

**MEDICAL EXAMINING BOARD
MINUTES
JANUARY 20, 2010**

PRESENT: Carolyn Bronston, Jude Genereaux, Dr. Sujatha Kailas, Dr. Sandra Osborn, Dr. Gene Musser, Dr. Sheldon Wasserman, Dr. Ian Munro, Dr. Jack Lockhart, Dr. Suresh Misra, Dr. Raymond Mager, Dr. Jerold Harter

EXCUSED: Dr. Bhupinder Saini

STAFF: Thomas Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant

GUESTS: Mark Grapentine, WMA; Richard Schlei; Anne Hletko, PA Council; Mike Tonne

CALL TO ORDER

Sujatha Kailas, Chair, called the meeting to order at 8:01 a.m. A quorum of eleven (11) members was present.

APPROVAL OF AGENDA

Amendments:

- Item “H” should be re-titled “CONTINUING EDUCATION AND CONTINUED COMPETENCE AND MAINTENANCE OF LICENSURE
- Item “J” (Closed Session) – additional letter from the applicant
- After Item “O” (Closed Session), add:
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Action Against Gregory J. Estlund, MD – Case Advisor – Sandra Osborn
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Action Sheila F. Hockman, DO
 - Deliberation of Complaint in Case No. 08 MED 401
 - Deliberation of Complaint in Case No. 06 MED 070
 - Deliberation of Motion for Extension of Time in Which to File Objections to the Proposed Decision and Order in the Matter Regarding Jacqueline Erland, MD (04 MED 322)

MOTION: Jerold Harter moved, seconded by Sheldon Wasserman, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 16, 2009

MOTION: Carolyn Bronston moved, seconded by Jerold Harter, to approve the minutes of December 16, 2009 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

DIANA KRUSE, MD

DOE attorney Jim Polewski presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary action in the matter concerning Diana Kruse, MD. This will be deliberated in closed session.

KENNETH KURT, DO

DOE attorney Arthur Thexton presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary action in the matter concerning Kenneth Kurt, DO. Dr. Kurt appeared before the Board along with his attorney, Kevin Milliken, to answer any questions. This will be deliberated in closed session.

GREGORY J ESTLUND, MD

DOE attorney Jack Zwieg presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary action in the matter concerning Gregory J. Estlund, MD. This will be deliberated in closed session.

SHEILA F HOCKMAN, DO

Michael Berndt, General Counsel, gave a brief overview of the Proposed Stipulation and Final Decision and Order in the matter of disciplinary action in the matter concerning Sheila F. Hockman. This will be deliberated in closed session, at which time DOE attorney Pamela Stach will be available to answer any questions.

ADMINISTRATIVE REPORT

Update on MEB Bureau Staff Recruitment

Tom Ryan has been hired as the Administrative Policy Advisor for the Medical Examining Board. Mike Berndt, General Counsel, will be the Board's legal counsel. Shawn (Shancethea) Leatherwood is the advanced paralegal and Karen Rude-Evans is the Bureau Assistant. Interviews for additional attorney positions in both Board Services and DOE will occur next week.

ANNUAL POLICY REVIEW

Tom Ryan reviewed the Department policies with the Board. Hotel accommodations for 2010 are now at the Fairfield Inn and Suites. All Boards are limited to one funded travel per year. The deadline for the receipt of agenda items is fourteen (14) days before the meeting date. Board members who wish to have an item place on the agenda should send the information to Dr. Kailas with a copy to Tom Ryan. The Department is going paperless as much as possible and may consider a pilot on video-conferencing later this year. The Department is set to launch the new website on February 1.

MEB Annual Report

The MEB will be able to have an annual report published. Tom Ryan is working with the IT Department on data collection and a template for the annual report. The goal is to have the first annual report published early next year.

Council Appointments

Perfusionists Examining Council

MOTION: Jack Lockhart moved, seconded by Ian Munro, to re-appoint David Hellenbrand and Matthew Heitpas to the Perfusionists Examining Council. Motion carried unanimously.

Council on Physician Assistants

Michael K. Tonne, PAC, introduced himself to the Board and gave a brief history of his background. Mr. Tonne has the support of Anne Hletko, Chair of the Council on Physician Assistants, to become a member of the Council.

MOTION: Sandra Osborn move, seconded by Jerold Harter, to re-appoint Anne Hletko and Eric Garland to the Council on Physician Assistants. Motion carried unanimously.

