

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

PRESENT: Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Christopher Magiera MD; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD

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

GUESTS: Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, WHA; Eric Jensen and Clark Collins, WAPA; Jeremy Levin, RWHC; Patricia Epstein, Bell, Moore and Richter; Marie Stanton, Hurley, Burish and Stanton; Anne Hletko, Council on Physician Assistants; Ramie Zelenkova, UW Health; Nancy Sugden, UWSMPH; David Wahlberg, Wisconsin State Journal; Emily Feinstein, Quarles and Brady

CALL TO ORDER

Dr. Sujatha Kailas, Vice Chair, called the meeting to order at 8:00 a.m. A quorum of twelve (12) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- After Item 4 - APPROVAL OF THE MINUTES add:
 - Public Comments – 8:15 a.m.
- Item 6 – PRESENTATION OF PROPOSED PETITION FOR SUMMARY SUSPENSION, correct the case number to 11 MED 343
- Item 8b – PROPOSED STANDARDIZATION OF APPLICATION ATTESTATION QUESTIONS, is deleted from the agenda.
- Item 8c – LICENSURE PORTABILITY GRANT, is deleted from the agenda
- Item 8d – COLLABORATIVE DRUG THERAPY MANAGEMENT, insert after page 28:
 - Article: Massachusetts Pharmacist Given Limited Prescriptive Authority
- After Item 8i – UPCOMING OUTREACH OPPORTUNITIES, add:
 - Item 8j - Wis. Admin. Code MED Chapter 8 Update
- Item 10 – LEGISLATIVE REPORT, insert after page 80:
 - 2011 Senate Bill 280
- Item 12 – INFORMATIONAL ITEMS, insert after page 86:
 - Article: Continuing Professional Development

- Item CS-1-a – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS:
 - Correct the spelling of Attorney Kim Kluch to Kluck
- Item CS-2 – DELIBERATION OF PETITION FOR SUMMARY SUSPENSION:
 - correct the case number to 11 MED 343
 - Consideration of Proposed Interim Order – insert after page 158
- Case Status Report – insert after page 268

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 19, 2011

MOTION: Sandra Osborn moved, seconded by Gene Musser, to approve the minutes of October 19, 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:

Mohammed R. Sethi, MD	09 MED 289, 10 MED 202, 10 MED 394
Maria R. Doria, MD	10 MED 022
Senthil N. Sambandam, MD	10 MED 053
Louis A. Sanner	11 MED 045
Kathleen A. Oriel, MD	11 MED 046
James H. Shropshire, MD	11 MED 047
Hannah M. Keevil, MD	11 MED 048
Bernard F. Micke, MD	11 MED 049
Mark B. Beamsley, MD	11 MED 053
Adam H. Balin, MD	11 MED 130
Frank E. Burkett, MD	10 MED 181

These items will be deliberated in closed session.

PUBLIC COMMENTS

There were no public comments.

PRESENTATION OF PETITION FOR SUMMARY SUSPENSION

**JOHN GREGORY HOFFMAN, MD
11 MED 343**

DOE attorney Arthur Thexton, respondent's attorney Emily Feinstein and Dr. John Gregory Hoffman appeared before the Board. A Petition for Summary Suspension and a Proposed Interim Decision and Order were presented. One member of the audience spoke in favor of Dr. Hoffman. This matter will be deliberated in closed session.

SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS

Sandy Osborn was contacted by the Chief of Staff at the Aurora Medical Center requesting a board member give a presentation at their Physician Summit Meeting at the Great Wolf Lodge, Wisconsin Dells, on Saturday, March 3, 2012.

MOTION: Raymond Mager moved, seconded by Suresh Misra, to approve Sujatha Kailas and Sandra Osborn to give a presentation to the Aurora Medical Center Physician Summit Meeting at the Great Wolf Lodge, Wisconsin Dells, on March 3, 2012. Motion carried unanimously.

ITEMS FOR BOARD DISCUSSION

Wisconsin Health Workforce Data Collaborative Voluntary Survey – Updates on the Status of the Survey for the Physician Assistant Renewal

Nancy Sugden, Workforce Data Collaborative, appeared before the Board to discuss the survey for the DO and physician assistant renewals.

