

**MEDICAL EXAMINING BOARD
MINUTES
JANUARY 19, 2011**

- PRESENT:** Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Jerold Harter, MD; Sujatha Kailas, MD; Jack Lockhart, MD; Raymond Mager, DO; Suresh Misra, MD; Ian Munro, MD (arrived 8:20 a.m.); Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD
- STAFF:** Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff
- GUESTS:** Anne Hletko, Council on Physician Assistants; Mark Grapentine, Wisconsin Medical Society; Ryan Natzke, WI Academy of Family Physicians; Judy Warmuth, WHA; Eric Jensen, Lou Falligant and Dick Faust, WAPA; Humayun Chaudhry, DO, and Galicano Inguito, MD, FSMB

CALL TO ORDER

Dr. Sujatha Kailas, Chair, called the meeting to order at 8:01 a.m. A quorum of twelve (12) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- On page 1, under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS – add:
 - Charles D. Morgan, MD – Attorney Jack Zweg – Case Advisor Carolyn Bronston
 - Michael J. Muise, MD – Attorney Pamela Stach – Case Advisor Jerold Harter
- On page 2, under Item 9b – two additional articles for the Regulatory Digest –insert after page 44
- On page 2, under Item 10b – two additional documents – insert after page 60
- On page 2, under Item 11 – insert the Memo from DOE regarding complaints screened out by DOE intake staff – insert after page 60
- On page 3, Under Item CS-2 – two additional documents relating to the matter regarding Jacqueline M. Irland- insert after page 110
- On page 3, After Item CS-5 –DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS – insert after page 190 -
 - Charles D. Morgan, MD – 08 MED 207
 - Michael J. Muise, MD – 09 MED 101
- In closed session - Case Closing Report – insert at the end of the agenda after page 190

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 15, 2010

MOTION: Jerold Harter moved, seconded by Carolyn Bronston, to approve the minutes of December 15, 2010 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JOEL S STOECKELER, MD
08 MED 203**

Attorney Kim Kluck, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Joel S. Stoeckeler, MD. This matter will be deliberated in closed session.

**MICHAEL N MANGOLD, MD
10 MED 320**

Attorney Sandra Nowack, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Michael N. Mangold, MD. This matter will be deliberated in closed session.

**CHARLES D MORGAN, MD
08 MED 207**

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Charles D. Morgan, MD. This matter will be deliberated in closed session.

**MICHAEL J MUISE, MD
09 MED 101**

Attorney Pamela Stach, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Michael J. Muise, MD. This matter will be deliberated in closed session.

MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO PROPOSED AMENDED RULING ON PETITION FOR FEES AND COSTS AFTER STIPULATED REPRIMAND IN THE MATTER OF JACQUELINE M IRLAND, MD

Michael Berndt was excused for the review of this matter. Attorney Colleen Baird stepped in as legal counsel and briefly reviewed the information with the Board. This matter will be deliberated in closed session.

ITEMS FOR BOARD DISCUSSION

Data Collection Issues

- Report from meetings with Wisconsin Medical Society-Practice and Specialty Data
Tom Ryan reported on his meeting with the Wisconsin Medical Society (WMS). The WMS has useful data on Wisconsin physicians and specialty practices. The concept of a workforce survey was also discussed.
- Ohio data initiative
This informational item was reviewed.

Regulatory Digest Planning

The Board reviewed the first draft of articles for the Regulatory Digest. Tom Ryan asked the Board members to review these items and to provide feedback. The reworked draft will be reviewed at the next Board meeting.

Re-entry to Workforce Educational Program-Letter from UW School of Medicine and Public Health

The Board reviewed the correspondence from Robert S. Steele, MD, Medical Co-Director, Physician Assessment Center, UW School of Medicine and Public Health (UWSMPH).

MOTION: Ian Munro moved, seconded by Sandra Osborn, to have Sujatha Kailas communicate with Robert Steele, MD, at the U.W. School of Medicine and Public Health to discuss available options for physician reentry to practice. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Gene Musser, to authorize Sandra Osborn to attend the UWSMPH meeting on reentry at the Concourse Hotel in Madison on June 2-3, 2011. Motion carried unanimously.

Scope Statement Regarding Criminal Background Checks And Fingerprinting-Board Review for Approval

The Board reviewed and discussed the scope statement.

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to approve the scope statement regarding criminal background checks and fingerprinting. Motion carried unanimously.

Legislative Activity – Sheldon Wasserman

Sheldon Wasserman briefly discussed AB1 with the Board.

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to assign Sheldon Wasserman to continue discussions on behalf of the board and to report back at the next meeting. Motion carried by majority vote.

MEB and Medical School Curriculum Inclusion Possibilities

Gene Musser reported on his contact with the Medical College of Wisconsin. He spoke with Dr. Chris Sobczak, who teaches the course “Preparing for Internship” for senior medical students. The course consists of three lectures in May and Dr. Sobczak welcomes the Board’s participation.

