

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
JUNE 19, 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; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD

**ABSENT:** Russell Yale, MD; Sridhar Vasudevan, MD;

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

**CALL TO ORDER**

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

**ADOPTION OF AGENDA**

- **Item U (closed session) – ADD** “U.1.b – Ivan W. Sletten, M.D. – 13 MED 036”

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Timothy Westlake, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 15, 2013**

- **Page 4 – REMOVE** “Dr. Kenneth Simons abstained from voting in the matter of Paul Huepenbecker, M.D.”

**MOTION:** Dr. Suresh Misra moved, seconded by, Dr. Kenneth Simons, to approve the minutes of May 15, 2013 as amended. Motion carried unanimously.

**MOTION:** Dr. Kenneth Simons moved, seconded by, Dr. Timothy Swan, to change “Ms. Jude Genereaux left the meeting at 12:36 p.m.” to “Ms. Jude Genereaux left the meeting at the close of the regular business portion/prior to examination review and retreat at 12:36 p.m.” in the minutes of May 15, 2013. Motion carried unanimously.

## CONTINUING MEDICAL EDUCATION AUDITS

**MOTION:** Dr. Timothy Swan moved, seconded by Dr. Kenneth Simons, to clarify the CME requirements for licensure renewal. The statute governing 30 hours of CME required for licensure is interpreted to mean that CME must be acquired in the two calendar years preceding the year in which licensure renewal occurs. Motion carried unanimously.

**MOTION:** Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, to table discussion on CE audits until the July 17, 2013 meeting of the Medical Examining Board. Motion carried.

*Dr. Sheldon Wasserman left the room during deliberation and voting on the above motion. Dr. Kenneth Simons acted as Chair.*

## ADMINISTRATIVE RULE MATTERS

**MOTION:** Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to substitute the following language for MED 8.05(2)(b)(7) “Has been diagnosed with any condition that may create a risk of harm to a patient or the public”. Motion carried unanimously.

**MOTION:** Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, to add a provision to MED 8.07(2) stating “that the physician providing supervision be readily identifiable”. The Board directs DSPPS staff to create language to indicate the responsibility for identification to be presented at the July 17, 2013 meeting of the Medical Examining Board. Motion carried.

*Dr. Gene Musser voted nay in the matter of the above motion.*

**MOTION:** Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, that the Board has reviewed the draft of proposed Occupational Therapists Affiliated Credentialing Board rules relating to practice standards and has no recommendations. Motion carried unanimously.

## LEGISLATIVE MATTERS

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Rodney Erickson, to establish a legislative committee to address administrative and visiting professor licensure consisting of Dr. Kenneth Simons, Dr. Timothy Swan, Dr. Gene Musser, and Dr. Timothy Westlake. Motion carried unanimously.

## FSMB MATTERS

**MOTION:** Dr. Timothy Swan moved, seconded by Dr. Timothy Westlake, to approve the appointment of Dr. Kenneth Simons as Chair of the FSMB State Medical Boards’ Appropriate Regulation of Telemedicine (SMART) Workgroup. Motion carried unanimously.

**PRESENTATION OF PETITION FOR SUMMARY SUSPENSION IN CASE NUMBER 13  
MED 146 – CULLY R. WHITE, D.O.**

*Dr. Timothy Westlake and Dr. Timothy Swan recused themselves from the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.*

*Attorney Pamela Stach was replaced by Attorney Michael Berndt for the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.*

**SCREENING PANEL REPORT**

Mr. Jim Barr reported that fifty-five (55) cases were reviewed. Twenty-five (25) cases were opened for investigation. Two(2) ten-day letters were sent.

**CLOSED SESSION**

**MOTION:** Dr. Kenneth Simons moved, seconded by Ms. Jude Genereaux, 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. Timothy Swan, MD – yes; Timothy Westlake – yes; James Barr-yes; Gene Musser, MD – yes; Greg Collins-yes; Kenneth Simons, MD-yes; Mary Jo Capodice, DO-yes; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:51 a.m.

## SUMMARY SUSPENSION

**MOTION:** Dr. Kenneth Simons moved, seconded by Mr. Greg Collins, that pursuant to 448.02(4) there is probable cause to believe that Cully R. White, D.O. engaged in unprofessional conduct in violation of 448.02(3) as defined in Wis. Admin. Code MED 10.02 (2) (h), 10.02 (2) (i), 10.02(2) (m), 10.02(2) (z) and Wis. Admin. Code 10.02 (2) (za).

*Dr. Suresh Misra and Dr. Sheldon Wasserman abstained from voting in the matter of the Summary Suspension of Cully R. White, D.O.*

*Dr. Timothy Westlake recused himself from the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.*

*Dr. Timothy Swan was not present during discussion and voting in the matter of the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.*

*Dr. Sridhar Vasudevan and Dr. Russell Yale were not present at the meeting.*

*No vote was taken, as there was not a supermajority of the Board present to hold the motion.*

*Attorney Pamela Stach was replaced by Attorney Michael Berndt for the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.*

**MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, that pursuant to 448.02(4) there is probable cause to issue a Complaint in the matter of Cully R. White, D.O., Case Number 13 MED 146. Motion carried.

