

**MEDICAL EXAMINING BOARD  
MINUTES  
SEPTEMBER 21, 2011**

**PRESENT:** Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Azita Hamedani, MD; Sujatha Kailas, MD; Raymond Mager, DO; Christopher Magiera, MD(arrived 8:06); Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD

**EXCUSED:** Kenneth Simons, MD

**STAFF:** Tom Ryan, Bureau Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUESTS:** Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, WHA; Anne Hletko, Wisconsin Council on Physician Assistants; Lou Falligant, WAPA; Jeremy Levin, RWHC; Nancy Sugden, UWSMPH

**CALL TO ORDER**

Dr. Sujatha Kailas, Chair, called the meeting to order at 8:03 a.m. A quorum of eleven (11) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, insert:
  - James H. Shropshire, MD - 08 MED 398
    - Attorney Aaron Konkol
    - Case Advisor – Suresh Misra
  - Leonard L. Go, MD – 09 MED 140
    - Attorney Aaron Konkol
    - Case Advisor – Raymond Mager
  - Michael T. Witkovsky, MD – 09 MED 397
    - Attorney Kim Kluck
    - Case Advisor – Raymond Mager
  - William J. Alt, MD – 10 MED 311
    - Attorney Pamela Stach
    - Case Advisor – James Conterato
  
- Item 7e – PROPOSED STANDARDIZATION OF APPLICATION ATTESTATION QUESTIONS, is removed from the agenda

- After CONVENING TO CLOSED SESSION, insert after page 46:
  - FULL BOARD ORAL EXAMINATION – **10:00 A.M. – Elizabeth M. Valdes, MD**
  
- Item CS-1 – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDER, insert after page 66:
  - James H. Shropshire, MD - 08 MED 398
    - Case Advisor – Suresh Misra
  - Leonard L. Go, MD – 09 MED 140
    - Case Advisor – Raymond Mager
  - Michael T. Witkovsky, MD – 09 MED 397
    - Case Advisor – Raymond Mager
  - William J. Alt, MD – 10 MED 311
    - Case Advisor – James Conterato
  
- Item CS-5 – REQUEST FOR DECISION OF SUBSTANTIAL EQUIVALENCY OF ACGME EDUCATION – Suzanne M. Howard, insert additional information after page 164
  
- Case Status Report – insert after page 254

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

#### **APPROVAL OF MINUTES OF AUGUST 17, 2011**

**MOTION:** Carolyn Bronston moved, seconded by James Conterato, to approve the minutes of August 17, 2011 as written. Motion carried unanimously.

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

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

<b>Jeffrey T. Junig, MD</b>	<b>10 MED 120</b>
<b>Kevin J. Vaska, MD</b>	<b>10 MED 286</b>
<b>Jen C. Sun, MD</b>	<b>10 MED 306</b>
<b>James H. Shropshire, MD</b>	<b>08 MED 398</b>
<b>Leonard L. Go, MD</b>	<b>09 MED 140</b>
<b>Michael T. Witkovsky, MD</b>	<b>09 MED 397</b>
<b>William J. Alt, MD</b>	<b>10 MED 311</b>

These items will be deliberated in closed session.

## **INTRODUCTION OF DEPUTY SECRETARY BILL WENDLE**

Bill Wendle is the new Deputy Secretary at the Department of Safety and Professional Services. Mr. Wendle gave a brief history of his background and looks forward to working with the Board.

## **ITEMS FOR BOARD DISCUSSION**

### **Questions and Responses, Report on Wisconsin Health Workforce Data Collaborative Voluntary Renewal Survey, and Request for DO and PA Renewal Surveys – Nancy A. Sugden, Wisconsin Data Collaborative and Carolann Puster, DSPS**

Nancy Sugden, UW School of Medicine and Public Health, reviewed the current status of the survey with the Board. Ms. Sugden requested the same survey to be added to the renewal for DO's and a similar survey for the PA renewals. The PA survey is being developed and should be ready in November.

### **Wis. Admin. Code MED Chapter 8 Changes – Recommendations for Board Consideration**

Gene Musser and James Conterato updated the Board regarding possible changes to Wis. Admin. Code MED Chapter 8, relating to the physician to physician assistant supervision ratio. Anne Hletko, Council on Physician Assistants, Lou Falligant, WAPA, and Mark Grapentine, WMA, also addressed the Board.

After lengthy discussion, the majority of the Board supported a 1:4 physician to physician assistant supervision ratio and the changes to Med 8 and Med 10. Gene Musser will work with Sandy Nowack to draft the proposed rule changes.

