

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
January 18, 2017**

**PRESENT:** Mary Jo Capodice, D.O. (*via GoToMeeting;*) Michael Carton (*arrived at 8:27 via GoToMeeting;*) Padmaja Doniparthi, M.D., Rodney Erickson, M.D. (*via GoToMeeting;*) Bradley Kudick; Lee Ann Lau, M.D. David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D.; Robert Zoeller, M.D.

**EXCUSED:** Carolyn Ogland Vukich, M.D.; Robert Zondag

**STAFF:** Tom Ryan, Executive Director; Nifty Lynn Dio, 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 to the Agenda:**

- *Added: Report on Combating Opioid Abuse*

**MOTION:** Bradley Kudick moved, seconded by David Roelke, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES OF DECEMBER 21, 2016 – REVIEW AND APPROVAL**

**Amendments to the Minutes:**

- *Page 5, travel motion – remove at*

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to approve the minutes of December 21, 2016 as amended. Motion carried unanimously.

**ELECTIONS, APPOINTMENTS, REAPPOINTMENTS, CONFIRMATIONS, AND  
COMMITTEE, PANEL AND LIAISON APPOINTMENTS**

**BOARD CHAIR**

**NOMINATION:** Timothy Westlake nominated Kenneth Simons for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Kenneth Simons was elected as Chair by unanimous consent.

**VICE CHAIR**

**NOMINATION:** Bradley Kudick nominated Timothy Westlake for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Timothy Westlake was elected as Vice Chair by unanimous consent.

**SECRETARY**

**NOMINATION:** Rodney Erickson nominated Mary Jo Capodice for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Mary Jo Capodice was elected as Secretary by unanimous consent.

<b>2017 ELECTION RESULTS</b>	
<b>Board Chair</b>	Kenneth Simons
<b>Vice Chair</b>	Timothy Westlake
<b>Secretary</b>	Mary Jo Capodice

**LIAISON APPOINTMENTS**

<b>2017 LIAISON APPOINTMENTS</b>	
<b>Professional Assistance Procedure (PAP) Liaison</b>	Mary Jo Capodice Alternate – Padmaja Doniparthi
<b>Office of Education and Examinations Liaison</b>	Timothy Westlake Alternate – David Roelke
<b>Website Liaison</b>	Robert Zondag Alternate – Michael Carton
<b>Credentialing Liaison(s)</b>	David Roelke, Rodney Erickson Alternate – Robert Zoeller, Carolyn Ogland Vukich
<b>Legislative Liaison</b>	Timothy Westlake
<b>Maintenance of Licensure Liaisons</b>	Rodney Erickson, Carolyn Ogland Vukich Alternate – Mary Jo Capodice
<b>Newsletter Liaison</b>	Robert Zondag Alternate – Bradley Kudick
<b>Monitoring Liaison</b>	Mary Jo Capodice Alternate – Padmaja Doniparthi
<b>Continuing Education Liaison</b>	Lee Ann Lau Alternate – David Roelke
<b>Administrative Rules Liaison</b>	David Roelke Alternate – Robert Zoeller
<b>Prescription Drug Monitoring Program Liaison</b>	Timothy Westlake Alternate – Mary Jo Capodice
<b>Travel Liaison</b>	Kenneth Simons Alternate – Timothy Westlake
<b>Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)</b>	Timothy Westlake

<b>2017 COMMITTEE APPOINTMENTS</b>	
<b>Licensure Committee</b>	Timothy Westlake, Kenneth Simons
<b>Telemedicine Rule</b>	David Roelke, Carolyn Ogland Vukich, Kenneth Simons, Robert Zondag
<b>Disciplinary Guidelines</b>	Kenneth Simons, Lee Ann Lau

**MOTION:** David Roelke moved, seconded by Mary Jo Capodice, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

### **DELEGATION MOTIONS**

#### *Delegated Authority for Urgent Matters*

**MOTION:** Robert Zoeller moved, seconded by David Roelke, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

#### *Council Delegation Motion*

**MOTION:** Padmaja Doniparthi moved, seconded by Lee Ann Lau, to delegate to the Board's Councils and/or its liaisons the authority to review applications and conduct examinations of candidates for licensure and to make recommendations regarding the licensure of applicants based upon the application reviews and examinations. Recommended credential denials should be considered by the Medical Examining Board. This delegation motion is not intended to be exhaustive of the Councils' advisory authority. Motion carried unanimously.

