



**TELECONFERENCE/VIRTUAL
MEDICAL EXAMINING BOARD**
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
April 15, 2020

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. Approval of Minutes of March 27, 2020 (5-9)

C. Introductions, Announcements and Recognition

D. Conflicts of Interest

E. Administrative Matters

- 1) Board, Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a. Alaa Abd-Elsayed – 7/1/2020
 - b. Milton Bond, Jr. – 7/1/2023
 - c. David A. Bryce – 7/1/2021
 - d. Michael Carton – 7/1/2020
 - e. Clarence Chou – 7/1/2023
 - f. Padmaja Doniparthi – 7/1/2021
 - g. Sumeet Goel – 7/1/2023
 - h. Bradley Kudick – 7/1/2020
 - i. Lee Ann Lau – 7/1/2020
 - j. David Roelke – 7/1/2021
 - k. Kenneth Simons – 7/1/2018
 - l. Sheldon Wasserman – 7/1/2023
 - m. Timothy Westlake – 7/1/2020
- 3) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Screening Panel and Examination Panel Appointments
- 5) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest

F. Legislative and Policy Matters – Discussion and Consideration

- G. Administrative Rule Matters – Discussion and Consideration**
 - 1) Limited License for Disasters and Emergencies for Physicians and Physician Assistants
 - 2) Pending or Possible Rulemaking Projects
- H. Medical Examining Board Licensure Forms Committee – Discussion and Consideration**
 - 1) Review of Other Licenses Under Jurisdiction
- I. CE Broker – Discussion and Consideration**
- J. COVID-19 – Discussion and Consideration**
- K. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- L. Controlled Substances Board Report – Timothy Westlake
- M. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners
- N. Newsletter Matters – Discussion and Consideration
- O. Screening Panel Report
- P. Future Agenda Items
- Q. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters
 - 10) Legislative and Policy Matters
 - 11) Administrative Rule Matters
 - 12) Liaison Reports
 - 13) Board Liaison Training and Appointment of Mentors
 - 14) Informational Items
 - 15) Division of Legal Services and Compliance (DLSC) Matters
 - 16) Presentations of Petitions for Summary Suspension
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Presentation of Stipulations, Final Decisions and Orders
 - 19) Presentation of Proposed Final Decisions and Orders
 - 20) Presentation of Interim Orders
 - 21) Petitions for Re-Hearing
 - 22) Petitions for Assessments
 - 23) Petitions to Vacate Orders
 - 24) Requests for Disciplinary Proceeding Presentations
 - 25) Motions
 - 26) Petitions
 - 27) Appearances from Requests Received or Renewed

28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

R. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

S. Credentialing Matters

1) Waiver of Post-Graduate Training

- a. Osamu Yoshino **(10-42)**

T. Deliberation on DLSC Matters

1) Stipulations and Final Decisions and Orders

- a. 18 MED 498 – Steve. A. Weber, D.O. **(43-48)**
b. 18 MED 710 – Donovan A. Thompson, M.D. **(49-54)**
c. 19 MED 376 – Vicki M. Cloutier, M.D. **(55-60)**
d. 19 MED 488 – Oleg Froymovich, M.D. **(61-66)**

2) Administrative Warnings

- a. 18 MED 148 – A.Z.K. **(67-68)**
b. 18 MED 274 – S.W.W. **(69-70)**
c. 18 MED 276 & 18 MED 436 – D.J.H. **(71-72)**
d. 19 MED 070 – M.P. **(73-74)**
e. 19 MED 404 – S.S.G. **(75-76)**

3) Case Closings

- a. 17 MED 531 – Unknown **(77-80)**
b. 18 MED 281 – K.H.M. **(81-84)**
c. 18 MED 319 – M.A.E. **(85-414)**
d. 18 MED 329 – P.W. **(415-422)**
e. 18 MED 697 – M.O. **(423-426)**
f. 19 MED 050 – J.L. **(427-433)**
g. 19 MED 195 – E.A. **(434-447)**
h. 19 MED 332 – N.I. **(448-458)**
i. 19 MED 364 – E.C. **(459-464)**
j. 19 MED 487 – J.E.E.F. **(465-477)**

4) Monitoring

- a. Raymond Watts, M.D. – Requesting Reinstatement of Full Licensure **(478-503)**

U. Deliberation on Matters Relating to Order Fixing Costs

- 1) Matthew R. Bauer, D.O. (DHA Case Number SPS-19-0015/DLSC Case Number 17 MED 331) **(504-523)**

V. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
2) Credentialing Matters
3) DLSC Matters

- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Complaints
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Extension of Time
- 18) Petitions for Assessments and Evaluations
- 19) Petitions to Vacate Orders
- 20) Remedial Education Cases
- 21) Motions
- 22) Petitions for Re-Hearing
- 23) Appearances from Requests Received or Renewed

W. Open Cases

X. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Y. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Z. Open Session Items Noticed Above Not Completed in the Initial Open Session

AA. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM N207

10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of zero (0) (at time of agenda publication) Candidates for Licensure – **Dr. Abd-Elsayed** and **Dr. Wasserman**

NEXT DATE: MAY 20, 2020

 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 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**TELECONFERENCE/VIRTUAL
MEDICAL EXAMINING BOARD
MEETING MINUTES
March 27, 2020**

PRESENT: Alaa Abd-Elseyed, M.D.; Milton Bond, Jr., David Bryce, M.D; Michael Carton, Clarence Chou, M.D.; Bradley Kudick; Lee Ann Lau, M.D. (*excused at 3:46 p.m.*); David Roelke, M.D.; Kenneth Simons, M.D.; Sheldon Wasserman, M.D.; Timothy Westlake, M.D.