### **Report on September 2011 MEB Newsletter**

Jude Genereaux reported the September MEB Newsletter is online and is very professional. Tom Ryan stated 22, 310 newsletters were successfully sent via email to licensees and 2, 224 need more information (outdated or no email addresses). Licensees are requested to update their email at renewal and may also do so at anytime on the DSPS website.

### **2012 Elections Planning**

The Board briefly discussed the upcoming elections. Several Board members expressed interest in the officer positions.

### **FSMB First Call for Nominations of Candidates for Elective Office and Committee Appointment Recommendations**

The current FSMB Committee members are:  
Editorial Committee – Sandra Osborn  
Education Committee – Gene Musser  
Foundation Board – Sujatha Kailas

Bylaws Committee – Tom Ryan

Tom Ryan also expressed interest in seeking appointment to the Education Committee.

### **Maintenance of Licensure Update – Tom Ryan**

Tom Ryan participated in a teleconference on September 7, 2011 with the FSMB to discuss maintenance of licensure.

### **Upcoming Outreach Opportunities**

Sujatha Kailas will give a presentation on September 28 to family practice residents at St. Joseph's Hospital. Sheldon Wasserman will give presentations on November 3 to surgical residents and November 30 to psychiatry residents. Sujatha Kailas will give a presentation to the medical staff at Waukesha Memorial Hospital in January, 2012. Gene Musser will speak to the Wisconsin Psychiatric Association in October and Carolyn Bronston will speak to the Metro Club in Wausau in November.

## **ADMINISTRATIVE MATTERS**

### **2012 Meeting Dates**

Tom Ryan reviewed the 2012 meeting dates with the Board.

### **Delegation of Council Appointments to Chair of Councils**

**MOTION:** LaMarr Franklin moved, seconded by Raymond Mager, to delegate authority that a ranking member of the Perfusionists Examining Council, the Respiratory Practitioners Examining Council and the Council on Physician Assistants appoint liaisons to the Department of Safety and Professional Services where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

## **LEGISLATIVE REPORT**

No report at this time.

## **SCREENING PANEL REPORT**

Jude Genereaux reported fifty two (52) cases were screened. Fourteen (14) cases were opened. Two (2) cases were deferred for more information and two (2) ten-day letters were sent.

## **INFORMATIONAL ITEMS**

The informational items were noted.

## **PUBLIC COMMENTS**

There were no public comments.

## **OTHER BUSINESS**

Chad Zadrazil is attending a public hearing at the Capitol today regarding the criminal background check rule. The Department currently does require fingerprinting for private detectives, security guards and instructors of juvenile martial arts.

## **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; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Azita Hamedani-yes; Sujatha Kailas-yes; Raymond Mager-yes; Christopher Magiera-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:29 a.m.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Jude Genereaux moved, seconded by Carolyn Bronston, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:55 p.m.

## **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

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

## **FULL BOARD ORAL EXAMINATION**

### **ELIZABETH M VALDES, MD**

**MOTION:** James Conterato moved, seconded by Sandra Osborn, to deny the request for licensure to Elizabeth M. Valdes, MD. Dr. Valdes must enroll in a physician re-entry program acceptable to the Board and upon successful completion of the program, she may re-apply for licensure and is to appear before the Board. Motion carried unanimously.

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**JEFFREY T JUNIG, MD  
10 MED 120**

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jeffrey T. Junig, MD. Motion carried unanimously.

Sandy Nowack was excused during deliberation and voting.

**KEVIN J VASKA, MD  
10 MED 286**

**MOTION:** Sheldon Wasserman moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Kevin J. Vaska, MD. Motion carried unanimously.

**JEN C SUN, MD  
10 MED 306**

**MOTION:** Sheldon Wasserman moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jen C. Sun, MD. Motion carried unanimously.

**JAMES H SHROPSHIRE, MD  
08 MED 398**

**MOTION:** Raymond Mager moved, seconded by Azita Hamedani, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against James H. Shropshire, MD. Motion carried. Gene Musser and Sheldon Wasserman abstained.

**LEONARD L GO, MD  
09 MED 140**

**MOTION:** Suresh Misra moved, seconded by James Conterato, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Leonard L Go, MD. Motion carried. Azita Hamedani dissented. Sandra Osborn abstained.

**MICHAEL T WITKOVSKY, MD  
09 MED 397**

**MOTION:** Sheldon Wasserman moved, seconded by James Conterato, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael T. Witkovsky, MD. Motion carried unanimously.

**WILLIAM J ALT, MD  
10 MED 311**

**MOTION:** Raymond Mager moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against William J. Alt, MD. Motion carried unanimously.