Collaborative Drug Therapy Management

The Board reviewed and discussed the information on collaborative drug therapy management.

FSMB Report from Special Committee on Re-Entry to Practice

Gene Musser reviewed this information with the Board.

FSMB Work Group to Examine Composite Action Index Report

This information was reviewed by the Board.

Maintenance of Licensure Update – Tom Ryan

Tom Ryan updated the Board on the Maintenance of Licensure pilot program. Mr. Ryan spoke to the Wisconsin Hospital Association last week on this topic.

Regulatory Digest/Newsletter – Call for Articles

The projected publication date for the Newsletter is March 2012. The Board discussed possible articles.

Upcoming Outreach Opportunities

Sheldon Wasserman and Raymond Mager spoke at Grand Rounds at the Medical College of Wisconsin. The presentation to the Psychiatry Department at the Medical College of Wisconsin has been postponed to January 11, 2012.

Sujatha Kailas reported her presentation at St. Joseph's Hospital was well received. Dr. Kailas will give a presentation to Waukesha Memorial Hospital in January 2012.

Credentialing staff recently gave a presentation on the licensure process at the Medical College of Wisconsin.

MOTION: Gene Musser moved, seconded by Jude Genereaux, to approve Anne Hletko to give a presentation to the Physician Assistants Program and the University of Wisconsin-Madison. Motion carried unanimously.

Wis. Admin. Code MED Chapter 8 Update

Gene Musser updated the Board on the progress of possible changes to Wis. Admin. Code MED Chapter 8, relating to the physician to physician assistant supervision ratio.

ADMINISTRATIVE MATTERS

There were no matters to discuss.

LEGISLATIVE REPORT

There was no report at this time.

SCREENING PANEL REPORT

LaMarr Franklin reported thirty four (34) cases were screened. Ten (10) cases were opened and three (3) ten-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

There were no additional items to discuss.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, 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; Sujatha Kailas-yes; Raymond Mager-yes; Christopher Magiera-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 9:42 a.m.

RECONVENE IN OPEN SESSION

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

Open session reconvened at 12:55 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

CONSIDERATION OF COMPLAINT AND PETITION FOR SUMMARY SUSPENSION

**JOHN GREGORY HOFFMAN, MD
11 MED 343**

MOTION: Gene Musser moved, seconded by James Conterato, to find probable cause to issue a complaint in the matter of **11 MED 343**. Motion carried. Christopher Magiera abstained.

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to reject the proposed Interim Decision and Order, grant the petition for Summary Suspension and adopt the Proposed Order and Decision to suspend the license pending the outcome of the disciplinary proceedings against John Gregory Hoffman, MD. Motion carried. Christopher Magiera abstained.

PROPOSED STIPULATION, FINAL DECISION AND ORDER

**ADAM H BALIN, MD
11 MED 130**

MOTION: Kenneth Simons moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Adam H. Balin, MD. Motion carried six (6) to four (4). Carolyn Bronston abstained and Sujatha Kailas did not vote on this matter.

PROPOSED ADMINISTRATIVE WARNINGS

MOTION: Sandra Osborn moved, seconded by Suresh Misra, to combine the motions for the Administrative Warnings for **11 MED 052 and 11 MED 065**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to issue the Administrative Warnings in cases **11 MED 052 and 11 MED 065**. Motion carried nine (9) to two (2). Sujatha Kailas did not vote on this matter.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**LOUIS A SANNER, MD – 11 MED 045
KATHLEEN A ORIEL, MD – 11 MED 046
JAMES H SHROPSHIRE, MD – 11 MED 047
HANNAH M KEEVIL, MD – 11 MED 048
BERNARD F MICKE, MD – 11 MED 049
MARK B BEAMSLEY, MD – 11 MED 053**

MOTION: Kenneth Simons moved, seconded by Jude Genereaux, to combine the motions on the Proposed Stipulations, Final Decisions and Orders for **11 MED 045, 11 MED 046, 11 MED 047, 11 MED 048, 11 MED 049 and 11 MED 053**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law Final Decisions and Orders in the disciplinary proceedings against Louis A. Sanner, MD, Kathleen A. Oriel, MD, James H. Shropshire, MD, Hannah M. Keevil, MD, Bernard F. Micke, MD and Mark B. Beamsley, MD. Motion carried six (6) to three (3). Gene Musser was excused during deliberations. Carolyn Bronston and Gene Musser abstained from voting. Sujatha Kailas did not vote on this matter.

