

**MEDICAL EXAMINING BOARD
MEETING MINUTES
May 21, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Jude Genereaux; Carolyn Ogland, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; and Timothy Westlake, M.D.

PRESENT VIA GOTOMEETING: Michael Phillips, M.D.

EXCUSED: James Barr; Suresh Misra, M.D.; Russell Yale, M.D.

STAFF: Tom Ryan, Executive Director; Pam Stach, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 A.M. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- **REMOVE:** **Item W.1** – Final Decision and Order in the Matter of 12 MED 327 – Vallie M. Kaprelian, M.D.
- **CORRECT:** The page numbering on the following items:
 - **Item Z.2** – Seeking Equivalency for the 12 Months of ACGME Approved Post-Graduate Training – Mohamed Etafy, M.D. – pg. 445-469
 - **Item Z.3** – Seeking Equivalency for the 12 Months of ACGME Approved Post-Graduate Training – Osayande S. Izeiyamu, M.D. – pg. 470-605

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

APRIL 14, 2014

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to approve the minutes of April 14, 2014 as published. Motion carried unanimously.

APRIL 16, 2014

Corrections:

- **CORRECT:** The words “to perform” to “perform” in the National Practitioner Data Bank Continuous Query Motion

MOTION: Carolyn Ogland moved, seconded by Greg Collins, to approve the minutes of April 16, 2014 as corrected. Motion carried unanimously.

**CONTINUING EDUCATION AND ACCREDITATION COUNCIL FOR CONTINUING
MEDICAL EDUCATION (ACCME) DISCUSSION**

Timothy Westlake joined the meeting at 8:07 A.M.

MOTION: Timothy Swan moved, seconded by Jude Genereaux, to write a letter of support for Deputy Secretary Bill Wendle’s candidacy for the public member position on the ACCME Board of Directors. Motion carried unanimously.

**MEDICAL BOARD OF CALIFORNIA’S LIST OF RECOGNIZED MEDICAL SCHOOLS AND
PROCEDURE FOR INTERNATIONAL APPLICANTS – BOARD DISCUSSION**

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to direct the Licensure Committee to research approaches to approving medical schools not accredited by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association (AOA) or both, and to report to the Board. Motion carried unanimously.

**REQUIREMENTS FOR DOCUMENTING AND RETAINING RECORDS OF
PHYSICIANS SUPERVISING PHYSICIAN ASSISTANTS,
AND OTHER MATTERS RELATED TO PHYSICIAN ASSISTANT PRACTICE**

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to table this matter to the June Board meeting. Motion carried unanimously.

**FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS – DISCUSSION AND
CONSIDERATION**

**APPOINTMENT OF SRIDHAR VASUDEVAN TO
FSMB EDUCATION COMMITTEE, 2014-2015 – BOARD CONSIDERATION**

MOTION: Timothy Swan moved, seconded by Mary Jo Capodice, to endorse Sridhar Vasudevan to serve on the FSMB Education Committee. Motion carried unanimously.

**APPOINTMENT OF KENNETH SIMONS TO CHAIR FSMB
STATE MEDICAL BOARDS’ APPROPRIATE REGULATION OF TELEMEDICINE
(SMART) II COMMITTEE – BOARD CONSIDERATION**

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland, to endorse Kenneth Simons to chair the FSMB SMART II Committee. Motion carried unanimously.

DISCIPLINARY GUIDELINES COMMITTEE REPORT

MEDICAL EXAMINING BOARD HISTORICAL DECISIONS AND ORDERS DATA ANALYSIS REPORT

MOTION: Carolyn Ogland moved, seconded by Greg Collins, to adopt the Medical Examining Board Historical Decisions and Orders Data Analysis Report, post the Report to the internal Board SharePoint site, request the Department continually update and maintain a ten-year historical data analysis report, and to present the report to the Board on an annual basis. Motion carried unanimously.