*Dr. Sheldon Wasserman abstained from voting in the matter of the issuance of complaint in the matter of Cully R. White, D.O. – 13 MED 146.*

*Dr. Timothy Westlake and Dr. Timothy Swan recused themselves in the matter of the issuance of complaint in the matter of Cully R. White, D.O. – 13 MED 146.*

## CREDENTIALING MATTERS

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Mary Jo Capodice, that Ji Won Yoo, M.D. passed the full board oral examination. Motion carried unanimously.

**MOTION:** Dr. Suresh Misra moved, seconded by Mr. Jim Barr, to grant Ji Won Yoo, M.D.'s request for full licensure after all other requirements for licensure are met. Motion carried unanimously.

**MOTION:** Dr. Gene Musser moved, seconded by Dr. Timothy Swan, to find that Pradeep Khanna, M.D.'s post-graduate training is not equivalent to a year of ACGME accredited training. Motion carried unanimously.

## MONITORING MATTERS

**MOTION:** Dr. Mary Jo Capodice moved, seconded by Ms. Jude Genereaux, to refer the matter of Terrance Moe, M.D. to the Screening Panel for potential investigation. Motion carried unanimously.

### PROPOSED DECISION AND ORDER IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST LEONARD J. GREEN III, M.D., DHA CASE NO. SPS-13-0016, DLSC CASE NO. 12 MED 339

**MOTION:** Dr. Timothy Westlake moved, seconded by Dr. Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, and issue the Order and impose Costs in the matter of disciplinary proceedings against Leonard J. Green III, M.D. (12 MED 339.) Motion carried unanimously.

### COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

**MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 12 MED 235 – Michael Mangold, M.D. Motion carried unanimously.

### DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

**MOTION:** Dr. Timothy Swan moved, seconded by Ms. Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Paul J. Berce, M.D. (10 MED 031.) Motion carried unanimously.

*Dr. Sheldon Wasserman left the room during deliberation and voting in the matter of Paul J. Berce, M.D. (10 MED 031). Dr. Kenneth Simons acted as Chair.*

**MOTION:** Dr. Timothy Swan moved, seconded by Dr. Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Iftekhar H. Bader, M.D. (10 MED 031.) Motion carried unanimously.

*Dr. Sheldon Wasserman left the room during deliberation and voting in the matter of Iftekhar H. Bader, M.D. (10 MED 031). Dr. Kenneth Simons acted as Chair.*

**MOTION:** Ms. Jude Genereaux moved, seconded by Dr. Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Edward P. Hagen, D.O. (12 MED 254.) Motion carried unanimously.

**MOTION:** Dr. Kenneth Simons 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 Ivan W. Sletten, M.D. (13 MED 036.) Motion carried unanimously.

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Sarbjeet S. Sandhu, M.D. (12 MED 287.) Motion carried unanimously.

**MOTION:** Dr. Gene Musser moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Stephen A. Haughey, M.D. (12 MED 388.) Motion failed by a vote of 4 in favor, 6 against.

#### **DELIBERATION OF ADMINISTRATIVE WARNINGS**

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Timothy Swan, to issue an administrative warning in the matter of case number 12 MED 259, J.R. Motion carried unanimously.

**MOTION:** Ms. Jude Genereaux moved, seconded by Dr. Suresh Misra, to issue an administrative warning in the matter of case number 12 MED 179, A.A.S. Motion carried unanimously.

#### **CASE CLOSINGS**

**MOTION:** Dr. Timothy Swan moved, seconded by Ms. Jude Genereaux, to close case #13 MED 003 (M.M.) for Prosecutorial Discretion (P6). Motion carried unanimously.

**MOTION:** Dr. Suresh Misra moved, seconded by Mr. Greg Collins, to close case #12 MED 189 (M.K.) for Insufficient Evidence (IE). Motion carried unanimously.

**MOTION:** Dr. Suresh Misra moved, seconded by Dr. Timothy Westlake, to close case #12 MED 274 (C.M.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, to close case #12 MED 420 (S.P) for No Violation (NV). Motion carried unanimously.

**MOTION:** Dr. Timothy Westlake moved, seconded by Mr. Greg Collins, to close case #12 MED 218 (A.M.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to close case #12 MED 360 (P.S.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Dr. Kenneth Simons moved, seconded by Ms. Jude Genereaux, to close case #13 MED 101 (L.E.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to close case #13 MED 111 (A.G.) for No Violation (NV). Motion carried unanimously.

### **RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Dr. Gene Musser moved, seconded by Mr. Greg Collins, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:07 p.m.

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

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

### **ADJOURNMENT**

**MOTION:** Mr. Jim Barr moved, seconded by Dr. Timothy Westlake, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:10 p.m.