

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
MAY 17, 2017**

**PRESENT:** Mary Jo Capodice, D.O. (*via GoToMeeting;*) Michael Carton (*via GoToMeeting;*) Padmaja Doniparthi, M.D. (*via GoToMeeting;*) Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D. (*arrived at 8:02 a.m. via GoToMeeting;*) Robert Zoeller, M.D. (*via GoToMeeting;*) Robert Zondag (*via GoToMeeting;*)

**EXCUSED:** Alaa Abd-Elsayed, M.D.; Carolyn Ogland Vukich, M.D.

**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 ten (10) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Added item Q.3.b*

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES OF APRIL 19, 2017 – REVIEW AND APPROVAL**

**MOTION:** David Roelke moved, seconded by Bradley Kudick, to approve the minutes of April 19, 2017 as published. Motion carried unanimously.

*(Timothy Westlake joined via GoToMeeting at 8:02 a.m.)*

**SPEAKING ENGAGEMENTS, TRAVEL, AND PUBLIC RELATIONS REQUESTS**

**MOTION:** Bradley Kudick moved, seconded by David Roelke, to authorize Mary Jo Capodice to speak at the Worker's Compensation Advisory Council meeting on June 13, 2017 regarding opioid guidelines and worker's compensation. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, 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; Robert Zoeller-yes; Robert Zondag-yes. Motion carried unanimously.

The Board convened into Closed Session at 8:23 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** David Roelke moved, seconded by Bradley Kudick, to reconvene in Open Session at 9:18 a.m. Motion carried unanimously.

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

**MOTION:** Robert Zondag 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.)*

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

#### **Administrative Warning**

#### ***15 MED 432 (D.B.G.)***

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, to issue an Administrative Warning in the matter of DLSC Case No. 15 MED 432 against D.B.G. Motion carried unanimously.

#### **Proposed Stipulations, Final Decisions and Orders**

#### ***16 MED 124 – Elmer Lehman III, M.D.***

**MOTION:** Rodney Erickson moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Elmer Lehman III, M.D., DLSC Case No. 16 MED 124. Motion carried unanimously.

#### ***14 MED 104, 14 MED 518 and 15 MED 034 – Robert DeFatta, M.D.***

**MOTION:** Rodney Erickson moved, seconded by Bradley Kudick, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert DeFatta, M.D. DLSC Case No. 14 MED 104, 14 MED 518 and 15 MED 034. Motion carried unanimously.

*(Lee Ann Lau recused herself and left the room for deliberation and voting in the matter concerning Robert DeFatta, M.D.)*

#### **Case Closings**

#### ***15 MED 422 (T.S.O.)***

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, to close DLSC Case No. 15 MED 422 for No Violation. Motion carried unanimously.

*16 MED 280 (J.W.F.)*

**MOTION:** Bradley Kudick moved, seconded by Rodney Erickson, to not close DLSC Case No. 16 MED 280 for Prosecutorial Discretion (P1) and refer the case back to DLSC. Motion carried unanimously.

*16 MED 297 (K.G.P.)*

**MOTION:** Padmaja Doniparthi moved, seconded by Robert Zondag, to close DLSC Case No. 16 MED 297 for No Violation. Motion carried unanimously.

*16 MED 433 (L.D.Y.)*

**MOTION:** David Roelke moved, seconded by Michael Carton, to close DLSC Case No. 16 MED 433 for No Violation. Motion carried unanimously.

*17 MED 005 (J.M.L.)*

**MOTION:** David Roelke moved, seconded by Lee Ann Lau, to table the discussion of DLSC Case No. 17 MED 005. Motion carried unanimously.

**Monitoring**

*Adetunji Adejumo M.D.*

**MOTION:** Lee Ann Lau moved, seconded by David Roelke, to grant the request of Adetunji Adejumo for reinstatement of full licensure. Motion carried unanimously.

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

**MOTION:** Rodney Erickson 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:** Timothy Westlake moved, seconded by Lee Ann Lau, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:19 a.m.