SCREENING PANEL REPORT

Jude Genereaux reported that 56 cases were reviewed, 20 cases were opened, 3 ten-day letters were sent, and one case was held for further review.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS:

REVIEW OF PRELIMINARY DRAFT OF 165-MED 18, RELATING TO PHYSICIANS AND INFORMED CONSENT

MOTION: Timothy Swan moved, seconded by Carolyn Ogland, to approve the preliminary draft revisions to 165-MED 18, relating to physicians and informed consent, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

9:30 A.M. – PUBLIC HEARING – CLEARINGHOUSE RULE 14-033, AMENDING MED 13.06, RELATING TO CONTINUING EDUCATION AUDITS

*The Public Hearing was called to order by Kenneth Simons, Chair, at 9:41 A.M.
No comments were made. No action was taken.*

CLOSED SESSION

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Greg Collins – yes; Rodney Erickson – yes; Jude Genereaux – yes; Carolyn Ogland – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Swan – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:47 A.M.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to reconvene in Open Session at 1:35 P.M. Motion carried unanimously.

PRESENTATION AND DELIBERATION OF REQUEST TO REVIEW BOARD DECISION IN THE MATTER OF THE FULL-BOARD ORAL EXAMINATION OF BHARAT PAL, M.D.

MOTION: Timothy Westlake moved, seconded by Timothy Swan, that the request of Bharat Pal, M.D., for reconsideration of the failure of the examination and denial of the license is denied. **REASON FOR DENIAL:** Unable to practice with reasonable skill and safety. Motion carried.

Sridhar Vasudevan voted no in the above matter.

REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF 13 MED 302 – (T.S.O.)

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to rescind the Administrative Warning issued in DLSC case number 13 MED 302 against T.S.O. Motion failed.

MOTION: Greg Collins moved, seconded by Timothy Swan, to affirm the Administrative Warning issued in DLSC case number 13 MED 302 against T.S.O. Motion failed.

REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF 13 MED 274 – (J.R.V.)

MOTION: Mary Jo Capodice moved, seconded by Rodney Erickson, to rescind the Administrative Warning issued in DLSC case number 13 MED 274 against J.R.V., and to close the case for prosecutorial discretion. Motion carried.

ORAL INTERVIEW FOR VISITING PROFESSOR LICENSURE – TOSHIO TAKAYAMA, M.D.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to grant the request of Toshio Takayama, M.D., for Visiting Professor Licensure pursuant to Wis. Admin. Code ch. MED 3.02(8). Motion carried unanimously.

MONITORING MATTERS

MICHAEL V. BAICH, M.D. – REQUESTING LIMITATIONS BE REMOVED FROM LICENSE

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to grant the request of Michael V. Baich, M.D., to remove the limitations from his license. Motion carried unanimously.

Pam Stach, Legal Counsel, recused herself and left the room for deliberations and voting in the above matter.

PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS:

**12 MED 422
JANE D. BYRD, M.D**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 12 MED 422 – Jane D. Byrd, M.D. Motion carried unanimously

**13 MED 018
JASON T. GENGERKE, M.D.**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 018 – Jason T. Gengerke, M.D. Motion carried unanimously

**13 MED 129
STEPHEN A. CULLINAN, M.D.**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 129 – Stephen A. Cullinan, M.D. Motion carried unanimously

**13 MED 169
NANCY L. MOYER, M.D.**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 169 – Nancy L. Moyer, M.D. Motion carried unanimously

**13 MED 179
PATRICK L. BRUNO, M.D.**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 179 – Patrick L. Bruno, M.D. Motion carried unanimously

**13 MED 383
MOHAMMED A. KAISERUDDIN, M.D.**

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 383 – Mohammed A. Kaiseruddin, M.D. Motion carried unanimously

13 MED 478
STEVEN W. STEINMETZ, M.D.

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 478 – Steven W. Steinmetz, M.D. Motion carried unanimously

13 MED 534
GOVINDARAJU SUBRAMANI, M.D.

MOTION: Mary Jo Capodice moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 534 – Govindaraju Subramani, M.D. Motion carried unanimously

13 MED 401
RAKESH JAGETIA, M.D.

MOTION: Timothy Swan moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 13 MED 401 – Rakesh Jagetia, M.D. Motion carried unanimously

ADMINISTRATIVE WARNINGS

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to issue administrative warnings and to close the cases in the matter of case numbers:
1) 12 MED 381 (C.W.D.)
2) 13 MED 334 (T.A.D.)
Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to issue an administrative warning and to close the case in the matter of case number 13 MED 217 (J.A.F.). Motion carried unanimously.

