

**MEDICAL EXAMINING BOARD
MINUTES
MAY 16, 2012**

PRESENT: Carolyn Bronston; Rodney Erickson, MD; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD

EXCUSED: Suresh Misra, MD

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

GUESTS: Mark Grapentine, Wisconsin Medical Society; Anne Hletko, Council on Physician Assistants; Jeremy Levin, RWHC; Scott Becher, Becher Group; David Wahlberg, WI State Journal

CALL TO ORDER

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

INTRODUCTION OF NEW BOARD MEMBER(S)

Sheldon Wasserman welcomed Rodney Erickson to the Board. Dr. Erickson gave a brief history of his background.

ADOPTION OF AGENDA

Amendments:

- Item 11a, FSMB Matters, add:
 2. FSMB Model Policy Guidelines for the Appropriate Use of Social Media and Social Networking in Medical Practice
 3. MEB Pain Policy/FSMB Pain Policy Workgroup
- Item 11d. Chapter MED 10 Update, add:
 3. MED 10 Additional Concepts
- Item 11e1, Legislative Report - Criminal Background Check Law, insert additional information
- Item 13, Informational Items, add:
 - a. State Journal Article, *Effort to Streamline Enforcement of Licensed Professionals Worries Some*
- Item 16-ADD "New Business"
- Item CS-6, Monitoring:
 - b. DELETE - David Buchanan, MD – Request for Extension of Time to Complete CE

d. ADD - John Hoffmann, MD – Request for Extension of Time to Complete and Pass SPEX

- Case Status Report – insert at the end of the agenda in closed session

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

APPROVAL OF MINUTES OF APRIL 18, 2012

Corrections:

- On page 4, under MEDICAL EXAMINING BOARD NEWSLETTER, in the second sentence, delete “will draft” and insert “drafted”
- On page 11, the first sentence on that page, delete “No” and insert “The”
- On page 15, under OTHER BUSINESS, the last sentence in the first motion, delete “unanimously” and add “Sridhar Vasudevan opposed.”

MOTION: Sandra Osborn moved, seconded by Sridhar Vasudevan, to approve the minutes of April 18, 2012 as corrected. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 1, 2012 TELECONFERENCE

Correction:

- On page 2, under ITEMS VOTED ON DURING CLOSED SESSION, in the second motion, Timothy Swan abstained.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to approve the minutes of the May 1, 2012 teleconference as corrected. 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:

Linda D. Meehan, DO	11 MED 372
Guy R. Powell, MD	10 MED 187
Jesse O. Vegafria, MD	11 MED 041
Marc L. Smith, MD	08 MED 364
Bradley T. Bodner, PA	09 MED 198
Dale Sinnett, MD	11 MED 163
Michael G. O’Mara, MD	10 MED 165

These items will be deliberated in closed session.

EXECUTIVE DIRECTOR MATTERS

Tom Ryan introduced Executive Director Mojgan Hall. Ms. Hall will be observing the meeting.

ITEMS FOR BOARD DISCUSSION

FSMB Matters

1. Report from FSMB Annual Meeting – Sheldon Wasserman, LaMarr Franklin and Kenneth Simons

Sheldon Wasserman stated the Wisconsin Medical Examining Board was one of the charter members of the FSMB. Dr. Wasserman presented a plaque to Tom Ryan from the FSMB acknowledging the MEB's long term affiliation with their organization.

LaMarr Franklin and Kenneth Simons spoke regarding Maintenance of Licensure (MOL). Every state has its own requirements and this will be a long term project. Opiate prescribing was another covered at the meeting.

Sheldon Wasserman stated the FSMB Annual Meeting was informative. Dr. Wasserman was elected to the FSMB Nominating Committee, and he thanked Sujatha Kailas and Gene Musser for their encouragement.

2. FSMB Model Policy Guidelines for the Appropriate Use of Social Media and Social Networking in Medical Practice

The Board reviewed this information. Sheldon Wasserman said this important information and relates to MED 10. Dr. Wasserman will include mention of social media guidelines in the "Chair's Corner" of the MEB Newsletter.

