried unanimously.

JAN A. DOENIER, M.D. – 14 MED 169

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jan A. Doenier, M.D., DLSC case number 14 MED 169. Motion carried unanimously.

Timothy Westlake left the meeting at 10:28 a.m.

PRESENTATION AND DELIBERATION ON PROPOSED DECISION AND ORDER IN THE MATTER OF THE APPLICATION FOR KAUKAB P. SHAH, M.D., DHA CASE NO. SPS-14-0025; DLSC CASE NO. 14 MED 071

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to **adopt** the Proposed Final Decision and Order in the matter of the application for license of Kaukab Shah, M.D. (DHA case SPS-14-0025) (DLSC case number 14 MED 071). Motion carried unanimously.

PRESENTATION AND DELIBERATION ON COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

TODD T. TRIER, M.D. – 14 MED 321

Carolyn Ogland Vukich recused herself and left the room for deliberation, and voting in the matter of Todd T. Trier, M.D.

MOTION: Greg Collins moved, seconded by Mary Jo Capodice, to find probable cause to believe that Todd T. Trier, M.D., DLSC case number 14 MED 321, 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 WARNINGS

13 MED 163 – M.R.

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 13 MED 163 (M.R.). Motion carried unanimously.

13 MED 414 – J.M.H.

MOTION: Suresh Misra moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 13 MED 414 (J.M.H.). Motion carried unanimously.

14 MED 021 – J.F.S.

Carolyn Ogland Vukich recused herself and left the room for deliberation, and voting in the matter of 14 MED 021 (J.F.S.).

MOTION: Mary Jo Capodice moved, seconded by Greg Collins, to issue an Administrative Warning in the matter of DLSC case number 14 MED 021 (J.F.S.). Motion carried.

12 MED 157 – E.J.Q.

Kenneth Simons recused himself and left the room for deliberation, and voting in the matter of 12 MED 157 (E.J.Q.).

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 12 MED 157 (E.J.Q.). Motion carried.

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

EMRE ARPALI, M.D.

MOTION: Michael Phillips moved, seconded by Mary Jo Capodice, to find that the training and education of Emre Arpali, M.D. is substantially equivalent to the requirements as set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

ROBERT SANDERS, M.D.

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to find that the training and education of Robert Sanders, M.D. is substantially equivalent to the requirements as set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

CASE CLOSING(S)

13 MED 031 – P.S.B.

MOTION: Mary Jo Capodice moved, seconded by Greg Collins, to close DLSC case number 13 MED 031, against P.S.B., for compliance gained. Motion carried unanimously.

13 MED 198 – M.G.E.

MOTION: Greg Collins moved, seconded by Mary Jo Capodice, to close DLSC case number 13 MED 198, against M.G.E., for prosecutorial discretion (P1). Motion carried unanimously.

13 MED 204 – M.H.

MOTION: Suresh Misra moved, seconded by Michael Phillips, to close DLSC case number 13 MED 204, against M.H., for no violation (NV). Motion carried unanimously.

13 MED 313 – S.J.D. and J.H.A.

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to close DLSC case number 13 MED 313, against S.J.D. and J.H.A., for no violation (NV). Motion carried unanimously.

13 MED 415 – T.D.M.

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to close DLSC case number 13 MED 415, against T.D.M., for no violation (NV). Motion carried unanimously.

13 MED 498 – R.A.P.

Michael Phillips recused himself and left the room for deliberation, and voting in the matter of 13 MED 498 (R.A.P.).

MOTION: Carolyn Ogland Vukich moved, seconded by Robert Zondag, to close DLSC case number 13 MED 498, against R.A.P., for insufficient evidence (IE). Motion carried.

14 MED 044 – S.I.C.

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, to table the closing of DLSC case number 14 MED 044, against S.I.C., and request that DSPTS Staff appear at the next meeting. Motion carried unanimously.

14 MED 088 – A.T.H.

MOTION: Greg Collins moved, seconded by Russell Yale, to close DLSC case number 14 MED 088, against A.T.H., for insufficient evidence (IE). Motion carried unanimously.

14 MED 090 – S.A.H.

MOTION: Michael Phillips moved, seconded by Suresh Misra, to close DLSC case number 14 MED 090, against S.A.H., for prosecutorial discretion (P7). Motion carried unanimously.

14 MED 110 – R.N.H.

MOTION: Michael Phillips moved, seconded by Greg Collins, to close DLSC case number 14 MED 110, against R.N.H., for no violation (NV). Motion carried unanimously.

14 MED 147 – T.L.S.

MOTION: Suresh Misra moved, seconded by Michael Phillips, to close DLSC case number 14 MED 147, against T.L.S., for no violation (NV). Motion carried unanimously.

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

MOTION: Greg Collins moved, seconded by Suresh Misra, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

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

ADJOURNMENT

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

The meeting adjourned at 12:30 p.m.