

**MEDICAL EXAMINING BOARD
MINUTES
FEBRUARY 16, 2011**

PRESENT: LaMarr Franklin (telephone); Jude Genereaux; Sujatha Kailas, MD; Suresh Misra, MD (telephone); Ian Munro, MD (telephone.); Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD

EXCUSED: Carolyn Bronston

STAFF: Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Ryan Natzke, WI Academy of Family Physicians; Judy Warmuth, WHA; Eric Jensen, WAPA; Jeremy Levin, RWHC; David Pifer; Jacqueline Irland, MD; Attorney Patricia Epstein, Bell Moore and Richter

CALL TO ORDER

Dr. Sujatha Kailas, Chair, called the meeting to order at 8:04 a.m. A quorum of eight (8) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- On page 1, under PETITION FOR SUMMARY SUSPENSION, the matter regarding Steven B. Greenman, MD, is removed from the agenda
- On page 1, under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS – add:
 - Andrea M. Nunez, RCP - 09 MED 109 – Attorney Pamela Stach – Case Advisor Carolyn Bronston
 - Alex A. Pasquariello, MD – correct the case number to 10 MED 310
- On page 3, under Item 11 – additional report from DOE – insert after page 30
- In closed session – CS-1 is removed as it is a duplication of CS-7
- In closed session – CS -7 – Peter V. Cherian, MD, will not appear today
- In closed session - Case Closing Report – insert at the end of the agenda after page 468

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 19, 2011

MOTION: Jude Genereaux moved, seconded by Sheldon Wasserman, to approve the minutes of January 19, 2011 as written. Motion carried unanimously.

**PROPOSED AMENDED RULING ON PETITION FOR FEES AND COSTS AFTER
STIPULATED REPRIMAND, OBJECTIONS AND RESPONSES TO OBJECTIONS IN
THE MATTER OF JACQUELINE M IRLAND, MD
04 MED 322**

DOE Attorney Sandra Nowak and Attorney Ian Pitz presented oral arguments in the matter concerning Jacqueline M. Irland, MD. This matter will be deliberated in closed session. Colleen Baird stepped in as legal counsel for the presentations. Michael Berndt, Sheldon Wasserman, Gene Musser and Ian Munro were excused during the presentations.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS**

**JOHN C EGAN, MD
08 MED 309**

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

**JUANILITO SELDERA, MD
09 MED 057**

Attorney Kim Kluck, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Juanilito Seldera, MD. Attorney Patricia Epstein appeared on behalf of the respondent. This matter will be deliberated in closed session.

**WILLIAM S FITTERMAN, DO
10 MED 282**

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

**ALEX A PASQUAREILLO, MD
10 MED 310**

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

KENNETH J KURT, DO
10 MED 186

Attorney Kim Kluck, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Kenneth J. Kurt, DO. This matter will be deliberated in closed session.

JEFFREY C HAMM, MD
09 MED 172

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

RAM D PATHAK, MD
10 MED 068

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

ANDREA M NUNEZ, RCP
09 MED 109

Attorney Pamela Stach, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Andrea M. Nunez, RCP. This matter will be deliberated in closed session.

THEODORE GALVANI JR, MD

Attorney Sandra Nowak, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Theodore Galvani, Jr., MD. This matter will be deliberated in closed session.

PETITION AND ORDER FOR EXTENSION OF TIME

10 MED 031

Attorney Kim Kluck, DOE, presented a Petition for Extension of Time to September 16, 2011 regarding case **10 MED 031**. This matter will be deliberated in closed session.

ITEMS FOR BOARD DISCUSSION

Physician Assistant Ratio Variance Request

The Board reviewed the correspondence from Becki Detaege from Bellin Health. More information is needed before the Board can deliberate on this request.

Regulatory Digest Planning

The Board reviewed the final draft for the Regulatory Digest. The Board requested the header be changed to put the Medical Examining Board at the top, followed by Regulatory Digest. The Board roster needs to be updated and authors' names should reflect "former Board Member" if appropriate.

MOTION: Jude Genereaux moved, seconded by Sheldon Wasserman, to approve the Regulatory Digest for publication as corrected. Motion carried unanimously.

Rules Report and Status

Michael Berndt reviewed this report with the Board.

ARRA Update

Chad Zadrazil and Ari Oliver gave an update on the ARRA grant. At the November Task Force meeting, representatives from seven other states came to Madison and two more joined by teleconference. Chad Zadrazil is meeting with medical boards from the other task force states to determine their progress and commitment to the process. The Board affirmed the process change for the Department to accept electronic documents directly from the AMA and AOA profiles.

FSMB's Maintenance of Licensure Pilot Project – Board Consideration of Wisconsin Participation

Chad Zadrazil and Ari Oliver may be funded by the ARRA grant to travel to the FSMB Annual Meeting in Seattle.

MOTION: Gene Musser moved, seconded by Sandra Osborn, to request the FSMB to consider Wisconsin as a pilot state for maintenance of licensure and licensure portability. Motion carried. Suresh Misra dissented.

Discussion of Senate Bill 1

Senate Bill 1 is now Act 2 and will be effective on March 1, 2011. Michael Berndt said this does not affect the duty to report.