EXCUSED: Sumeet Goel, D.O.; Padmaja Doniparthi, M.D

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chairperson, called the meeting to order at 2:32 P.M. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- Open Session: After item “I. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration” **ADD:**
 - HHS Secretary Azar Letter to the Governors

MOTION: Bradley Kudick moved, seconded by Alaa Abd-Elseyed, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 19, 2020

Amendment to the Minutes

- Closed Session: Credentialing Matters; Michael Perez Rodriguez: Add first names to the motion and second regarding action on the waiver of post graduate training.
 - “**Padmaja** Doniparthi moved, seconded by **Bradley** Kudick...”
- Closed Session: DLSC Matters; 19 MED 081 – Amy L. Groff, D.O.: Add first name to motion second.
 - “Lee Ann Lau moved, seconded by **Milton** Bond, Jr...”

MOTION: Bradley Kudick moved, seconded by Sheldon Wasserman, to adopt the Minutes of February 19, 2020 amended. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Statement of Scope for Med 13, Relating to Continuing Medical Education for Physicians

MOTION: Lee Ann Lau moved, seconded by Sheldon Wasserman, to approve the Scope Statement revising Med 13, relating to continuing medical education for physicians, for submission to the Department of Administration and Governor’s Office and for publication. Additionally,

the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Lee Ann Lau moved, seconded by Timothy Westlake, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement revising Med 13, relating to continuing medical education for physicians, the Chairperson is authorized to approve the notice required under s. 227.136(2), Stats. Motion carried unanimously.

REPORT OF RECOMMENDATIONS FROM THE MEDICAL EXAMINING BOARD LICENSURE FORMS COMMITTEE

Minnesota Reciprocity

MOTION: Sheldon Wasserman moved, seconded by Clarence Chou, to request the Department investigate the process for discontinuing Minnesota reciprocity. Motion carried unanimously.

CLOSED SESSION

MOTION: Bradley Kudick moved, seconded by Lee Ann Lau, 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.). Kenneth Simons, the Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Alaa Abd-Elsayed-yes; Milton Bond, Jr.-yes; David Bryce-yes; Michael Carton-yes; Clarence Chou-yes; Bradley Kudick-yes; Lee Ann Lau-yes; David Roelke-yes; Kenneth Simons-yes; Sheldon Wasserman-yes; and Timothy Westlake-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:21 p.m.

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

Stipulations, Final Decisions and Orders

16 MED 014 – John W.P. Horan, M.D.

MOTION: Bradley Kudick moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against John W.P. Horan, M.D., DLSC Case Number 16 MED 014. Motion carried unanimously.

16 MED 224 – Steven M. Kotsonis, M.D.

MOTION: Lee Ann Lau moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Steven M. Kotsonis, M.D., DLSC Case Number 16 MED 224. Motion carried unanimously.

16 MED 271 – Waleed S. Najeeb, M.D.

MOTION: Lee Ann Lau moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Waleed S. Najeeb, M.D., DLSC Case Number 16 MED 271. Motion carried unanimously.

Administrative Warnings

19 MED 027 – R.J.K.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to issue an Administrative Warning in the matter of R.J.K., DLSC Case Number 19 MED 027. Motion carried unanimously.

Case Closings

MOTION: Alaa Abd-Elsayed moved, seconded by David Roelke, to close the following DLSC Cases for the reasons outlined below:

1. 17 MED 344 – T.J.S. – No Violation
2. 18 MED 203 – Unknown – No Violation
3. 18 MED 325 – J.B. – No Violation
4. 19 MED 211 – M.F., T.S. – No Violation
5. 19 MED 213 – C.L. – No Violation
6. 19 MED 382 – R.L. – No Violation
7. 19 MED 527 – C.B. – No Violation
8. 19 MED 290 – D.M.M. – Insufficient Evidence

Motion carried unanimously.

19 MED 027 – S.C.R.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to close DLSC Case Number 19 MED 027, against S.C.R., for No Violation. Motion carried unanimously.

19 MED 547 – J.B.

MOTION: Bradley Kudick moved, seconded by Alaa Abd-Elsayed, to close DLSC Case Number 19 MED 547, against J.B., for No Violation. Motion carried unanimously.

19 MED 484 – L.A.B.

MOTION: David Roelke moved, seconded by Clarence Chou, to close DLSC Case Number 19 MED 484, against L.A.B., for No Violation. Motion carried unanimously.

MONITORING MATTERS

Raymond Watts, M.D. – Requesting Reinstatement of Full Licensure

MOTION: Lee Ann Lau moved, seconded by Bradley Kudick, to table the request of Raymond Watts, M.D. until the April 15, 2020 meeting. Motion carried unanimously.

(Lee Ann Lau was excused at 3:46 p.m.)

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

James A Puerner, M.D., Respondent (DHA Case number SPS-19-0060/DLSC Case Number 18 MED 331)

MOTION: Bradley Kudick moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order, with variance, in the matter of disciplinary proceedings against James A Puerner, M.D., Respondent – DHA Case Number SPS-19-0060/DLSC Case Number 18 MED 331. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: David Roelke moved, seconded by Clarence Chou, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 4:04 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: David Roelke moved, seconded by Michael Carton, 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.)

OPEN SESSION ITEMS NOTICED ABOVE NOT COMPLETED IN THE INITIAL OPEN SESSION

MOTION: Bradley Kudick moved, seconded by David Roelke, to recognize and thank Yolanda McGowan, Division Administrator for her service to the Division of Policy Development, the Department of Safety and Professional Services, the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

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

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

ADJOURNMENT

MOTION: Alaa Abd-Elsayed moved, seconded by Milton Bond, Jr., to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:10 p.m.

DRAFT