



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
July 19, 2023**

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 June 21, 2023 (5-10)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - a. Introduction of Division Administrator Sarah Barry
 - 2) Board Members – Term Expiration Dates
 - a. Bond, Jr., Milton – 7/1/2023
 - b. Chou, Clarence P. – 7/1/2023
 - c. Ferguson, Kris – 7/1/2025
 - d. Gerlach, Diane M. – 7/1/2024
 - e. Goel, Sumeet K. – 7/1/2023
 - f. Hilton, Stephanie – 7/1/2024
 - g. Lerma, Carmen – 7/1/2024
 - h. Schmeling, Gregory J. – 7/1/2025
 - i. Siebert, Derrick R. – 7/1/2025
 - j. Wasserman, Sheldon A. – 7/1/2023
 - k. Yerby, Lemuel G. – 7/1/2024
 - l. Yu, Emily S. – 7/1/2024
 - 3) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest**
 - a. Physician Assistant Affiliated Credentialing Board – Jennifer Jarrett, Chairperson
- F. Legislative and Policy Matters – Discussion and Consideration

G. Administrative Rule Matters – Discussion and Consideration (11)

- 1) Pending or Possible Rulemaking Projects (12)

H. Newsletter Matters – Discussion and Consideration

I. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration

J. Controlled Substances Board Report – Discussion and Consideration

K. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration

L. Screening Panel Report

M. Future Agenda Items

N. 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) Public Health Emergencies
- 11) Legislative and Policy Matters
- 12) Administrative Rule Matters
- 13) Liaison Reports
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

O. 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.).

P. Deliberation on DLSC Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 21 MED 317 – Farouk Y. Khan, M.D. (13-20)
 - b. 22 MED 406 – Thomas M. Tamlyn, M.D. (21-26)
 - c. 22 MED 441 – Stephen R. Kreuser, M.D. (27-34)
 - d. 23 MED 104 – Keith A. Ryan, M.D. (35-40)
- 2) **Complaints**
 - a. 22 MED 157 – S.H.M. (41-43)
- 3) **Administrative Warnings**
 - a. 22 MED 507 – A.P.S. (44-45)
 - b. 23 MED 034 – F.A.M. (46-47)
 - c. 23 MED 109 – J.L.W. (48-49)
- 4) **Case Closings**
 - a. 21 MED 448 – S.M. (50-53)
 - b. 22 MED 183 – S.K. (54-61)
 - c. 22 MED 212 – N.M.H. (62-69)
 - d. 22 MED 454 – C.D.B. (70-80)
 - e. 22 MED 126 – S.E.R. (81-88)
 - f. 22 MED 263 – D.W.Q. (89-98)
 - g. 23 MED 064 – A.H.C.A. (99-103)
 - h. 23 MED 095 – G.P. (104-112)
 - i. 23 MED 138 & 22 MED 239 – J.L.S. (113-119)
 - j. 23 MED 146 – Y.M.P. (120-127)
- 5) **Monitoring (128-129)**
 - a. Michael Perez Rodriguez – Requesting Full Licensure (130-136)

Q. Deliberation on Matters Relating to Orders Fixing Costs

- 1) Siamak B. Arassi, M.D. – DHA Case Number SPS-22-0031, DLSC Case Number 20 MED 375 & 21 MED 284 (137-175)

R. Credentialing Matters

- 1) **Application Reviews**
 - a. Thekla Oechtering – Visiting Physician, Medicine and Surgery Applicant (176-215)
 - b. Nikolaos Panagiotopoulos – Visiting Physician, Medicine and Surgery Applicant (216-248)
 - c. Stephen Polanski – Medicine and Surgery Applicant (249-317)
- 2) **Waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training**
 - a. Ulas Cikla, M.D. (318-382)

S. 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

T. Open Cases

U. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

ORAL INTERVIEWS OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

10:15 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview(s) of **zero (0)** (at time of agenda publication) Candidate(s) for Licensure – **Dr. Schmeling** and **Dr. Yerby**

NEXT MEETING: AUGUST 16, 2023

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. 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. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
JUNE 21, 2023**

PRESENT: Milton Bond, Jr.; Clarence Chou, M.D.; Kris Ferguson, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O.; Stephanie Hilton; Carmen Lerma (*excused at 10:58 a.m.*); Michael Parish, M.D.; Gregory Schmeling, M.D. (*arrived at 8:48 a.m.*); Derrick Siebert, M.D.; Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D.

