

**MEDICAL EXAMINING BOARD
MINUTES
APRIL 20, 2011**

- PRESENT:** Carolyn Bronston; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD (arrived 8:12)
- EXCUSED:** James Conterato, MD; Azita Hamedani, MD; Suresh Misra, MD; Ian Munro, MD
- STAFF:** Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff
- GUESTS:** Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, WHA. Anne Hletko, Wisconsin Council on Physician Assistants; Ramie Zelenkova, UW Health; Eric Jensen, WAPA, WPA, WALET, WSA

CALL TO ORDER

Dr. Sujatha Kailas, Chair, called the meeting to order at 8:03 a.m. A quorum of eight (8) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- On page 3, CS-1 – Full Board Oral Examination – James R. Hammes, MD – is removed from the agenda
- On page 4, CS-9, Consideration of Complaint(s) – 10 MED 430 and 10 MED 431- insert after page 180
- On page 4, after CS-9 - CS-2, Deliberation of Proposed Stipulations, Final Decisions and Orders, insert after page 180:
 - Steven R. Dannewitz, MD – 10 MED 083
 - Dale T. Bertram, MD – 10 MED 339
- On page 4, Petition for Designation of Hearing Official – Steven B. Greenman, MD - 10 MED 370, 09 MED 143, 09 MED 142 and 09 MED 081- insert after item CS-9 after page 180
- On page 4, under CS-7 – Additional information to be inserted after page 128
- Case Closing Report – insert at the end of the agenda after page 234
- Informational Item – brochure on The Coalition for Physician Enhancement Spring 2011 Meeting

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

APPROVAL OF MINUTES OF MARCH 16, 2011

Corrections:

- On page 5, the last motion on the page, correct the name in the heading and in the motion from "Hatchendani" to "Hotchendani"
- On page 9, delete the heading and motion regarding JOEL D LUESKOW, PA. This item was tabled.
- On page 9, under JENNIFER NOLDEN, PA, in the third line, delete "month" and insert "months"

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to approve the minutes of March 16, 2011 as corrected. Motion carried unanimously.

INTRODUCTION OF NEW BOARD MEMBERS

Sujatha Kailas welcomed returning Board member Raymond Mager and the newest Board member, Kenneth Simons. Dr. Simons gave a brief history of his background. Azita Hamedani has also been appointed to the Board.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

Tracy M. Lewis, MD	08 MED 066
Fred H. Walbrun, MD	06 MED 303
Steven R. Dannewitz, MD	10 MED 083
Dale T. Bertran, MD	10 MED 339

These cases will be deliberated in closed session.

PRESENTATION OF PETITION FOR DESIGNATION OF HEARING OFFICIAL

DOE Attorney Kim Kluck presented the following:

Steven B. Greenman, MD **10 MED 370, 09 MED 143, 09 MED 142, 09 MED 081**

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to authorize a DRL employee to preside over the hearing in the matter concerning Steven B. Greenman, MD, and to make findings and issue an order if appropriate. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL AND PUBLIC RELATIONS REQUESTS

Sujatha Kailas has been appointed to the USMLE Step 3 Committee.

MOTION: Sandra Osborn moved, seconded by LaMarr Franklin, to approve the appointment of Sujatha Kailas to the USMLE Step 3 Committee. Motion carried unanimously.

ITEMS FOR BOARD DISCUSSION

ARRA update and appearance by Chad Zadrazil

Chad Zadrazil reported on the progress of the ARRA grant projects.

Draft of Wis. Admin. Code RL 4.08(1), (2) regarding background checks and fingerprinting

Chad Zadrazil presented this to the Board for approval to send to the Legislative Clearinghouse.

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to approve sending the draft of Wis. Admin. Code RL 4.08(1), (2) regarding background checks and fingerprinting, to the Legislative Clearinghouse. Motion carried unanimously.

Report from Board and Department regarding PAP/ Monitoring presentation to the University of Wisconsin Medical School students

Sandra Osborn reported on her presentation on March 29, 2011, to the students in the PDS (Patient, Doctor and Society) Class at the University of Wisconsin Medical School.

Upcoming outreach events

Sheldon Wasserman and Sandra Osborn have upcoming outreach events.

Request for temporary license for re-entry licensure candidates – Appearance by Robert Steele, MD, University of Wisconsin-Madison School of Medicine and Public Health Physician Assessment Program

Robert Steele, MD, spoke to the Board regarding physician re-entry to practice.

MEB 2010 Annual Report – Appearances by David Carlson, Communications Officer; Pamela Stach, Division of Enforcement Attorney; and Janie Brischke, Division of Enforcement Executive Staff Assistant

The Board and DRL staff reviewed the 2010 Annual Report. The Board made revisions to the report.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to approve the 2010 Annual Report as amended. Motion carried unanimously.

Newsletter/Digest – Appearance by David Carlson, Communications Officer

David Carlson addressed the Board regarding the Regulatory Digest.

- Summer Newsletter/Regulatory Digest Planning – This item was deferred.
- Identify Board Digest Liaison – This item was deferred.

