

**MEDICAL EXAMINING BOARD
MEETING MINUTES
MAY 15, 2013**

PRESENT: James Barr; Gene Musser, MD; Kenneth Simons, MD; Greg Collins; Sheldon Wasserman, MD; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Sridhar Vasudevan, MD; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; Russell Yale, MD

STAFF: Tom Ryan, Executive Director; Matthew C. Niehaus, Bureau Assistant; and other Department Staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:07 a.m. A quorum of thirteen (13) members was present.

ADOPTION OF AGENDA

- **Item C (open session) – ADD “C.2 Review of 2012 Medical Examining Board Annual Report”**
- **Item D (open session) – ADD “D.3 Assembly Bill 139”**
- **Item J (open session) – ADD “J.13.a Presentation of Petition for Summary Suspension in Case Number 13 MED 082, Donald F. Stonefeld, M.D.”**
- **Item O (closed session) – ADD “O.3 Deliberation of Petition for Summary Suspension in Case Number 13 MED 082, Donald F. Stonefeld, M.D.”**
- **Item O (closed session) – ADD “O.4 Consideration of Petition for Designation of Hearing Official in Case Number 13 MED 082, Donald F. Stonefeld, M.D.”**
- **Item O (closed session) – ADD “O.5 Stipulation and Interim Order in the Matter of in Case Number 13 MED 082, Donald F. Stonefeld, M.D.”**

MOTION: Dr. Suresh Misra moved, seconded by Mr. Greg Collins, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 24, 2013

MOTION: Dr. Kenneth Simons moved, seconded by, Mr. Greg Collins, to approve the minutes of April 24, 2013 as amended. Motion carried.

Dr. Sridhar Vasudevan, Dr. Rodney Erickson, Dr. Suresh Misra, and Ms. Jude Genereaux abstained from voting in the matter of approval of the minutes.

ADMINISTRATIVE UPDATES

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to approve the 2012 annual Medical Examining Board report. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Wis. Admin. Code Chapter MED 10

MOTION: Mr. Greg Collins moved, seconded by Dr. Suresh Misra, to remove Med 10.03(2)(a). Motion carried.

Dr. Sridhar Vasudevan voted nay in the matter of removing Med 10.03(2)(a).

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, to remove the phrase “and that creates an unacceptable risk of harm to a patient” from 10.03(2)(d). Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Sridhar Vasudevan, to accept MED 10.03 (1) (a) Violating or attempting to violate ch. 448, Stats. or any provision, condition, or term of a valid rule or order of the Board.. Motion carried unanimously.

MOTION: Dr. Sridhar Vasudevan moved, seconded by Ms. Jude Genereaux, to approve MED 10 as amended and give final review authority to the Board Chair. Motion carried unanimously.

The Board reviewed an amended copy of the rule draft.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Mary Jo Capodice, to rescind the previous motion approving MED 10 and giving final review authority to the Board Chair. Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Mr. Jim Barr, to approve MED 10 as amended and give final review authority to the Board Chair. Motion carried unanimously.

REQUEST FOR DR. MUSSER TO PARTICIPATE ON A PANEL ON OPIOID PRESCRIBING – MERITER HOSPITAL MADISON – NOVEMBER 1, 2013

MOTION: Dr. Kenneth Simons moved, seconded by Mr. Greg Collins, to approve Dr. Musser (with Dr. Sridhar Vasudevan as the alternate) as the Board’s representative to participate on the Opioid Prescribing Panel at Meriter Hospital Madison on November 1, 2013. Motion carried unanimously.

SCREENING PANEL REPORT

Mr. Greg Collins reported via e-mail that thirty-eight (38) cases were reviewed. Seventeen (17) cases were opened.

CLOSED SESSION

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Dr. Sheldon Wasserman read the language of the motion. The vote of each member was ascertained by voice vote. James Barr-yes; Gene Musser, MD – yes; Russell Yale, MD-yes; Greg Collins-yes; Timothy Westlake, MD-yes; Timothy Swan, MD-yes; Kenneth Simons, MD-yes; Mary Jo Capodice, DO-yes; Sridhar Vasudevan, MD; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:36 a.m.

MONITORING MATTERS

MOTION: Dr. Suresh Misra moved, seconded by Ms. Jude Genereaux, to deny the request of Paul Huepenbecker, M.D. for full licensure. **Reason for Denial:** The Order requires a statement from his physician indicating that he is medically able to perform surgery. Motion failed.

Dr. Timothy Swan, Dr. Kenneth Simons, Dr. Gene Musser, Dr. Rodney Erickson, Dr. Timothy Westlake, Dr. Mary Jo Capodice, and Dr. Sheldon Wasserman voted nay in the matter of Paul Huepenbecker, M.D.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Rodney Erickson, to grant the request of Paul Huepenbecker, M.D. for removal of conditions on licensure and grants a full and unencumbered license. Motion carried.

Dr. Suresh Misra, Dr. Russell Yale, and Dr. Sridhar Vasudevan voted nay in the matter of Paul Huepenbecker, M.D.

CREDENTIALING MATTERS

MOTION: Dr. Gene Musser moved, seconded by Dr. Sridhar Vasudevan, to grant Yücel Yankol, M.D.'s request for visiting professor licensure after all other requirements for licensure are met. Motion carried.

Dr. Kenneth Simons, Mr. Greg Collins, and Dr. Russell Yale voted nay in the matter of Yücel Yankol, M.D.