Dr. Musser also contacted Dr. Richard Brown, UW Medical School, who teaches courses entitled “Patient Doctrine Society” and “Physician Impairment and Recovery.” A Board presentation could be worked into the curriculum.

MOTION: James Conterato moved, seconded by LaMarr Franklin, to authorize Board members and DRL staff to present information regarding the Medical Examining Board to classes at the Medical College of Wisconsin and the University of Wisconsin Medical School. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Report from Raymond Mager on the American Association of Osteopathic Examiners (AAOE) Summit Meeting-January 15-16, 2011, in Las Vegas, NV

Raymond Mager reported to the Board on the American Association of Osteopathic Examiners Summit Meeting held January 15-16, 2011 in Las Vegas, NV. The topics covered included telemedicine, maintenance of licensure and physician re-entry to practice, impaired physician programs and prescription monitoring programs.

Report from Dane County Medical Society Talk-January 3, 2011-Gene Musser and Sandra Osborn

Gene Musser reported on his presentation on the Medical Examining Board at the Dane County Medical Society meeting. Sandra Osborn was in attendance and added some additional comments. The Board also discussed the issues of the ratio of physician assistants to supervising physicians and the proposed changes to Med 8.10.

Note Inclusion of Intake Staff Screen-Outs as Enhancement to Screening Process and Inclusion in Future Case Status Reports

The Board reviewed the memo from the Division of Enforcement. For the time period of October 1, 2010 through December 31, 2010, DOE intake staff screened out one complaint.

Progress on 18-Month Case Processing Goal-Attorney Pamela Stach, DOE

Pamela Stach gave a presentation on the progress of the 18-month processing goal. The DOE Medical Board team was formed on September 28, 2009, at which time all outstanding MEB cases were transferred back to the team. Secretary Jackson met with DOE to identify the long overdue cases that needed to be completed. The goal was to complete 90% of these cases by August 31, 2010, and they were able to exceed that goal and completed 96% of the cases. The remaining cases were completed by October 31, 2010.

Ms. Stach defined the term “completed” to mean:

- 1) the case is in hearing, or
- 2) the case has been formally closed, or
- 3) there is an authorization for a complaint, there is a signed stipulation, or there is a recommendation for closure at the next board meeting

There were 167 total cases closed.

After the August 31, 2010 goals were met, Secretary Jackson again met with DOE to identify the next block of outstanding cases to be 90% completed by March 1, 2011. In this block of cases, there are currently 55 cases pending and 11 of these are in hearing.

At this time there are a total of 206 pending Medical Board cases in DOE.

Budget Update-Bev Haberman, Accountant, Division of Management Services

Bev Haberman, Accountant, addressed the Board regarding the MEB Budget. John Murray, Executive Assistant, also addressed the Board regarding the budget and board travel requests.

MOTION: LaMarr Franklin moved, seconded by Gene Musser, to authorize LaMarr Franklin, Raymond Mager, Suresh Misra, Ian Munro, Gene Musser, Sandra Osborn and Sheldon Wasserman, to attend the FSMB 2011 Annual Meeting at Seattle, Washington on April 28-May 1, 2011. Motion carried unanimously.

John Murray asked that the intent to travel forms be completed promptly and submitted for review. Division of Board Services staff will handle this request.

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to authorize the legislative liaisons, Sheldon Wasserman and Gene Musser, to work with the Department of Regulation and Licensing and the legislature regarding the creation of a budgetary line item for travel for Medical Examining Board members. Motion carried unanimously.

SCREENING PANEL REPORT

Carolyn Bronston reported the screening panel reviewed thirty four (34) cases. Twelve (12) cases were opened and three (3) 10-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

Gene Musser mentioned to the Board there are two board member re-appointments and two new appointments to the Board that have not yet been confirmed by the Senate.

RECESS TO CLOSED SESSION

Sujatha Kailas requested the two FSMB representatives and the new DRL Bureau Director, Brian Deschane, be allowed to sit in on closed session. Legal Counsel Michael Berndt asked them to affirm that any information discussed in closed session is confidential and cannot be shared or communicated. The Board agreed by consensus to allow the guests to remain for closed session.

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, , to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:44 a.m.

RECONVENE IN OPEN SESSION

MOTION: LaMarr Franklin moved, seconded by Sheldon Wasserman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:48 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Raymond Mager moved, seconded by Sheldon Wasserman, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JOEL S STOECKELER, MD
08 MED 203**

MOTION: Gene Musser moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Joel S. Stoeckeler, MD. Motion carried unanimously.

**MICHAEL N MANGOLD, MD
10 MED 320**

MOTION: Sheldon Wasserman moved, seconded by Ian Munro, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael N. Mangold, MD. Motion carried unanimously.