FSMB Business

- Board of Directors Meeting Highlights – February 10-12, La Jolla, California
- Special Purpose Examination (SPEX) Review – March 7, 2011 and correspondence from Frances Cain, Director, FSMB Post-Licensure Assessment System
- Maintenance of Licensure – March 18, 2011 Letter from FSMB Board Chair Freda Bush

ADMINISTRATIVE MATTERS

Case Advisor Training

Case Advisor Training is scheduled for May 19, 2011.

LEGISLATIVE REPORT

Gene Musser reported on pending legislation.

SCREENING PANEL REPORT

Carolyn Bronston reported forty five (45) cases were screened. Twelve (12) cases were opened and six (6) ten-day letters were sent.

INFORMATIONAL ITEMS

The following informational items were reviewed.

- State Medical Board of Ohio resolution regarding prescription drug abuse
- Senate Bill S. 450.01(16)(h)

PUBLIC COMMENTS

No public comments.

OTHER BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, , 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; LaMarr Franklin-yes; Jude Genereaux yes; Sujatha Kailas-yes; Raymond Mager-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:31 a.m.

RECONVENE IN OPEN SESSION

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

Open session reconvened at 12:35 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**TRACY M LEWIS, MD
08 MED 066**

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Tracy M. Lewis, MD. Motion carried unanimously.

**FRED J WALBRUN, MD
06 MED 303**

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

**STEVEN R DANEWITZ, MD
10 MED 083**

MOTION: LaMarr Franklin moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Steven R. Danewitz, MD. Motion carried unanimously.

**DALE T BERTRAM, MD
10 MED 339**

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Dale T. Bertram, MD. Motion carried unanimously.

CONSIDERATION OF COMPLAINTS

10 MED 430 AND 10 MED 431

MOTION: Carolyn Bronston moved, seconded by Sheldon Wasserman, to find probable cause to issue a complaint in the matter of **10 MED 430 and 10 MED 431**. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER

BIN YANG, MD

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to adopt the Final Decision and Order and to deny the application for licensure to Bin Yang, MD. Motion carried unanimously.

ADMINISTRATIVE WARNING

**G.X.Y.
11 MED 064**

This matter was deferred and no board action was taken.

**APPLICATION REVIEW
JOEL D LUESKOW, PA**

MOTION: LaMarr Franklin moved, seconded by Kenneth Simons, to grant a limited license to Joel D. Lueskow, PA. Motion carried. Sandra Osborn abstained.

PETITION AND INTERIM ORDER

**CYNTHIA JONES-NOSACEK, MD
09 MED 206**

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to adopt the Petition and Interim Order in the matter concerning Cynthia Jones, Nosacek, MD. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

REQUEST TO TAKE SPEX

SAMEER ROY, MD

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to deny the request of Sameer Roy, MD, to take SPEX. Motion carried unanimously.

REQUEST FOR WAIVER OF 12-MONTH ACGME POST GRADUATE TRAINING

NITINRAI N PANDYA, MD

This matter was deferred until more information is received from the applicant. Kenneth Simons recused himself from the deliberation on this matter.

MONITORING

KIRSTEN D PETERSON, MD

This matter was deferred and no Board action was taken.

CHARLES E NELSON, MD

MOTION: Carolyn Bronston moved, seconded by Kenneth Simons, to approve the request for a reduction in drug screens to 20 per year to Charles E. Nelson, MD. Motion carried unanimously.

GEORGE D SONCRANT, DO

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to approve the request for a six month extension of time to pay costs to George D. Soncrant, DO. Motion carried unanimously.

CASE CLOSINGS

10 MED 330

MOTION: LaMarr Franklin moved, seconded by Sandra Osborn, to close case **10 MED 330** for no violation. Motion carried unanimously.

09 MED 311

MOTION: Jude Genereaux moved, seconded by LaMarr Franklin, to close case **09 MED 311** for prosecutorial discretion. Motion carried unanimously.

09 MED 434

MOTION: Sandra Osborn moved, seconded by Raymond Mager, to close case **09 MED 434** for no violation. Motion carried unanimously.

10 MED 340

MOTION: Sheldon Wasserman moved, seconded by Jude Genereaux, to close case **10 MED 340** for insufficient evidence. Motion carried. Gene Musser abstained.

10 MED 196

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to close case **10 MED 196** for insufficient evidence. Motion carried unanimously.

08 MED 354

MOTION: Jude Genereaux moved, seconded by Gene Musser, to close case **08 MED 354** for prosecutorial discretion. Motion carried unanimously.

10 MED 197

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to close case **10 MED 197** for no violation. Motion carried. Sheldon Wasserman abstained.

10 MED 289

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to close case **10 MED 289** for compliance gained. Motion carried unanimously.

11 MED 066

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to close case **11 MED 066** for no violation. Motion carried 5 to 3.

09 MED 414

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to close case **09 MED 414** for no violation. Motion carried unanimously.

09 MED 430

MOTION: Raymond Mager moved, seconded by Gene Musser, to close case **09 MED 430** for insufficient evidence. Motion carried unanimously.

10 MED 175

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to close case **10 MED 175** for no violation. Motion carried unanimously.

10 MED 392

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to close case **10 MED 392** for no violation. Motion carried unanimously.

11 MED 027

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, to close case **11 MED 027** for prosecutorial discretion. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

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

ADJOURNMENT

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

The meeting adjourned at 12:37 p.m.

THE NEXT BOARD MEETING IS MAY 18, 2011