Sheldon Wasserman, Carolyn Bronston and Gene Wasserman stated the FSMB meetings are valuable and encourage the Department to allow the Executive Director to attend future meetings.

3. MEB Pain Policy/FSMB Pain Policy Workgroup

Sridhar Vasudevan reviewed the current FSMB pain policy guidelines. FSMB is reworking the guidelines and the new recommendations are due to be published in 2013.

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to have Dr. Vasudevan provide an article for the MEB Newsletter referencing the brochure *Responsible Opioid Prescribing – A Clinician's Guide*, and to add a link to the brochure on the DSPS website. Motion carried unanimously.

Maintenance of Licensure

The Board discussed maintenance of licensure and long term goals. This issue requires more discussion and the Board will devote more time to discuss MOL at a future meeting.

Wis. Admin. Code Med 8 Update

Gene Musser reviewed Chapter Med 8 updates with the Board. Anne Hletko, Council on Physician Assistants, addressed the Board regarding administrative supervision and clinical supervision. This is still a work in progress.

Wis Admin. Code Chapter MED 10 Update

1. Review Currency of MED 10.02(2)(s) Pertaining to Prescribing Amphetamines

The standard of care has evolved pertaining to amphetamine therapy.

MOTION: Kenneth Simons moved, seconded by Sridhar Vasudevan, that the Board has determined that it will not pursue prosecutions for alleged violations of MED 10.02(2)(s) when amphetamines are prescribed within the applicable standard of care. Motion carried unanimously.

2. MED 10 Project Plan Timeline

This item was noted and reviewed.

3. MED 10 Additional Concepts

This item was noted and reviewed.

Legislative Report

Criminal Background Check Law and MEB/DSPS Access to the National Crime Information Center (NCIC)

Gene Musser gave a brief history of this rule and reviewed some options for background checks.

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to have DSPS staff gather background check rules from other states and to bring this information to a future Board meeting for review. Motion carried unanimously.

Informed Consent and Review of WI Supreme Court Decision

The Board reviewed and discussed The WI Supreme Court Decision Jandre v. Wisconsin Injured Patients and Families Compensation Fund. The Wisconsin Medical Society and the Wisconsin Hospital Association are working together to resolve the informed consent issue through legislation. Carolyn Bronston stated she felt the decision in this case was warranted.

Review of PDMP Rule

The PDMP rule will be up for a public hearing next week before the Assembly Health Committee. The Veterinary Examining Board is against the rule and asked for revisions. Any revisions would require re-sending the rule to the legislature. The MEB is on record as supporting the bill as written.

Medical Examining Board Newsletter

The MEB Newsletter draft should be ready in July, with publication in early fall.

Board Outreach

Sandra Osborn has been asked to talk to the faculty at the Department of Pediatrics and the UW Medical School regarding maintenance of licensure. Sujatha Kailas will assist Dr. Osborn with this presentation. No date has been set at this time.

Sheldon Wasserman spoke to the graduating class at the Medical College of Wisconsin.

SCREENING PANEL REPORT

LaMarr Franklin reported thirty two (32) cases were screened. Eight (8) cases were opened, one (1) ten-day letter was sent and twenty three (23) cases were closed.

INFORMATIONAL ITEMS

State Journal Article, *Effort to Streamline Enforcement Of Licensed Professionals Worries Some*
This article was noted by the Board.

PUBLIC COMMENTS

None.

OTHER BUSINESS

None.

NEW BUSINESS

Kenneth Simons stated the Board needs to have a policy in place regarding a disclaimer as to whether or not a Board member is speaking on behalf of the Board or as an individual.

Jude Genereaux stated there should be bullet points given to new Board members to assist them with Board business and policies.

RECESS TO CLOSED SESSION

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

Open session recessed at 10:26 a.m.

