



**Scott Walker, Governor**  
**Laura Gutiérrez, Secretary**

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**MEDICAL EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**June 21, 2017**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**8:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A) Adoption of Agenda (1-4)**
- B) Minutes of May 17, 2017 – Review and Approval (5-7)**
- C) Conflicts of Interest**
- D) Administrative Updates**
  - 1) Department and Staff Updates
  - 2) Board Members – Term Expiration Dates
    - a) Alaa Abd-Elsayed – 07/01/2020
    - b) Mary Jo Capodice – 07/01/2018
    - c) Michael Carton – 07/01/2020
    - d) Padmaja Doniparthi – 07/01/2017
    - e) Rodney Erickson – 07/01/2019
    - f) Bradley Kudick – 07/01/2020
    - g) Lee Ann Lau – 07/01/2020
    - h) Carolyn Ogland Vukich – 07/01/2017
    - i) David Roelke – 07/01/2017
    - j) Kenneth Simons – 07/01/2018
    - k) Timothy Westlake – 07/01/2020
    - l) Robert Zoeller – 07/01/2019
    - m) Robert Zondag – 07/01/2018
  - 3) Introductions, Announcements and Recognition
  - 4) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
  - 5) Informational Items
- E) Appointments, Reappointments, Confirmations, and Committee, Panel, Liaison and Mentor Appointments**
- F) Federation of State Medical Boards (FSMB) Matters (8-9)**
  - 1) Updated FSMB Guidelines for the Chronic Use of Opioid Analgesics
- G) Wisconsin State Coalition for Prescription Drug Abuse Reduction Report from Timothy Westlake – Discussion and Consideration**
- H) Wis. Stat. § 448.02(5) Voluntary Surrender – Board Discussion and Possible Action (10)**

- I) Legislation and Rule Matters – Discussion and Consideration**
  - 1) Update on Legislation and Pending or Possible Rulemaking Projects
- J) Interstate Medical Licensure Compact Commission – Report from Wisconsin’s Commissioners**
- K) Speaking Engagement(s), Travel, or Public Relation Request(s), and Report(s)**
  - 1) Report from the Worker’s Compensation Advisory Council meeting on June 13, 2017 – Dr. Mary Jo Capodice
  - 2) American Association of Osteopathic Examiners (AAOE) Business Meeting on July 20, 2017 in Chicago, IL
- L) Newsletter Matters**
- M) Screening Panel Report**
- N) Informational Items**
- O) Items Added After Preparation of Agenda**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
  - 4) Education and Examination Matters
  - 5) Credentialing Matters
  - 6) Practice Matters
  - 7) Future Agenda Items
  - 8) Legislation/Administrative Rule Matters
  - 9) Liaison Report(s)
  - 10) Newsletter Matters
  - 11) Annual Report Matters
  - 12) Informational Item(s)
  - 13) Disciplinary Matters
  - 14) Presentations of Petition(s) for Summary Suspension
  - 15) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 16) Presentation of Proposed Decisions
  - 17) Presentation of Interim Order(s)
  - 18) Petitions for Re-Hearing
  - 19) Petitions for Assessments
  - 20) Petitions to Vacate Order(s)
  - 21) Petitions for Designation of Hearing Examiner
  - 22) Requests for Disciplinary Proceeding Presentations
  - 23) Motions
  - 24) Petitions
  - 25) Appearances from Requests Received or Renewed
  - 26) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports
- P) Future Agenda Items**
- Q) Public Comments**

**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.).**

- R) Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
  - 1) Complaints**
    - a) 15 MED 398 (S.K.C.) **(11-13)**
  - 2) Administrative Warnings**
    - a) 15 MED 373 (A.T.H.) **(14-15)**
  - 3) Proposed Stipulations, Final Decisions and Orders**

- 4) **Case Closings**
  - a) 15 MED 378 **(16-22)**
  - b) 15 MED 398 **(23-33)**
  - c) 15 MED 408 **(34-46)**
  - d) 16 MED 214 **(47-50)**
  - e) 16 MED 337 **(51-60)**
- 5) **Monitoring (62-167)**
  - a) Bradley Bourlakd, M.D. – Requesting Review of Iowa Physician Health Program Participation and Determine if IPHP Compliance Would Count in Satisfying Wisconsin Order **(63-112)**
  - b) Paul Ginkel, D.O. – Requesting Interruption in Drug and Alcohol Testing for Travel to Israel**(113-137)**
  - c) Stephen Haughey, M.D. – Requesting Access to Controlled Substances **(138-167)**

**S) Open Cases**

**T) Consulting With Legal Counsel**

**U) Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- V) Open Session Items Noticed Above not Completed in the Initial Open Session
- W) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- X) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**ORAL EXAMINATION OF THREE (3) CANDIDATES FOR LICENSURE**