**CHARLES D MORGAN, MD
08 MED 207**

MOTION: Jerold Harter moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Charles D. Morgan, MD. Motion carried unanimously.

**MICHEL J MUISE, MD
09 MED 101**

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael J. Muise, MD. Motion carried unanimously.

**MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO PROPOSED
AMENDED RULING ON PETITION FOR FEES AND COSTS AFTER STIPULATED
REPRIMAND AND RESPONDENT'S OPPOSITION TO THE MOTION IN THE
MATTER OF
JACQUELINE M IRLAND, MD
04 MED 322**

Attorney Colleen Baird stepped in as Legal Counsel for the deliberation and voting regarding this matter.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to grant the complainant's request for Extension of Time to file Objections to the Amended Proposed Ruling on Petition for Fees and Costs After Stipulated Reprimand. Motion carried.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to deny the Motion for Notice pursuant to Wis. Stat. 227.48(2) on the basis that the Medical Examining Board, as the disciplinary authority, has pursuant to Chapter RL 2.10, Wis. Admin. Code, retained jurisdiction to render the final decision by designating an Administrative Law Judge to preside over the disciplinary proceedings and to issue a proposed decision, in a form to be adopted by the Board as the final decision in the case and the ALJ was not directed by the agency pursuant to 227.46(3) to render a final decision in this matter. Motion carried.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, that based upon the grant of the Motion for Extension of Time and the Denial of the Motion for Notice, it is ordered that the parties' written Objections to the Amended Ruling on Petition for Fees and Costs will be due by January 28, 2011, and any Reply to the Objections due by February 2, 2011. Motion carried.

Michael Berndt, Ian Munro, Gene Musser and Sheldon Wasserman were all excused during deliberation on this matter and abstained from voting. (Mr. Berndt is the Board's Legal Counsel and is not a voting member of the Board.)

ADMINISTRATIVE WARNINGS

09 MED 116

MOTION: Jerold Harter moved, seconded by Suresh Misra, to issue the Administrative Warning against respondent C.N.K in case **09 MED 116**. Motion carried unanimously.

10 MED 268

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to issue the Administrative Warning against respondent A.M.R. in case **10 MED 268**. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

JOHN D PUCHNER, MD

MOTION: Sandra Osborn moved, seconded by Jack Lockhart, to recommend to John D. Puchner, MD, that he have a comprehensive assessment by a program approved by the Board. The assessment report must then be forwarded to the Board for further review and consideration for licensure. Motion carried unanimously.

APPLICATION REVIEW

ANITA CHAROCHAK, DO

MOTION: James Conterato moved, seconded by Ian Munro, to approve the application for licensure for Anita Charochak, DO, upon receipt of proof that she is Board Certified in Internal Medicine. Motion carried unanimously.

CASE CLOSINGS

10 MED 283

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to close case **10 MED 283** for no violation. Motion carried unanimously.

10 MED 353

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case **10 MED 353** for no prosecutorial discretion. Motion carried unanimously.

10 MED 041

MOTION: Jude Genereaux moved, seconded by Ian Munro, to close case **10 MED 041** for no violation. Motion carried unanimously.

10 MED 024

MOTION: LaMarr Franklin moved, seconded by James Conterato, to close case **10 MED 024** for no violation. Motion carried unanimously.

10 MED 128

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case **10 MED 128** for no violation. Motion carried unanimously.

10 MED 246

MOTION: Jude Genereaux moved, seconded by LaMarr Franklin, to close case **10 MED 246** for insufficient evidence. Motion carried unanimously.

10 MED 251

MOTION: Carolyn Bronston moved, seconded by Ian Munro, to close case **10 MED 251** for no violation. Motion carried unanimously.

09 MED 181

MOTION: Jerold Harter moved, seconded by Jack Lockhart, to close case **09 MED 181** for no violation. Motion carried unanimously.

08 MED 102

MOTION: Jerold Harter moved, seconded by LaMarr Franklin, to close case **08 MED 102** for prosecutorial discretion (P5) with a flag should the license be renewed. Motion carried unanimously.

09 MED 175

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to close case **09 MED 175** for no violation. Motion carried unanimously.

09 MED 320

MOTION: Ian Munro moved, seconded by Jack Lockhart, to close case **09 MED 320** for no violation. Motion carried unanimously.

10 MED 264

MOTION: James Conterato moved, seconded by Ian Munro, to close case **10 MED 264** for no violation. Motion carried unanimously.

09 MED 272

MOTION: Raymond Mager moved, seconded by Ian Munro, to close case **09 MED 272** for no violation. Motion carried unanimously.

10 MED 001

MOTION: LaMarr Franklin moved, seconded by Ian Munro, to close case **10 MED 001** for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Sandra Osborn moved, seconded by Gene Musser, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

MOTION: Jack Lockhart moved, seconded by Gene Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:49 p.m.

THE NEXT BOARD MEETING IS FEBRUARY 16, 2011