RECONVENE IN OPEN SESSION

MOTION: Timothy Swan moved, seconded by Jude Genereaux, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:48 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

FULL BOARD ORAL EXAMINATIONS

MOTION: Raymond Mager moved, seconded by Sridhar Vasudevan, to deny the application for licensure for **Thomas J. Byrne, MD**, as he has not satisfied the Board that he meets the requirements for licensure. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sridhar Vasudevan, to deny the application for licensure for **Saman K. Jayasinghe, MD**, as he has not satisfied the Board that he meets the requirements for licensure. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Sujatha Kailas moved, seconded by Timothy Swan, to reject the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against **Linda D. Meehan, DO (11 MED 372)**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to close case **11 MED 372 for prosecutorial discretion**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Guy R. Powell, MD (10 MED 187)**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Jesse O. Vegafria, MD (11 MED 041)**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Marc L. Smith, DO (08 MED 364)**. Motion carried. Raymond Mager abstained.

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Bradley T. Bodner, PA (09 MED 198)**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Dale Sinnett, MD (11 MED 163)**. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded by Sujatha Kailas, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Michael G. O'Mara, MD (10 MED 165)**. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING(S)

MOTION: Sujatha Kailas moved, seconded by Sridhar Vasudevan, to issue the Administrative Warning in case **11 MED 267** against respondent **D.W., MD**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Sridhar Vasudevan, to issue the Administrative Warning in case **11 MED 183** against respondent **C.J.M., MD**. Motion carried. Timothy Swan opposed.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to issue the Administrative Warning in case **11 MED 070** against respondent **M.G., MD**. Motion carried unanimously.

CONSIDERATION OF COMPLAINT(S)

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to find probable cause to issue a complaint in the matter of **11 MED 101**. Motion carried unanimously.

MONITORING

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, to grant the request from **Dale T. Bertram, MD**, for a reduction in drug screens to twenty eight (28) per year. Motion carried unanimously.

Jene VanDenHout, RCP, and Attorney Karen Julian appeared before the Board.

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to grant the request from **Jene VanDenHout, RCP**, for a stay of suspension, a reduction in therapy to once every four (4) weeks, a reduction of drug

screens to twenty eight (28) per year and to eliminate the requirement for an annual personal appearance before the Board. Motion carried. Kenneth Simons and Timothy Swan opposed.

John Gregory Hoffmann, MD, and Attorney Jack Williams appeared before the Board.

MOTION: Gene Musser moved, seconded by Jude Genereaux, to grant the request from **John Gregory Hoffmann, MD**, for a three (3) month extension of time to complete and pass SPEX. Motion carried. Sandra Osborn and Sridhar Vasudevan opposed.

CASE CLOSINGS

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to close case **09 MED 363 for prosecutorial discretion (P7)**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to close case **11 MED 403 for no jurisdiction (L1)**. Motion carried unanimously.

MOTION: Carolyn Bronston, moved, seconded Raymond Mager, to close case **11 MED 266 for no violation**. Motion carried unanimously.

MOTION: Gene Musser, moved, seconded Raymond Mager, to close case **11 MED 364 for no violation**. Motion carried unanimously.

MOTION: Raymond Mager, moved, seconded Sandra Osborn, to close case **10 MED 322 for no violation**. Motion carried unanimously.

MOTION: Sujatha Kailas, moved, seconded Raymond Mager, to close case **09 MED 306 for insufficient evidence**. Motion carried unanimously.

MOTION: Jude Genereaux, moved, seconded Gene Musser, to close case **11 MED 265 for prosecutorial discretion (P3)**. Motion carried unanimously.

MOTION: Sridhar Vasudevan, moved, seconded Jude Genereaux, to close case **09 MED 198 for no violation against respondent P.L.J.** Motion carried unanimously.

MOTION: Sujatha Kailas, moved, seconded Kenneth Simons, to close case **11 MED 242 for insufficient evidence**. Motion carried unanimously.

MOTION: Gene Musser, moved, seconded Sandra Osborn, to close case **11 MED 377 for insufficient evidence**. Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to ratify all licenses and certificates as issued. Motion carried unanimously.

OTHER BUSINESS

Legal Counsel Sandy Nowack noted that all stipulations were adopted with the exception of the stipulation in the matter of Linda D. Meehan, DO.

Sandra Osborn acknowledged Bureau Assistant Karen Rude-Evans for her recent donation to the charitable organization “Locks of Love.”

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Sujatha Kailas to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:50 p.m.