MOTION: Dr. Sridhar Vasudevan moved, seconded by Dr. Rodney Erickson, to find that Joohyun Kim, M.D.'s post-graduate training is equivalent to a year of ACGME accredited training and grants a license after all other requirements are met. Motion carried.

Dr. Kenneth Simons abstained from voting in the matter of Joohyun Kim, M.D.

**PROPOSED DECISION AND ORDER IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST MICHAEL N. MANGOLD, M.D., DHA CASE NO. SPS-12-0066,
DLSC CASE NO. 12 MED 103**

MOTION: Dr. Sridhar Vasudevan moved, seconded by Mr. Jim Barr, to adopt the Findings of Fact, Conclusions of Law, and issue the Order and impose Costs in the matter of disciplinary proceedings against Michael N. Mangold, M.D. (12 MED 103.) Motion carried.

Ms. Jude Genereaux abstained from voting in the matter of Michael N. Mangold, M.D.

COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Timothy Westlake, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 12 MED 231 – Ronald Plemmons, M.D. Motion carried.

Dr. Mary Jo Capodice recused herself from voting and deliberation in the matter of Ronald Plemmons, M.D.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Kenneth Simons, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 13 MED 015 – George F. Knight, M.D. Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Timothy Swan, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 12 MED 241 – Amjad Butt, M.D. Motion carried unanimously.

MOTION: Ms. Jude Genereaux moved, seconded by Dr. Timothy Swan, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 12 MED 434 – Donna J. De Louis, D.O. Motion carried unanimously.

SUMMARY SUSPENSION

MOTION: Mr. Greg Collins moved, seconded by Dr. Sridhar Vasudevan, that notice was given to Donald F. Stonefeld, M.D. of the Summary Suspension proceedings pursuant to Wis. Admin. Code sec. SPS 6.05. Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, that pursuant to 448.02(4) there is probable cause to believe that Donald F. Stonefeld, M.D. engaged in unprofessional conduct in violation of 448.02(3) as defined in Wis. Admin. Code MED 10.02 (2) (h), 10.02(2) (p) and Wis. Admin. Code 10.02 (2) (za). Motion carried unanimously.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, that pursuant to 448.02(4) there is probable cause to believe that it is necessary to suspend the license of Donald F. Stonefeld, M.D. to practice medicine and surgery in the State of Wisconsin immediately to protect the public's health, safety, or welfare. Motion carried.

Dr. Rodney Erickson voted nay in the matter of suspending the license of Donald F. Stonefeld, M.D.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Kenneth Simons, to Designate a Hearing Official for any Order to Show Cause Hearing in the matter of the Summary Suspension of the license of Donald F. Stonefeld, M.D. Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Timothy Swan, to reject the Interim Order in the matter of Donald F. Stonefeld, M.D. Motion carried.

Dr. Rodney Erickson voted nay in the matter of rejecting the Interim Order in the matter of Donald F. Stonefeld, M.D.

DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order and impose Costs in the amount of \$18,500.00 in the matter of disciplinary proceedings against William B. Lyles, M.D. (09 MED 197.) Motion carried unanimously.

MOTION: Dr. Sridhar Vasudevan moved, seconded by Dr. Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Donald Riemer, M.D. (13 MED 134.) Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Jacob Kusmak, M.D. (12 MED 159.) Motion carried unanimously.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against David L. Werwath, M.D. (13 MED 016.) Motion carried.

Dr. Rodney Erickson abstained from voting in the matter of David L. Werwath, M.D.

DELIBERATION OF ADMINISTRATIVE WARNINGS

MOTION: Dr. Suresh Misra moved, seconded by Dr. Rodney Erickson, to issue an administrative warning in the matter of case number 12 MED 277, R.G.K. Motion carried unanimously.

MOTION: Dr. Russell Yale moved, seconded by Dr. Mary Jo Capodice, to issue an administrative warning in the matter of case number 12 MED 291, T.J.V. Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Kenneth Simons, to issue an administrative warning in the matter of case number 11 MED 064, G.X.Z. Motion carried unanimously.

CASE CLOSINGS

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Russell Yale, to close case #12 MED 406 for Insufficient Evidence (IE). Motion carried unanimously.

MOTION: Dr. Mary Jo Capodice moved, seconded by Dr. Rodney Erickson, to close case #12 MED 321 for No Violation (NV). Motion carried.

Dr. Timothy Westlake recused himself from deliberation and voting in the matter of 12 MED 321.

MOTION: Dr. Gene Musser moved, seconded by Dr. Timothy Swan, to close case #12 MED 361 for Insufficient Evidence (IE). Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Dr. Gene Musser moved, seconded by Dr. Timothy Swan, to ratify all licenses and certificates as issued. Motion carried unanimously.

Ms. Jude Genereaux left the meeting at the close of the regular business portion/prior to the examination review and retreat at 12:36 p.m.

RECONVENE TO OPEN SESSION

MOTION: Mr. Jim Barr moved, seconded by Dr. Kenneth Simons, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:28 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Dr. Timothy Swan moved, seconded by Dr. Gene Musser, to affirm all motions made in closed session. Motion carried unanimously.

BOARD RETREAT

MOTION: Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, that the Chair appoint a committee consisting of two professional members and one public member to formulate proposed disciplinary guidelines in conjunction with DSPS staff to be brought back to the full Board for consideration. Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Rodney Erickson, to recognize that the Chair has appointed Dr. Kenneth Simons (Chair), Dr. Timothy Swan (Vice-Chair), and Mr. Greg Collins to the disciplinary guideline committee. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Suresh Misra moved, seconded by Dr. Timothy Westlake, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:32 p.m.