

**MEDICAL EXAMINING BOARD
MEETING MINUTES
June 17, 2015**

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. (*via GoToMeeting; disconnected from the meeting from 9:10a.m.-9:40a.m., 10:31a.m-11:54a.m., and was excused at 11:56 a.m.*); Kenneth Simons, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Robert Zondag

EXCUSED: Russell Yale, M.D.

STAFF: Tom Ryan, Executive Director; Nilajah Madison-Head, 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 ten (10) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Amendments to the Minutes:

- *Remove "Excused: James Barr"*

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to approve the minutes of May 20, 2015 as amended. Motion carried unanimously.

RECOGNITION OF BOARD MEMBERS

APPEARANCE - Dr. Timothy Swan

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, that the Wisconsin Medical Examining Board acknowledges the outstanding service of Dr. Timothy Swan as Vice Chair and member of the Wisconsin Medical Examining Board and in addition wishes him much success in his role as Vice Speaker of the American College of Radiology. Motion carried unanimously.

James Barr

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, that the Wisconsin Medical Examining Board wishes to extend its sincere condolences to the family of the late James Barr and makes known to them that James Barr was held in high regard for his many contributions to the Wisconsin Medical Examining Board during his tenure. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

Non-Clinical Board Members Workgroup

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to authorize Robert Zondag's participation in the FSMB's Non-Clinical Board Members Workgroup. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Review and Approval of Med 3, 4, 23 (CR15-022) Relating to Physician Licensure

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 15-022 as amended, revising Med, 3, 5, 23 relating to physician licensure for submission to the Governor's Office and Legislature. Motion carried unanimously.

Discuss Scope Statement for General Clean-Up of Administrative Rules

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to request DSPS staff draft a Scope Statement to modernize, update, and clarify rules affecting the Medical Examining Board. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to designate Kenneth Simons as the Administrative Rule Coordinator's contact for all matters relating to drafting the Scope statement and rule(s) that follow(s). Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to authorize Mary Jo Capodice to attend the AOA and AAOE Annual Conference in Orlando, FL in October 2015 and to appoint her as the Board's delegate. Motion carried unanimously.

(Michael Phillips disconnected and left the meeting at 9:10a.m.)

CLOSED SESSION

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, 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; Kenneth Simons – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:13 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to reconvene in Open Session at 11:51 a.m. Motion carried unanimously.

(Michael Phillips rejoined the meeting at 11:54 a.m.)

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

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

COMPLAINT(S) FOR DETERMINATION OF PROBABLE CAUSE

12 MED 289 – Levi C. Leong, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Robert Zondag, to find probable cause to believe that Levi C. Leong, M.D., DLSC case number 12 MED 289, has committed 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. Recused: Mary Jo Capodice.

(Mary Jo Capodice recused herself and left the room for deliberation, and voting in the matter concerning Levi C. Leong, M.D., Respondent – DLSC case number 12 MED 289.)

13 MED 187 – Vance Masci, M.D.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to find probable cause to believe that Vance Masci, M.D., DLSC case number 13 MED 187, has committed 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. Recused: Mary Jo Capodice, Sridhar Vasudevan, and Rodney Erickson.

(Mary Jo Capodice, Sridhar Vasudevan and Rodney Erickson recused themselves and left the room for deliberation, and voting in the matter concerning Vance Masci, M.D., Respondent – DLSC case number 13 MED 187.)

15 MED 025 – Roger Pellmann, M.D.

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to find probable cause to believe that Roger Pellmann, M.D., DLSC case number 15 MED 025, has committed 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. Recused: Kenneth Simons.

(Kenneth Simons recused himself and left the room for deliberation, and voting in the matter concerning Roger Pellmann, M.D., Respondent – DLSC case number 15 MED 025.)

REVIEW OF ADMINISTRATIVE WARNING(S)

APPEARANCE – D.G.(WARN00000320)(DLSC case number 14 MED 368)

MOTION: Rodney Erickson moved, seconded by Robert Zondag, to affirm the Administrative Warning in the matter of DLSC case number 14 MED 368 (D.G.). Motion carried. Sridhar Vasudevan opposed.

FULL BOARD ORAL INTERVIEW

(Michael Phillips rejoined the meeting at 9:40 a.m.)

APPEARANCE - Kevin Clark, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Robert Zondag, to grant the application of Kevin Clark, M.D., for license to practice medicine and surgery, once all requirements are met. Motion carried unanimously.

REQUEST FOR EQUIVALENCY REVIEW OF 24 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING BASED ON EDUCATION AND TRAINING

Marwan Abdulaal, M.D.

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to defer the matter of Marwan Abdulaal, M.D. to gather further information. Motion carried unanimously.

(Michael Phillips disconnected and left the meeting at 10:31a.m.)

DELIBERATION ON ADMINISTRATIVE WARNINGS

13 MED 525 – S.L.F.

MOTION: Carolyn Ogland Vukich moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 13 MED 525 (S.L.F.). Motion carried unanimously.

