

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
AUGUST 14, 2013**

**PRESENT:** James Barr; Kenneth Simons, MD; Greg Collins; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Rodney Erickson, MD; Russell Yale, MD; Sridhar Vasudevan, MD; and Gene Musser, MD

*Jude Genereaux entered at 8:17 a.m.*

**EXCUSED:** Suresh Misra, MD; Carolyn Ogland Vukich;

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

**CALL TO ORDER**

Dr. Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of 10 (ten) members was present.

**ADOPTION OF AGENDA**

- **Move Item** Q.1.a. M.F.O. 12 MED 157 to W.14.a.M.F.O. 12 MED 157
- **Remove Item** E.3. Draft of Proposed Rules Regarding Med 1.02

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 17, 2013**

- Note that Sridhar Vasudevan voted no in the matter under Administrative/Legislative Matters regarding MED 8.07(2) and change “Motion carried unanimously” to “Motion carried”

**MOTION:** Sridhar Vasudevan moved, seconded by, Greg Collins, to approve the minutes of July 17, 2013 as amended. Motion carried.

*Gene Musser abstained from voting in the above matter*

**ADMINISTRATIVE/LEGISLATIVE RULE MATTERS**

**MOTION:** Sridhar Vasudevan moved, seconded by Russell Yale, to adopt MED 10, relating to Unprofessional Conduct. Motion carried.

*Timothy Swan voted no in the above motion*

**DELEGATION TO TRAVEL AND SPEAK**

**MOTION:** Sridhar Vasudevan moved, seconded by James Barr, to designate Mary Jo Capodice, DO, as the Board’s representative to attend the Wisconsin Association of Osteopathic Physicians and Surgeons meeting in Appleton Wisconsin, on Saturday/Sunday October 26-27, 2013. Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Gene Musser, to designate Sridhar Vasudevan, MD; as the Board's representative to attend the Community Opioid Education Day at Merriter Hospital in Madison Wisconsin on Friday, November 1, 2013. Motion carried.

*Jude Genereaux abstained from voting in the above matter*

### **MODEL POLICY FOR THE USE OF OPIOID ANALGESICS IN THE TREATMENT OF CHRONIC PAIN**

**MOTION:** Sridhar Vasudevan moved, seconded by Jude Genereaux, to remove the position statement regarding Pain Management and replace it with a link to the FSMB's Pain Policy. Motion carried unanimously.

### **FSMB MATTERS**

**MOTION:** James Barr moved, seconded by Gene Musser, to designate Sridhar Vasudevan, MD as the Board's representative to take the SPEX exam. Motion carried unanimously.

### **SCREENING PANEL REPORT**

Greg Collins reported that 14 (fourteen) cases were reviewed. 7 (seven) cases were opened for investigation. 0 (zero) ten-day letters were sent.

### **CLOSED SESSION**

**MOTION:** James Barr moved, seconded by 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. Kenneth Simons read the language of the motion. The vote of each member was ascertained by voice vote. Timothy Swan, MD – yes; Timothy Westlake, MD – yes; James Barr - yes; Greg Collins - yes; Kenneth Simons, MD - yes; Gene Musser, MD – yes; Mary Jo Capodice, DO - yes; Jude Genereaux - yes; Rodney Erickson, MD - yes; Sridhar Vasudevan, MD – yes; and Russell Yale, MD – yes. Motion carried unanimously.

The Board convened into Closed Session 9:43 a.m.

### **FULL BOARD ORAL EXAM OF CANDIDATES FOR LICENSURE**

**MOTION:** Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to approve Dr. Navtejpal S. Kahlon's application for Medical licensure once all requirements are met. Motion failed.

*Gene Musser and Rodney Erickson voted no in the above matter.*

**MOTION:** Sridhar Vasudevan moved, seconded by Rodney Erickson, to reconsider the motion to approve the above matter. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to approve Dr. Navtejpal S. Kahlon's application for Medical licensure once all requirements are met. Motion carried.

*Greg Collins voted no in the above matter*

**MOTION:** Timothy Westlake moved, seconded by Gene Musser, to deny Dr. Nipa H. Sinh's application for Medical licensure. Reason for Denial: unable to practice with reasonable skill and safety based upon her lack of adequate clinical experience for the last three years. Motion carried.

*Sridhar Vasudevan voted no in the above matter*

### **BOARD REVIEW OF FULL BOARD ORAL EXAMINATION REQUIREMENT FOR DASHELL J. SLABBERT M.D.**

**MOTION:** Timothy Swan moved, seconded by Russell Yale, to find that there was no error with regard to the finding of adverse formal action during the course of Dr. Dashell J. Slabbert's post graduate training and the applicant is required to participate in a Full Board Oral Examination. The Board finds that there was an error in the Examination finding that the applicant had not practiced medicine and surgery for a period of three years prior to the application. Motion carried unanimously.

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

**MOTION:** Gene Musser moved, seconded by Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Derek Heldzinger, M.D. (12 MED 345) Motion carried unanimously.

**MOTION:** Timothy Westlake moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Stephen Haughey, M.D. (12 MED 388) Motion carried unanimously.

**MOTION:** James Barr moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Noemi A. Prieto, M.D. (12 MED 188) Motion carried unanimously.

**MOTION:** Sridhar Vasudavan moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Angelo Charles Alexander, M.D. (12 MED 265) Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against George F. Knight M.D. (13 MED 015) Motion carried unanimously.

**MOTION:** Russell Yale moved, seconded by Rodney Erickson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Thomas D. Spera M.D. (13 MED 323) Motion carried unanimously.

### CASE CLOSINGS

**MOTION:** Rodney Erickson moved, seconded by Gene Musser, to close case 12 MED 222 (J.Y.) for Insufficient Evidence (IE). Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by Russell Yale, to close case 12 MED 373 (J.N.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Greg Collins moved, seconded by Jude Genereaux, to close case 12 MED 411 (R.K.) for Insufficient Evidence (IE). Motion carried.

*Dr. Kenneth Simons has recused himself from deliberation and voting in the above matter.*

*Dr. Kenneth Simons left the room at 12:30 p.m.*

*Dr. Kenneth Simons returned to the room at 12:35 p.m.*

**MOTION:** Timothy Swan moved, seconded by Jude Genereaux, to close case 12 MED 424 (P.F.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Timothy Swan, to close case 13 MED 001 (J.B.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Timothy Westlake moved, seconded by Russell Yale, to close case 13 MED 080 (W.H.) for Prosecutorial Discretion (P2). Motion carried unanimously.

**MOTION:** Timothy Westlake moved, seconded by Timothy Swan, to close case 13 MED 085 (M.D.) for Prosecutorial Discretion (P2). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Greg Collins, to close case 13 MED 141 (T.J. & N.P.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to close case 13 MED 182 (T.M.) for No Violation (NV). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Timothy Swan, to close case 13 MED 213 (J.P.) for Prosecutorial Discretion (P5). Motion carried unanimously.

## **ADMINISTRATIVE WARNINGS**

**MOTION:** Gene Musser moved, seconded by Greg Collins, to issue an Administrative Warning in the matter of DLSC case number 12 MED 157 (M.F.O.). Motion carried.

*Dr. Kenneth Simons has recused himself from deliberation and voting in the above matter.*

*Dr. Kenneth Simons left the room at 12:15 p.m.*

*Dr. Kenneth Simons returned to the room at 12:21 p.m.*

## **RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Jude Genereaux moved, seconded by James Barr, 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:** Sridhar Vasudevan moved, seconded by Greg Collins, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:49 a.m.

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

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

## **ADJOURNMENT**

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:50 a.m.