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department staff

CALL TO ORDER

Sheldon Wasserman, Chairperson, called the meeting to order at 8:03 a.m. A quorum was confirmed with eleven (11) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- **REMOVE** Agenda Item S.2.(b) 23 MED 109 – J.L.W.

MOTION: Diane Gerlach moved, seconded by Michael Parish, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 17, 2023

MOTION: Lemuel Yerby moved, seconded by Carmen Lerma, to approve the Minutes of May 17, 2023 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition: Michael Parish, Physician Member (Resigns: 7/1/2023)

MOTION: Clarence Chou moved, seconded by Kris Ferguson, to recognize and thank Michael Parish for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

(*Gregory Schmeling arrived at 8:48 a.m.*)

ADMINISTRATIVE RULE MATTERS

Preliminary Permanent Rule Draft: Med 26, relating to Military Medical Personnel

MOTION: Emily Yu moved, seconded by Sumeet Goel, to approve the preliminary rule draft of Med 26, relating to Military Medical Personnel for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Diane Gerlach moved, seconded by Gregory Schmeling, 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.). Sheldon Wasserman, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Milton Bond, Jr.-yes; Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Sumeet Goel-yes; Stephanie Hilton-yes; Carmen Lerma-yes; Michael Parish-yes; Gregory Schmeling-yes; Derrick Siebert-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:30 a.m.

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

Proposed Stipulations, Final Decisions and Orders

21 MED 349 – Eddie N. Powell II, M.D.

MOTION: Clarence Chou moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Eddie N. Powell II, M.D., DLSC Case Number 21 MED 349. Motion carried unanimously.

20 MED 464 – Jeffery B. Shovers, M.D.

MOTION: Sumeet Goel moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffery B. Shovers, M.D., DLSC Case Number 20 MED 464. Motion carried unanimously.

(Gregory Schmeling recused themselves and left the room for deliberation and voting in the matter concerning Jeffery B. Shovers, DLSC Case Number 20 MED 464.)

22 MED 136 – Gregory J. Hall, M.D.

MOTION: Michael Parish moved, seconded by Carmen Lerma, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory J. Hall, M.D., DLSC Case Number 22 MED 136. Motion carried unanimously.

22 MED 247 – Thomas C. Gabert, M.D.

MOTION: Sumeet Goel moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas C. Gabert, M.D., DLSC Case Number 22 MED 247. Motion carried unanimously.

22 MED 298 – Malik S. Ali, M.D.

MOTION: Michael Parish moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Malik S. Ali, M.D., DLSC Case Number 22 MED 298. Motion carried unanimously.

22 MED 310 – Amy J. Muchow, M.D.

MOTION: Lemuel Yerby moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy J. Muchow, M.D., DLSC Case Number 22 MED 310. Motion carried unanimously.

22 MED 349 – Brian D. Dieterle, M.D.

MOTION: Gregory Schmeling moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Brian D. Dieterle, M.D., DLSC Case Number 22 MED 349. Motion carried unanimously.

22 MED 418 – Victoria J. Mondloch, M.D.

MOTION: Clarence Chou moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Victoria J. Mondloch, M.D., DLSC Case Number 22 MED 418. Motion carried unanimously.

23 MED 165 – Kevin W. McGarvey, M.D.

MOTION: Lemuel Yerby moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kevin W. McGarvey, M.D., DLSC Case Number 23 MED 165. Motion carried unanimously.

Administrative Warnings

23 MED 052 – E.A.C.

MOTION: Stephanie Hilton moved, seconded by Michael Parish, to issue an Administrative Warning in the matter of E.A.C., DLSC Case Number 23 MED 052. Motion carried unanimously.