**ROOM 124D/E**

**10:30 A.M., OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

**CLOSED SESSION** – Reviewing Applications and Conducting Oral Examinations of three (3) Candidates for Licensure –Dr. Doniparthi & Dr. Westlake

**NEXT MEETING DATE JULY 19, 2017**

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**MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.**

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the council’s agenda, please call the listed contact person. The council may consider materials or items filed after the transmission of this notice. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112

**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 DSPTS 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.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

|  |  |  |  |
|--|--|--|--|
| <b>1) Name and Title of Person Submitting the Request:</b><br><br>Nifty Lynn Dio, Bureau Assistant<br>On behalf of Tom Ryan, Executive Director  |  | <b>2) Date When Request Submitted:</b><br><br>06/08/2017<br><br>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting |  |
| <b>3) Name of Board, Committee, Council, Sections:</b><br><br>Medical Examining Board  |  |  |  |
| <b>4) Meeting Date:</b><br><br>06/21/2017  | <b>5) Attachments:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No   | <b>6) How should the item be titled on the agenda page?</b><br><br>Updated FSMB Guidelines for the Chronic Use of Opioid Analgesics  |  |
| <b>7) Place Item in:</b><br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session  | <b>8) Is an appearance before the Board being scheduled?</b><br><br><input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> )<br><input checked="" type="checkbox"/> No | <b>9) Name of Case Advisor(s), if required:</b><br><br>N/A   |  |
| <b>10) Describe the issue and action that should be addressed:</b><br><br><p><a href="#">The Federation of State Medical Boards (FSMB) Released Updated Guidelines for Chronic Use of Opioid Analgesics</a></p> <p>FSMB recently released its updated <a href="#">Guidelines for the Chronic Use of Opioid Analgesics</a>. The guidelines were adopted as policy by the FSMB House of Delegates at the FSMB Annual Meeting in April 2017. In developing the guidelines, FSMB conducted a review and analysis of their existing policy and other state and federal guidance documents on the prescribing of opioids and the treatment of pain. As part of the review process, FSMB engaged with experts in pain medicine and addiction, government officials and other thought leaders. FSMB identified its own recommendations to include in the guidelines, as well as those included in recent advisories from the Federal Drug Administration and the Centers for Disease Control and Prevention.</p> <p>The FSMB guidelines include updated criteria for use by state medical boards in the following areas:</p> <ul style="list-style-type: none"> <li>• Patient assessments, evaluations and ongoing monitoring;</li> <li>• Use of treatment agreements;</li> <li>• Query to state prescription drug monitoring programs;</li> <li>• Decision to initiate and discontinue opioid therapy;</li> <li>• Concurrent use of benzodiazepines and opioids; and</li> <li>• Prescribing naloxone and methadone.</li> </ul> <p><i>View past editions of Good Morning Members in the <a href="#">archive</a>.</i></p> |  |  |  |



**State of Wisconsin  
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|   |                   |
|---|-------------------|
| 11)   | Authorization     |
| <b>Nifty Lynn Dio</b>   | <b>06/08/2017</b> |
| Signature of person making this request   | Date              |
| Supervisor (if required)  | Date              |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date  |                   |
| <b>Directions for including supporting documents:</b><br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.<br>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. |                   |

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

|   |   |   |  |
|---|---|---|--|
| 1) Name and Title of Person Submitting the Request:   |   | 2) Date When Request Submitted:<br><br>5/19/2017  |  |
|   |   | Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul> |  |
| 3) Name of Board, Committee, Council, Sections:<br><br>Medical Examining Board  |   |   |  |
| 4) Meeting Date:<br><br>6/21/2017   | 5) Attachments:<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page?<br><br>Wis. Stat. § 448.02 (5) – Board Discussion and Possible Action  |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both   | 8) Is an appearance before the Board being scheduled? If yes, who is appearing?<br><br>No | 9) Name of Case Advisor(s), if required:  |  |
| 10) Describe the issue and action that should be addressed:<br><br>For Board Discussion and Possible Action.<br><br>Wis. Stat. s. 448.02 (5) VOLUNTARY SURRENDER. The holder of any license or certificate granted by the board may voluntarily surrender the license or certificate to the secretary of the board, but the secretary may refuse to accept the surrender if the board has received allegations of unprofessional conduct against the holder of the license or certificate. The board may negotiate stipulations in consideration for accepting the surrender of licenses. |   |   |  |
| 11) Authorization   |   |   |  |
| Signature of person making this request   |   | Date  |  |
| Supervisor (if required)  |   | Date  |  |
| Bureau Director signature (indicates approval to add post agenda deadline item to agenda)   |   | Date  |  |