

**MEDICAL EXAMINING BOARD
MEETING MINUTES
March 15, 2017**

PRESENT: Mary Jo Capodice, D.O.; Michael Carton (*via GoToMeeting;*) Rodney Erickson, M.D.; Lee Ann Lau, M.D. (*arrived at 8:03 a.m. via GoToMeeting;*) Carolyn Ogland Vukich, M.D. (*via GoToMeeting;*) David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D.; Robert Zoeller, M.D.; Robert Zondag (*arrived at 8:03 a.m.*)

EXCUSED: Padmaja Doniparthi, M.D.; Bradley Kudick

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 eight (8) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Added: Item G) Prescription Drug Monitoring Program (PDMP) Matters*
- *Added Item T.3.a) 15 MED 336 – Paul Grinkel, M.D.*
- *Replaced pages of item T.1.a) 15 MED 336 – Paul Grinkel, M.D.*

MOTION: Robert Zoeller moved, seconded by David Roelke, to adopt the agenda as amended. Motion carried unanimously.

MINUTES OF FEBRUARY 15, 2017 – REVIEW AND APPROVAL

Amendments to the Minutes:

- *Correct Kenneth Simons to Timothy Westlake on call to order*

MOTION: Rodney Erickson moved, seconded by Robert Zoeller, to approve the minutes of February 15, 2017 as amended. Motion carried unanimously.

(Lee Ann Lau joined the meeting via GoToMeeting at 8:03 a.m.)

(Robert Zondag joined the meeting at 8:03 a.m.)

STATE BUDGET - DISCUSSION

MOTION: Robert Zondag moved, seconded by David Roelke, to authorize Timothy Westlake to carry on discussions with the Legislature, Governor's Office and stakeholders regarding the State Budget on behalf of the Board. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, AND PUBLIC RELATIONS REQUESTS

MOTION: Robert Zondag moved, seconded by Robert Zoeller, to delegate Mary Jo Capodice to attend the Wisconsin Association of Osteopathic Physicians &

Surgeons meeting on June 9-10, 2017 in Wausau, WI, and to authorize travel.
Motion carried unanimously.

NEWSLETTER MATTERS

MOTION: David Roelke moved, seconded by Rodney Erickson, to approve the newsletter with the corrections discussed at the meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Timothy Westlake moved, seconded by Robert Zondag, 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; Rodney Erickson – yes; Lee Ann Lau – yes; Carolyn Ogland Vukich – yes; David Roelke – yes; Kenneth Simons – yes; Timothy Westlake – yes; Robert Zoeller – yes and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:54 a.m.

RECONVENE TO OPEN SESSION

MOTION: Lee Ann Lau moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 10:00 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

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

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

REQUEST FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING

Syed Baber, M.D.

MOTION: Lee Ann Lau moved, seconded by Timothy Westlake, to deny a waiver of the 24 month of ACGME/AOA approved post-graduate training to Syed Baber, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

Kadhya Muballe, M.D.

MOTION: Robert Zoeller moved, seconded by David Roelke, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Kadhya Muballe, per Wis. Stat. §448.05(2)(c). Motion carried. Opposed: Ogland, Lau

MOTION: David Roelke moved, seconded by Rodney Erickson, to table the vote to grant the license to Kadhya Muballe and request additional information. Motion carried unanimously.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Kadhya Muballe, M.D.)

Amer Zwein, M.D.

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

MOTION: Robert Zoeller moved, seconded by David Roelke, to grant the license to practice medicine and surgery to Amer Zwein, once all requirements are met. Motion carried unanimously.

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

Proposed Stipulations, Final Decisions and Orders

15 MED 336 – Paul D. Ginkel, M.D.

MOTION: Timothy Westlake moved, seconded by Rodney Erickson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Paul Ginkel, M.D., DLSC Case No. 15 MED 336. Motion carried unanimously.

16 MED 079 – Tracie Dunek, D.O.

MOTION: Robert Zoeller moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Tracie Dunek, D.O., DLSC Case No. 16 MED 079. Motion carried unanimously.

16 MED 124 – Gregory Rypel, M.D.

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 Gregory Rypel, M.D. DLSC Case No. 16 MED 124. Motion carried unanimously.

16 MED 208, 16 MED 250 and 16 MED 383 – Clifford Bowe, M.D.

MOTION: David Roelke moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Clifford Bowe, M.D. DLSC Case No. 16 MED 208, 16 MED 250 and 16 MED 383. Motion carried unanimously.

Case Closings

15 MED 274 (A.A.S.)

MOTION: Rodney Erickson moved, seconded by David Roelke, to close DLSC Case No. 15 MED 274 for Insufficient Evidence. Motion carried unanimously.

15 MED 280 (C.M.D.)

MOTION: David Roelke moved, seconded by Robert Zondag, to close DLSC Case No. 15 MED 280 for No Violation. Motion carried unanimously.

(Carolyn Ogland recused herself and left the room for deliberation and voting in the matter of DLSC Case No. 15 MED 280.)

15 MED 327 (P.H.D.) No Violation

MOTION: Robert Zoeller moved, seconded by Mary Jo Capodice, to close DLSC Case No. 15 MED 327 for No Violation. Motion carried unanimously.

15 MED 358 (L.A.O.)

MOTION: David Roelke moved, seconded by Timothy Westlake, to close DLSC Case No. 15 MED 358 for Prosecutorial Discretion (P1). Motion carried unanimously.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter of DLSC Case No. 15 MED 358.)

16 MED 059 (C.A.N.)

MOTION: Mary Jo Capodice moved, seconded by Robert Zoeller, to close DLSC Case No. 16 MED 059 for No Violation. Motion carried unanimously.

16 MED 089 (H.L.)

MOTION: David Roelke moved, seconded by Robert Zondag, to close DLSC Case No. 16 MED 089 for No Violation. Motion carried unanimously.

16 MED 278 (V.A.N.)

MOTION: Robert Zondag moved, seconded by Timothy Westlake, to close DLSC Case No. 16 MED 278 for No Violation. Motion carried unanimously.

16 MED 392 (P.E.W.)

MOTION: Timothy Westlake moved, seconded by David Roelke, to close DLSC Case No. 16 MED 392 for No Violation. Motion carried unanimously.

(Rodney Erickson recused himself and left the room for deliberation and voting in the matter of DLSC Case No. 16 MED 392.)

16 MED 394 (E.F.M.)

MOTION: David Roelke moved, seconded by Robert Zondag, to close DLSC Case No. 16 MED 394 for No Violation. Motion carried unanimously.

16 MED 395 (B.E.T.)

MOTION: David Roelke moved, seconded by Robert Zoeller, to close DLSC Case No. 16 MED 395 for No Violation. Motion carried unanimously.

16 MED 418 (M.G.C.A.)

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to close DLSC Case No. 16 MED 418 for No Violation. Motion carried unanimously.

16 MED 443 (H.K. and J.E.F.)

MOTION: David Roelke moved, seconded by Rodney Erickson, to close DLSC Case No. 16 MED 443 for No Violation. Motion carried unanimously.

Monitoring

Mark Petrovani

MOTION: David Roelke moved, seconded by Timothy Westlake, to grant the request of Mark Petrovani for full licensure. Motion carried. Opposed: Capodice, Zondag

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

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

BOARD TRAINING REVIEW – PUBLIC RECORDS AND ETHICS AND LOBBYING

The Board reviewed training information relating to Public Records and Ethic and Lobbying requirements at this meeting.

ADJOURNMENT

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

The meeting adjourned at 10:02 a.m.