#### *Delegated Authority for Application Denial Reviews*

**MOTION:** David Roelke moved, seconded by Bradley Kudick, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

#### *Document Signature Delegation*

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the

authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

### *Credentialing Authority Delegations*

**MOTION:** Robert Zoeller moved, seconded by Lee Ann Lau, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** Padmaja Doniparthi moved, seconded by Bradley Kudick, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to delegate authority to the DSPS attorneys to review and approve ordinance violations which are not substantially related to the practice of medicine, limited to:

1. Littering
2. Loitering
3. Up to two (2) Underage Drinking
4. One (1) OWI two or more years prior to application
5. Trespassing
6. Disturbing the Peace

Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Robert Zoeller, to delegate authority to the DSPS attorneys to review and approve conviction review for Medicine & Surgery (Physicians) applications which have previously been approved for a full Resident Educational License (REL) license after a criminal background check and there have been no new violations or convictions since the previous license approval. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** David Roelke moved, seconded by Timothy Westlake, to affirm the Chair's appointment of Mary Jo Capodice as the Monitoring Liaison, and Padmaja Doniparthi as the alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document. Motion carried unanimously.

*(Michael Carton arrived at 8:27 a.m. via GoToMeeting.)*

## **FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS**

### **FSMB Annual Meeting – April 20-22, 2017 – Forth Worth, Texas – Delegate Appointment and Travel Authorization**

**MOTION:** Lee Ann Lau moved, seconded by Bradley Kudick, to delegate the Chair to attend the FSMB Annual Meeting on April 20-22, 2017 in Fort Worth, Texas, and to authorize travel. Motion carried unanimously.

**MOTION:** Robert Zoeller moved, seconded by Bradley Kudick, to authorize Tom Ryan to attend the FSMB Annual Meeting on April 20-22, 2017 in Fort Worth, Texas, and to authorize travel. Motion carried unanimously.

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, to authorize Mary Jo Capodice, Rodney Erickson and Padmaja Doniparthi to attend the FSMB Annual Meeting on April 20-22, 2017 in Fort Worth, Texas, and to authorize travel. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Bradley Kudick moved, seconded by Robert Zoeller, 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; Michael Carton – yes; Padmaja Doniparthi – yes; Rodney Erickson – yes; Bradley Kudick – yes; Lee Ann Lau – yes; David Roelke – yes; Kenneth Simons – yes; Timothy Westlake – yes; and Robert Zoeller – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:45 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Padmaja Doniparthi moved, seconded by Bradley Kudick, to reconvene in Open Session at 9:09 a.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Lee Ann Lau moved, seconded by Timothy Westlake, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

### **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Administrative Warnings**

#### ***15 MED 341***

**MOTION:** Lee Ann Lau moved, seconded by Padmaja Doniparthi, to issue an Administrative Warning in the matter of DLSC Case No. 15 MED 341 against P.A.K. Motion carried unanimously.

#### ***16 MED 370***

**MOTION:** Mary Jo Capodice moved, seconded by Bradley Kudick, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 370 against E.J.S. Motion carried unanimously.

**16 MED 407**

**MOTION:** Bradley Kudick moved, seconded by Robert Zoeller, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 407 against N.I. Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders*****14 MED 300, 14 MED 302, and 15 MED 002 – David J. Houlihan***

**MOTION:** Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David J. Houlihan, DLSC Case No. 14 MED 300, 14 MED 302 and 15 MED 002. Motion carried unanimously.

*(Rodney Erickson recused himself from deliberation and voting in the matter concerning David J. Houlihan, DLSC Case No. 14 MED 300, 14 MED 302 and 15 MED 002.)*

***16 MED 242 – Jonathan R. Oppenheimer***

**MOTION:** David Roelke moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jonathan R. Oppenheimer DLSC Case No. 16 MED 242. Motion carried unanimously.

**Case Closing****16 MED 403**

**MOTION:** Robert Zoeller moved, seconded by Mary Jo Capodice, to close DLSC Case No. 16 MED 403 for ***No Violation***. Motion carried unanimously.

**REQUESTS FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING****Robert Kraus, M.D.**

**MOTION:** Timothy Westlake moved, seconded by Robert Zoeller, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Robert Kraus, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to grant the license to practice medicine and surgery to Robert Kraus, once all requirements are met. Motion carried unanimously.

**Hima Musunuru, M.D.**

**MOTION:** Lee Ann Lau moved, seconded by Bradley Kudick, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Hima Musunuru, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to grant the license to practice medicine and surgery to Hima Musunuru, once all requirements are met. Motion carried unanimously.

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

**MOTION:** David Roelke moved, seconded by Padmaja Doniparthi, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Robert Zoeller moved, seconded by Padmaja Doniparthi, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:10 a.m.