

**MEDICAL EXAMINING BOARD
MEETING MINUTES
October 15, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D.; Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; and Russell Yale, M.D.

EXCUSED: James Barr, Robert Zondag

STAFF: Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Taylor Thompson, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 7:59 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Greg Collins moved, seconded by Sridhar Vasudevan, to approve the minutes of September 17, 2014 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

**MONITORING – PROPOSED REVISION TO DOCUMENT,
ROLES AND AUTHORITIES DELEGATED TO THE
MONITORING LIAISON AND DEPARTMENT MONITOR**

MOTION: Timothy Swan moved, seconded by Suresh Misra, to **modify** the document Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor as follows: Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Department Monitor will draft an order and obtain the signature or written authorization for signature of the Monitoring Liaison. Motion carried unanimously.

**STATUS UPDATE CONCERNING EX PARTE COMMUNICATION
INVOLVING DR. MONTEMURRO;
STATUS UPDATE CONCERNING PETITION FOR REVIEW
SUBMITTED BY DR. ALI**

REQUEST FOR MODIFICATIONS OF BOARD ORDER – ANGELINA MONTEMURRO

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland Vukich, to **appoint** Sridhar Vasudevan as the designee who is responsible for preapproving the professionals to perform the neuropsychological and psychiatric examinations. Motion carried unanimously.

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Swan, to **deny** Dr. Montemurro's request to modify the terms of the Board order (waive costs and extension of time) and to instead affirm that the terms of the Board order remain in effect. Motion carried unanimously.

CLOSED SESSION

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, 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; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Swan – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; and Russell Yale – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:06 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 12:36 p.m. Motion carried unanimously.

APPLICATION REVIEW – PETITION TO RETAKE USMLE STEP 2

FIDELIS IKEGWUONU

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to **deny** Fidelis Ikegwuonu's petition to retake Step 2 USMLE. **Reason for Denial:** Applicant has not presented evidence to the Board that he has professional training or education sufficient to overcome repeated failures of USMLE Step 2 CK and Step 2 CS. The Board deems successful completion of Medical School at an LCME or AOA accredited Medical School as a minimal requirement for further professional training or education. Motion carried unanimously.

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

Kenneth Simons recused himself and left the room for the discussion and consideration in the matter of Motaz Selim.

MOTAZ A SELIM, M.D.

MOTION: Mary Jo Capodice moved, seconded by Russell Yale, to **find** that the training and education of Motaz A. Selim, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried. *Dr. Vasudevan abstained from the vote.*

RECONSIDERATION FOR APPLICANT SEEKING EQUIVALENCY FOR 12 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING

NITINRAI PANDYA, M.D.

MOTION: Timothy Swan moved, seconded by Greg Collins, to **find** that the training and education of Nitinrai Pandya, M.D. is not substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

MONITORING MATTERS

KIRSTEN PETERSON, M.D. – REQUESTING MODIFICATIONS OF BOARD ORDERED REQUIREMENTS

MOTION: Michael Phillips moved, seconded by Suresh Misra, to **grant** the request of Kirsten Peterson, M.D. for modifications of Board ordered requirements, to reduce drug and alcohol screenings from 28 to 14, and therapy to once every 4 months. Motion carried unanimously.

DONALD JACOBSON, M.D. – REQUESTING TO BE ALLOWED TO KEEP LICENSE BUT NOT BE REQUIRED TO FULFILL BOARD ORDERED REQUIREMENTS DUE TO ILL HEALTH

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to **deny** the request of Donald Jacobson, M.D. for allowance to keep license but not be required to fulfill Board ordered requirements due to ill health. The Board reaffirms its original order. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)

Carolyn Ogland Vukich recused herself and left the room for the deliberation, and voting in the matter of Todd Trier, M.D.

TODD TRIER, M.D. – 13 MED 052 AND 13 MED 053

MOTION: Russell Yale moved, seconded by Rodney Erickson, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Todd Trier., M.D., DLSC case numbers 13 MED 052 and 13 MED 053. Motion carried.