ADMINISTRATIVE MATTERS

Board Committee, Panel and Liaison Appointments

The Board reviewed the assignments. Due to the withdrawal of several board member nominations, there will only be two members on the screening panel. The Board is concerned about the lack of Board members and the makeup of the Board.

MOTION: Gene Musser moved, seconded by Sheldon Wasserman, to have Sujatha Kailas communicate with the Governor's Office to appoint board members who are general surgeons, orthopedic and/or neurologic surgeons, psychiatrists and pain specialists. Motion carried unanimously.

Letter from Secretary Ross Regarding Virtual Meetings and SharePoint

The Board reviewed the letter from Secretary Ross.

SCREENING PANEL REPORT

LaMarr Franklin reported the screening panel reviewed thirty six (36) cases. Seven (7) cases were opened and two (2) 10-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

Sandra Osborn will be attending the meeting on physician re-entry on June 2-3 in Madison. She has been asked to participate in the afternoon session "When Re-Entry Meets Regulation."

Dr. Richard Brown has asked Sandra Osborne to participate in a lecture at the UW Madison Medical School entitled "Physician Impairment and Recovery." Dr. Brown would like physicians who have participated in the IPP (now PAP) to speak to students and share their experiences. Dr. Osborn will consult with the Department monitor regarding this matter.

Sujatha Kailas and Sheldon Wasserman will speak at the Medical College of Wisconsin on May 11, 2011.

RECESS TO CLOSED SESSION

MOTION: Gene Musser moved, seconded by Jude Genereaux, , 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: LaMarr Franklin-yes; Jude Genereaux yes; Sujatha Kailas-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:10 a.m.

RECONVENE IN OPEN SESSION

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

Open session reconvened at 12:21 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Jude Genereaux moved, seconded by Ian Munro, to reaffirm all motions made in closed session. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

TODD R NELSON, MD

MOTION: Gene Musser moved, seconded by Sandra Osborn, to grant a TEP to Todd R. Nelson, MD. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JOHN C EGAN, MD
08 MED 309**

MOTION: Gene Musser moved, seconded by Sheldon Wasserman, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John C. Egan, MD. Motion carried unanimously.

**JUANILITO SELDERA, MD
09 MED 057**

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Juanilito Seldera, MD. Motion carried unanimously.

**WILLIAM S FITTERMAN, DO
10 MED 282**

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against William S. Fitterman, DO. Motion carried unanimously.

**ALEX A PASQUARIELLO, MD
10 MED 310**

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Alex A. Pasquariello, MD. Motion carried unanimously.

**KENNETH J KURT, DO
10 MED 186**

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order and the surrender of license in the disciplinary proceedings against Kenneth J. Kurt, DO. Motion carried unanimously.

**JEFFREY C HAMM, MD
09 MED 172**

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jeffrey C. Hamm, MD. Motion carried unanimously.

**RAM D PATHAK, MD
10 MED 068**

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the

disciplinary proceedings against Ram D. Pathak, MD. Motion carried unanimously.

**ANDREA M NUNEZ, RCP
09 MED 109**

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Andrea M. Nunez, RCP. Motion carried unanimously.

**THEODORE J GALVANI, MD
08 MED 360**

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order and the surrender of license in the disciplinary proceedings against Theodore J. Galvani, MD. Motion carried unanimously.

PETITION AND ORDER FOR EXTENSION OF TIME

10 MED 031

MOTION: Sheldon Wasserman moved, seconded by Gene Musser, to adopt the Petition for Extension of Time in case **10 MED 031**. Motion carried unanimously.

CONSIDERATION OF COMPLAINTS

10 MED 294

MOTION: Gene Musser moved, seconded by Sandra Osborn, to find probable cause to issue a complaint in the matter of **10 MED 294**. Motion carried unanimously.

**PROPOSED AMENDED RULING ON PETITION FOR FEES AND COSTS AFTER
STIPULATED REPRIMAND, OBJECTIONS AND RESPONSES TO OBJECTIONS**

**JACQUELINE M IRLAND, MD
04 MED 322**

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

MOTION: Sandra Osborn moved, seconded by La Marr Franklin, that the Proposed Amended Ruling on Petition for Fees and Costs after Stipulated

Reprimand, annexed hereto, filed by the Administrative Law Judge, shall be made the Final Ruling and Order on the Petition for Fees and Costs in the disciplinary proceedings against Jacqueline M. Irland, MD. 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.)

CASE CLOSINGS

08 MED 349

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case **08 MED 349** for insufficient evidence. Motion carried unanimously.

09 MED 329

MOTION: Gene Musser moved, seconded by Jude Genereaux, to close case **09 MED 329** for no insufficient evidence and to refer the nurse to the Board of Nursing. Motion carried unanimously.

10 MED 168

MOTION: Jude Genereaux moved, seconded by Ian Munro, to close case **10 MED 168** for prosecutorial discretion. Motion carried unanimously.

10 MED 185

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to close case **10 MED 185** 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: LaMarr Franklin moved, seconded by Gene Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:23 p.m.

THE NEXT BOARD MEETING IS MARCH 16, 2011