Case Closings

MOTION: Lemuel Yerby moved, seconded by Carmen Lerma, to close the following DLSC Cases for the reasons outlined below:

1. 18 MED 161 – D.D.R. – Prosecutorial Discretion (P7)
2. 21 MED 565 – J.B.S. – Prosecutorial Discretion (P7)
3. 22 MED 139 – G.D.C.- No Violation
4. 22 MED 149 – T.B.V. – Prosecutorial Discretion (P2)
5. 22 MED 168 – F.Q.Y.F. – Prosecutorial Discretion (P2)
6. 22 MED 184 – E.A.S. – Prosecutorial Discretion (P2)
7. 22 MED 200 – M.J.C. – Insufficient Evidence
8. 22 MED 267 – D.W.S. – No Violation
9. 22 MED 270 – J.M.B. – Prosecutorial Discretion (P2)
10. 22 MED 426 – K.J.W. – Insufficient Evidence
11. 22 MED 547 – A.F.D. – No Violation
12. 23 MED 024 – H.H.T. – No Violation
13. 23 MED 077 – A.K.K. – Lack of Jurisdiction (L2)
14. 23 MED 149 – O.R.W. – Insufficient Evidence

Motion carried unanimously.

22 MED 213 – S.A.K.

MOTION: Michael Parish moved, seconded by Gregory Schmeling, to close DLSC Case Number 22 MED 213, against S.A.K., for No Violation Motion carried unanimously.

(Sheldon Wasserman recused themselves and left the room for deliberation and voting in the matter concerning S.A.K., DLSC Case Number 22 MED 213.)

CREDENTIALING MATTERS

Application Reviews

James Price – Crime Information Bureau Review, Medicine and Surgery Applicant

MOTION: Gregory Schmeling moved, seconded by Michael Parish, to approve the Medicine and Surgery application of James Price, once all requirements are met. Motion carried unanimously.

Phaedra Tachtatzis – Visiting Physician, Medicine and Surgery Applicant

MOTION: Michael Parish moved, seconded by Sumeet Goel, to approve the Visiting Physician Medicine and Surgery Applicant application of Phaedra Tachtatzis, once all requirements are met. Motion carried unanimously.

Waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training

Holger Baumann, M.D.

MOTION: Clarence Chou moved, seconded by Emily Yu, to approve the waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training application of Holger Baumann, M.D., once all requirements are met. Motion carried unanimously.

(Carmen Lerma excused at 10:58 a.m.)

DELIBERATION ON REVIEW OF ADMINISTRATIVE WARNINGS

10:00 A.M. APPEARANCE: Colleen Meloy, DLSC Attorney; L.W.C., Respondent: WARN000001568 – 20 MED 404 – L.W.C.

MOTION: Gregory Schmeling moved, seconded by Sumeet Goel, to affirm the issuance of the administrative warning in the matter of L.W.C., DLSC Case Number 20 MED 404. Motion carried.

RECONVENE TO OPEN SESSION

MOTION: Sumeet Goel moved, seconded by Lemuel Yerby, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:17 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Gregory Schmeling moved, seconded by Milton Bond Jr., 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.)

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

MOTION: Lemuel Yerby moved, seconded by Michael Parish, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT


MOTION: Michael Parish moved, seconded by Gregory Schmeling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:19 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin, Administrative Rules Coordinator		2) Date when request submitted: 7/7/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 07/19/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Pending or Possible Rulemaking Projects a. Rule Projects Chart	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: Rule Project Chart (Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)			
11) Authorization			
 Signature of person making this request		7/7/23 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**Medical Examining Board
Rule Projects (updated 07/07/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause (description)	Current Stage	Next Step
22-063	012-21	08/08/2023	Med 10	Performance of Physical Examinations (Chaperones and Observers during Physical Examinations)	Legislative Review	Board Review of Adoption Order at a future meeting
20-053	094-20	01/20/2023	Med 13	Continuing Medical Education (Physician use of Electronic CE Tracking)	Effective on 07/01/23	N/A
22-067	035-22	10/25/2024	Med 13	Continuing Medical Education (Controlled Substances Prescribing CE)	Legislative Review	Board Review of Adoption Order at a future meeting
Not Assigned Yet (EmR 2308)	044-22	11/23/2024	Med 26	Military Medical Personnel	Emergency Rule effective 6/1/23-12/1/23); Permanent Rule Draft Posted for EIA Comment until 07/11/23	Permanent Rule Submission to Clearinghouse for Review