**DELIBERATION OF ORDER FIXING COSTS**

**WILLIAM I BRAUNSTEIN, MD**

**MOTION:** Gene Musser moved, seconded by Raymond Mager, to adopt the Order Fixing Costs in the disciplinary proceedings against William I. Braunstein, MD. Motion carried unanimously.

Sandy Nowack was excused during deliberation and voting.

**REQUEST FOR RECONSIDERATION OF DECISION TO DENY REQUEST  
TO TAKE SPEX - JOHN PUCHNER, MD**

**MOTION:** Jude Genereaux moved, seconded by LaMarr Franklin, to deny the request for reconsideration to take SPEX to John Puchner, MD, as no new information was received by the Board. Motion carried unanimously.

**PROPOSED FINAL DECISION AND ORDER AND ANY OBJECTIONS**

**CHRISTOPHER S WILSON  
DHA CASE DRL-09-0108/DOE 08 MED 286**

**MOTION:** Carolyn Bronston moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law and the Administrative Law Judge's Decision and Order in the disciplinary proceedings against Christopher S. Wilson, MD. Motion carried. Raymond Mager was excused during deliberations and abstained from voting.

**REQUESTS FOR EQUIVALENCY OF 12-MONTH ACGME  
POST GRADUATE TRAINING**

**SUZANNE M HOWARD, MD**

**MOTION:** Gene Musser moved, seconded by Sandra Osborn, to approve the request for equivalency of 12-month ACGME post-graduate training to Suzanne M. Howard, MD. Motion carried.

**NITIN NIGAM, MD**

**MOTION:** James Conterato moved, seconded by Sandra Osborn, to approve the request for equivalency of 12-month ACGME post-graduate training to Nitim Nigam, MD. Motion carried.

**CASE CLOSINGS**

**10 MED 008 (G.P.) AND 10 MED 136 (F.B.)**

**MOTION:** Gene Musser moved, seconded by Suresh Misra, to close cases **10 MED 008 against respondent G.P.** and **10 MED 136 against respondent F.B.** for no violation. Motion carried. Christopher Magiera abstained.

**08 MED 281 (J.B. AND V.T.)**

**MOTION:** Jude Genereaux moved, seconded by James Conterato, to close case **08 MED 281 against respondents J.B. and V.T.** for insufficient evidence. Motion carried unanimously.

**09 MED 191**

**MOTION:** Raymond Mager moved, seconded LaMarr Franklin, to close case **09 MED 191** for no violation. Motion carried unanimously.

**10 MED 125**

**MOTION:** Carolyn Bronston moved, seconded by Azita Hamedani, to close case **10 MED 125** for lack of jurisdiction (L2). Motion carried unanimously.

**10 MED 405**

**MOTION:** Suresh Misra moved, seconded Jude Genereaux, to close case **10 MED 405** for prosecutorial discretion (P5). Motion carried unanimously.

**11 MED 168**

**MOTION:** Sandra Osborn moved, seconded by Raymond Mager, to close case **11 MED 168** for no violation. Motion carried unanimously.

**09 MED 336**

**MOTION:** James Conterato moved, seconded by Suresh Misra, to close case **09 MED 336** for no violation. Motion carried unanimously.

**10 MED 242**

**MOTION:** Carolyn Bronston moved, seconded by Raymond Mager, to close case **10 MED 242** for prosecutorial discretion (P7). Motion carried. James Conterato abstained.

**11 MED 035**

**MOTION:** Suresh Misra moved, seconded by Carolyn Bronston, to close case **11 MED 035** for no violation. Motion carried unanimously.

**10 MED 361**

**MOTION:** James Conterato moved, seconded by Azita Hamedani, to close case **10 MED 361** for prosecutorial discretion (P5) with a flag should the respondent renew their license. Motion carried unanimously.

**09 MED 206**

**MOTION:** Christopher Magiera moved, seconded by LaMarr Franklin, to close case **09 MED 206** for compliance gained. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

Sandy Nowack was excused during deliberation and voting.

**RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Suresh Misra moved, seconded by Carolyn Bronston, to ratify all licenses and certificates presented. Motion carried unanimously.

**AUTHORIZATION TO SIGN ORDER**

**MOTION:** Jude Genereaux moved, seconded by LaMarr Franklin, to authorize DSPS staff to sign the order regarding John Puchner, MD, on behalf of the Board. Motion carried unanimously.

**OTHER BUSINESS**

There was no other business.

**ADJOURNMENT**

**MOTION:** LaMarr Franklin moved, seconded by Carolyn Bronston, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:41 p.m.