PRESENTATION AND DELIBERATION ON PETITIONS FOR EXTENSIONS OF TIME

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to authorize the Division of Legal Services and Compliance to seek permission from the Secretary of the Department of Safety and Professional Services to extend the time in which the Division may commence legal action in the matter of 13 MED 152 (J.W.I) for six months from the date of a signed Order for Extension. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to authorize the Division of Legal Services and Compliance to seek permission from the Secretary of the Department of Safety and Professional Services to extend the time in which the Division may commence legal action in the matter of 13 MED 155 (N.H.R.) for six months from the date of a signed Order for Extension. Motion carried unanimously.

SEEKING EQUIVALENCY FOR THE 12 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING BASED ON EDUCATION AND TRAINING

SAMI ALNAFI, M.D.

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to find that the training and education of Sami Alnafi, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

MOHAMED ETAFY, M.D.

Mary Jo Capodice left the room at 12:49 P.M.

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to find that the training and education of Mohamed Etafy, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2), and to route the file to the licensing liaisons for further review regarding the possibility of a personal interview. Motion carried unanimously.

OSAYANDE S. IZEIYAMU, M.D.

Mary Jo Capodice returned to the meeting at 12:52 P.M.

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to affirm the denial of equivalency of training and education of Osayande S. Izeiyamu, M.D. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Jude Genereaux, to deny the application of Osayande S. Izeiyamu, M.D. for licensure to practice medicine and surgery. **Reason for Denial:** Lack of equivalency of education and training. Motion carried unanimously.

KUYLHEE KIM, M.D.

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland, to find that the training and education of Kuylhee Kim, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried.

Kenneth Simons recused himself and left the room for deliberations and voting in the above matter.

GUOQIONG K. QU, M.D.

MOTION: Mary Jo Capodice moved, seconded by Jude Genereaux, to find that the training and education of Guoqiong K. Qu, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2), and to route the file to the licensing liaisons for further review regarding the possibility of a personal interview. Motion failed.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to find that the training and education of Guoqiong K. Qu, M.D. is not substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried.

CASE CLOSINGS

MOTION: Jude Genereaux moved, seconded by Timothy Westlake, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

- 1) 12 MED 241 (A.B.) for prosecutorial discretion (P3)
- 2) 12 MED 242 (S.J.) for insufficient evidence (IE), as corrected
- 3) 13 MED 114 (R.H.) for no violation (NV)
- 4) 13 MED 128 (C.A.L.) for prosecutorial discretion (P1)
- 5) 13 MED 221 (D.A. and J.D.) for no violation (NV), as corrected
- 6) 13 MED 237 (F.T.I.) for no violation (NV)
- 7) 13 MED 255 (G.G.D.) for prosecutorial discretion (P7)
- 8) 13 MED 335 (M.Y.) for no violation (NV)
- 9) 13 MED 380 (M.M.) for lack of jurisdiction (L2)
- 10) 14 MED 045 (C.D.) for prosecutorial discretion (P5)

Motion carried unanimously.

MOTION: Greg Collins moved, seconded by Timothy Westlake, to close case number 12 MED 381 (A.N. and C.L.) for no violation (NV). Motion carried unanimously.

Kenneth Simons recused himself and left the room for deliberations and voting in the above matter.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case number 12 MED 445 (A.J.C.) for prosecutorial discretion (P5), and to place a flag on the credential. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to keep case number 13 MED 012 (R.J.D.) open. Motion carried unanimously.

MOTION: Greg Collins moved, seconded by Timothy Westlake, to close case number 13 MED 033 (R.J.A.) for no violation (NV). Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Jude Genereaux, to close case number 13 MED 156 (R.T.) for no violation (NV). Motion carried unanimously.

Carolyn Ogland recused herself and left the room for deliberations and voting in the above matter.

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

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Carolyn Ogland moved, seconded by Rodney Erickson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:36 P.M.