MOTION TO REAFFIRM MOTIONS MADE IN CLOSED SESSION

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to reaffirm all motions made in closed session. Motion carried unanimously.

ITEMS VOTED ON DURING CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOHAMMED R SETHI, MD
09 MED 289, 10 MED 202, 10 MED 394**

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Mohammad R. Sethi, MD. Motion carried unanimously.

**MARIA R DORIA, MD
10 MED 022**

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 Maria R. Doria, MD. Motion carried unanimously.

**SENTHIL N SAMBANDAM, MD
10 MED 053**

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Senthil N. Sambandam, MD. Motion carried unanimously.

**FRANK E BURKETT, MD
10 MED 181**

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

PROPOSED ADMINISTRATIVE WARNINGS

10 MED 176

MOTION: Gene Musser moved, seconded by Raymond Mager, to issue the Administrative Warning in case **10 MED 176**. Motion carried unanimously.

10 MED 279

MOTION: Suresh Misra moved seconded by James Conterato, to issue the Administrative Warning in case **10 MED 279**. Motion carried unanimously.

CONSIDERATION OF COMPLAINTS

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to find probable cause to issue a complaint in the matter of **11 MED 124 and 11 MED 157** and to find the Board has no jurisdiction in the matter of **08 MED 315**. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by LaMarr Franklin, to find probable cause to issue a complaint in the matter of **08 MED 364**. Motion carried. Raymond Mager was excused during deliberation and abstained from voting.

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to find probable cause to issue a complaint in the matter of **09 MED 249**. Motion carried. Sujatha Kailas was excused during deliberation and abstained from voting.

MOTION: Carolyn Bronston moved, seconded by James Conterato, to withdraw the motion made at the March 16, 2011 meeting to issue the complaint in the matter of **08 MED 364**. Motion carried. Sujatha Kailas abstained.

MOTION: LaMarr Franklin moved, seconded by Carolyn Bronston, to find probable cause to issue a complaint in the matter of **10 MED 307**. Motion carried unanimously.

REQUEST FOR CME WAIVER

MOTION: James Conterato moved, seconded by Sandra Osborn, to deny the request from P.C. for a waiver of the CME requirement due to hardship. Motion carried unanimously.

MONITORING

RAYMOND S KOZIOL, MD

MOTION: Raymond Mager moved, seconded by Suresh Misra, to deny the request from Raymond S. Koziol, MD, for full licensure and to request more information and to have Dr. Koziol appear before the Board at the December meeting. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

STEVEN L ARMUS, MD

MOTION: Raymond Mager moved, seconded by Carolyn Bronston, to approve the request from Steven L. Armus, MD, for a reduction in drug screens to thirty five (35) times per year. Motion carried. Kenneth Simons dissented.

DAVID B GATTUSO, MD

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to approve the request from David B. Gattuso, MD, for a one year extension of time to pay costs. Motion carried unanimously.

CASE CLOSINGS

MOTION: James Conterato moved, seconded by Suresh Misra, to close case **10 MED 410** for no violation. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by LaMarr Franklin, to close case **10 MED 336** for no violation. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded Kenneth Simons, to close case **10 MED 317** for prosecutorial discretion (P5) with a flag should the respondent renew. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to close case **11 MED 087** for insufficient evidence. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Sheldon Wasserman, to close case **11 MED 161** for no violation. Motion carried unanimously.

MOTION: LaMarr Franklin moved, seconded by Carolyn Bronston, to close case **11 MED 228** for insufficient evidence. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Sandra Osborn, to close case **11 MED 272** for no violation. Motion carried unanimously. Attorney Sandra Nowack was excused during deliberation.

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to close case **09 MED 314** for no violation. Motion carried unanimously.

MOTION: James Conterato moved, seconded by Kenneth Simons, to close case **11 MED 298** for no violation. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to close case **08 MED 403** for insufficient evidence. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Kenneth Simons moved, seconded by James Conterato, to ratify all licenses and certificates presented. Motion carried unanimously.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

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

The meeting adjourned at 1:01 p.m.