14 MED 365 – W.G.D.

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to issue an Administrative Warning in the matter of DLSC case number 14 MED 365 (W.G.D.). Motion carried unanimously.

15 MED 001 – N.W.

MOTION: Carolyn Ogland Vukich moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 15 MED 001 (N.W.). Motion carried unanimously.

15 MED 007 – S.M.K.

MOTION: Mary Jo Capodice moved, seconded by Rodney Erickson, to issue an Administrative Warning in the matter of DLSC case number 15 MED 007 (S.M.K.). Motion carried unanimously.

15 MED 031 – P.L.V.

MOTION: Rodney Erickson moved, seconded by Carolyn Ogland Vukich, to issue an Administrative Warning in the matter of DLSC case number 15 MED 031 (P.L.V.). Motion carried unanimously.

15 MED 096 – R.P.M.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 15 MED 096 (R.P.M.). Motion carried unanimously.

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

12 MED 381 – David J. Drake, M.D.

MOTION: Timothy Westlake moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David J. Drake, M.D., DLSC case number 12 MED 381. Motion carried unanimously.

13 MED 145 – Lorne P. Schlecht, M.D.

MOTION: Greg Collins moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Lorne P. Schlecht, M.D., DLSC case number 13 MED 145. Motion carried unanimously.

13 MED 510 – Eileen S. Gavin, M.D.

MOTION: Timothy Westlake moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Eileen S. Gavin, M.D., DLSC case number 13 MED 510. Motion carried unanimously.

14 MED 041 – Carl R. Sunby, M.D.

MOTION: Greg Collins moved, seconded by Timothy Westlake, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Carl R. Sunby, M.D., DLSC case number 14 MED 041. Motion carried. Recused: Carolyn Ogland Vukich.

(Carolyn Ogland Vukich recused herself and left the room for deliberation, and voting in the matter concerning Carl R. Sunby, M.D., Respondent – DLSC case number 14 MED 041.)

14 MED 131 – Steven D. Nichols, M.D.

MOTION: Suresh Misra moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Steven D. Nichols, M.D., DLSC case number 14 MED 131. Motion carried unanimously.

14 MED 266 – Jon A. Cafaro, M.D.

MOTION: Timothy Westlake moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jon A. Cafaro, M.D., DLSC case number 14 MED 266. Motion carried unanimously.

14 MED 468 – Norman C. Reynolds, Jr., M.D.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Norman C. Reynolds, Jr., M.D., DLSC case number 14 MED 468. Motion carried unanimously.

14 MED 496 – Vikram Gunnala, M.D.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Vikram Gunnala, M.D., DLSC case number 14 MED 496. Motion carried unanimously.

MONITORING MATTERS**Ronald Rubin, M.D. – Requesting to be Allowed to Provide Patient Care**

MOTION: Robert Zondag moved, seconded by Suresh Misra, to deny the request of Ronald Rubin, M.D. to be allowed to provide patient care. **Reason for Denial:** Respondent did not obtain an AODA assessment by a pre-approved AODA assessor at a facility acceptable to the Board. Motion carried unanimously.

Farid Ahmad, M. D. – Requesting Full Unlimited License

MOTION: Robert Zondag moved, seconded by Timothy Westlake, to deny the request of Farid Ahmad, M.D. for full licensure. **Reason for Denial:** Respondent's request is denied because he did not comply with Page 2, paragraph 2(a-d) of the Order. The Respondent did not demonstrate successful completion of all CPEP recommendations. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 13 MED 316 (S.J.W.) – No Violation (NV)
2. 13 MED 353 (S.S.D.) – No Violation (NV)
3. 13 MED 536 (T.E.) – Insufficient Evidence (IE)
4. 14 MED 046 (K.F.Q.) – No Violation (NV)
5. 14 MED 190 (M.D.P.) – Insufficient Evidence (IE)
6. 14 MED 197 (R.B.) – No Violation (NV)
7. 14 MED 262 (A.E.U.) – No Violation (NV)
8. 14 MED 283 (R.L.A.) – Prosecutorial Discretion (P1)
9. 14 MED 357 (J.A.) – Prosecutorial Discretion (P1)
10. 14 MED 445 (H.K.L.) – No Violation (NV)
11. 14 MED 598 (G.F.B.) – No Violation (NV)
12. 15 MED 016 (L.A.H.) – No Violation (NV)
13. 15 MED 048 (E.N.W.) – Prosecutorial Discretion (P3)
14. 15 MED 054 (A.R.D.) – Prosecutorial Discretion (P3)
15. 15 MED 063 (M.L.A.) – No Violation (NV)
16. 15 MED 070 (P.G.C.) – No Violation (NV)

Motion carried unanimously.

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

MOTION: Robert Zondag moved, seconded by Suresh Misra, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

(Michael Phillips was excused from the meeting 11:56 a.m.)

2014 MEDICAL EXAMINING BOARD ANNUAL REPORT

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to designate Robert Zondag to advise DSPS Staff regarding changes to the 2014 Medical examining Board Annual Report and to approve the final report. Motion carried unanimously.

ADJOURNMENT

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:09 p.m.