BRIAN E. CHRISTOFFERSON, P.A. – 13 MED 177

MOTION: Greg Collins moved, seconded by Mary Jo Capodice, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Brian E. Christofferson, P.A., DLSC case number 13 MED 177. Motion carried unanimously.

ELLIOTT PHILLIPS, M.D. – 13 MED 373

MOTION: Greg Collins moved, seconded by Suresh Misra, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Elliott Phillips, M.D., DLSC case number 13 MED 373. Motion carried unanimously.

RICHARD BARNEY, M.D. – 14 MED 153

MOTION: Timothy Westlake moved, seconded by Sridhar Vasudevan, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Richard Barney, M.D., DLSC case number 14 MED 153. Motion carried unanimously.

EDWARD M. PORTMAN, M.D. – 14 MED 183

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Edward M. Portman, M.D., DLSC case number 14 MED 183. Motion carried unanimously.

Suresh Misra excused himself from the meeting at 11:30 a.m.

**PRESENTATION AND DELIBERATION ON COMPLAINTS FOR
DETERMINATION OF PROBABLE CAUSE**

Rodney Erickson recused himself and left the room for the deliberation, and voting in the matter of Siamak Arassi, M.D.

SIAMAK B. ARASSI, M.D. – 11 MED 351

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to **find** probable cause to believe that Siamak B. Arassi, M.D., DLSC case number 11 MED 351, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

Mary Jo Capodice recused herself and left the room for the deliberation, and voting in the matter of P. Perry Phillips, M.D.

Michael Phillips recused himself and left the room for the deliberation, and voting in the matter of P. Perry Phillips, M.D.

P. PERRY PHILLIPS, M.D. – 13 MED 402

MOTION: Timothy Swan moved, seconded by Greg Collins, to **find** probable cause to believe that P. Perry Phillips, M.D., DLSC case number 13 MED 402, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNINGS

Carolyn Ogland Vukich recused herself and left the room for the deliberation, and voting in the matter of 13 MED 339 (R.G.R.)

13 MED 339 – R.G.R.

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to **issue** an Administrative Warning in the matter of DLSC case number 13 MED 339 (R.G.R.). Motion carried.

14 MED 073 – E.A.S.

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to **table** issuing an Administrative Warning in the matter of DLSC case number 14 MED 073 (E.A.S.). Motion carried unanimously.

14 MED 103 – B.A.

Michael Phillips was not present for the matter of 14 MED 103 (B.A.).

MOTION: Sridhar Vasudevan moved, seconded by Russell Yale, to **reject** this Administrative Warning in the matter of DLSC case number 14 MED 103 (B.A.). Motion carried.

14 MED 235 – T.C.W.

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to **issue** an Administrative Warning in the matter of DLSC case number 14 MED 235 (T.C.W.). Motion carried.

CASE CLOSING(S)

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

- 1) 13 MED 153 (W.B.L.) for insufficient evidence (IE)
- 2) 13 MED 400 (G.S.T.) for prosecutorial discretion (P5)
- 3) 13 MED 521 (D.B.G.) for no violation (NV)
- 5) 14 MED 105 (B.C.W. and G.F.R.) for prosecutorial discretion (P1)
- 6) 14 MED 124 (M.E.) for no violation (NV)
- 7) 14 MED 140 (B.P.) for insufficient evidence (IE)
- 8) 14 MED 238 (B.P.V.) for no violation (NV)
- 9) 14 MED 321 (T.T.T.) for prosecutorial discretion (P7)

Motion carried unanimously.

Timothy Westlake recused himself and left the room for the deliberation, and voting in the matter of 14 MED 044 (S.I.C.)

14 MED 044 – S.I.C.

MOTION: Carolyn Ogland Vukich moved, seconded by Russell Yale, to **table** DLSC case number 14 MED 044, against S.I.C. Motion carried.

14 MED 243 – D.M.W.

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to **close** DLSC case number 14 MED 243, against D.M.W., for no violation (NV). Motion carried unanimously.

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

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Westlake, 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 Carolyn Ogland Vukich, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:37 p.m.