Respiratory Care Practitioners Examining Council

MOTION: Carolyn Bronston moved, seconded by Jerold Harter, to re-appoint Ann Johnson and Ann Meicher to the Respiratory Care Practitioners Examining Council. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) 98TH ANNUAL MEETING – APRIL 22-24 – CHICAGO, IL – BOARD CONSIDER APPOINTMENT AND TRAVEL AUTHORIZATION OF DELEGATE, ALTERNATE DELEGATE, BOARD EXECUTIVE DIRECTOR AND ANY OTHERS

The Board discussed attendance at the upcoming FSMB annual meeting.

MOTION: Gene Musser moved, seconded by Jack Lockhart, to designate Sujatha Kailas as the Board's delegate and Sandra Osborn as the alternate delegate to attend the FSMB annual meeting in Chicago, IL, April 22-24, 2010. Motion carried unanimously.

As the delegate, Dr. Kailas' attendance will be funded by the FSMB. Dr. Osborn's expenses will be covered by the Department and will be the Board's one travel expense allotted for this year. Dr. Kailas and Carolyn Bronston offered their condos in Chicago for accommodations for other board members who want to attend the conference.

Gene Musser, Sheldon Wasserman, Jude Genereaux, Carolyn Bronston and Suresh Misra all plan to attend. Tom Ryan will confer with the budget director regarding monies available to cover travel and registration fees.

MOTION: Suresh Misra moved, seconded by Ian Munro, to authorize Gene Musser, Sheldon Wasserman, Jude Genereaux, Carolyn Bronston and Suresh Misra to attend the FSMB Annual Meeting in Chicago IL, April 22-24, 2010. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Jerold Harter, to have Tom Ryan and Michael Berndt attend the FSMB Annual Meeting in Chicago, IL, April 22-24, 2010. Motion carried unanimously.

**FSMB Associate Member Nomination to FSMB Board of Directors –
Consider Tom Ryan**

Tom Ryan is interested in becoming an Associate Member to the FSMB Board of Directors and asked the Board for their support.

MOTION: Suresh Misra moved, seconded by Jude Genereaux, to nominate and recommend Tom Ryan to the FSMB as an Associate Member on the FSMB Board of Directors. Motion carried unanimously.

Sujatha Kailas will write the nomination and recommendation letter to the FSMB.

SCREENING PANEL REPORT

Jude Genereaux reported the screening panel screened 31 cases, opened 12 and sent one 10-day letter.

**APPOINTMENT OF ORAL EXAMINERS FOR JANUARY AND FEBRUARY
AND APPLICATION FILE REVIEWERS**

Jack Lockhart, Ian Munro and Sandra Osborn will be the examiners for today's examinations. Jerold Harter offered to be the fourth examiner today and Sandra Osborn will be an examiner in February.

Jack Lockhart and Ian Munro are the credentialing liaisons.

LEGISLATIVE LIAISON REPORT

Gene Musser summarized the discussions held earlier this month regarding possibilities for legislative priorities to be considered by the Medical Examining Board. The Committee included Gene Musser, Sheldon Wasserman, Hector Colon, Michael Berndt Tom Ryan and Shawn Leatherwood. The following list includes items the work group believes is achievable as legislation that could pass in the current session.

Priorities for the Current Legislative Session

- a. Physician duty to report professional conduct violations of other physicians
- b. Mandatory Court Reporting
- c. Summary Suspension
- d. Prescribing Controlled Substances Under a Temporary Educational Permit

The following list identifies other priorities.

Other Priorities

- a. Applicants with one year of graduate medical licensing (residency) and possible consideration of the FSMB's Special Purpose Examination (SPEX)
- b. Mandatory Reporting
- c. Criminal Background Checks
- d. Resident Licensing
- e. Continuing Education Requirements/Maintenance of Competence Requirements
- f. Proactive Investigations

MOTION: Gene Musser moved, seconded by Suresh Misra, to move forward with the four priorities for the current legislative session as recommended by work group. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Jerold Harter, to authorize the Committee to proceed with all the identified priorities and to seek the input of the other board members as needed. Motion carried unanimously.

UPDATE ON PENDING ISSUES

Chelation Informed Consent Rule

Tom Ryan will check the status on the scope statement and will report back to the board.

GME For Licensure - 1 To 3 Years

This issue was discussed earlier in the meeting.

Criminal Background Checks

This issue was discussed earlier in the meeting.

Telemedicine

The Department has applied for a telemedicine grant and a stimulus fund grant to help bring a number of states together to standardize licensing requirements. The Department should know in March or April if the grant has been awarded.

Impaired Professionals Procedure Task Force

A scope statement has been completed and filed with the legislature. The goal is to have new rules in place in approximately nine months if at all possible. Additional meetings will be set up this spring.

LEGISLATIVE PROCESS – TRAINING DRL EXECUTIVE ASSISTANT HECTOR COLON

Executive Assistant Hector Colon addressed the Board regarding the legislative process. The Board has an ambitious legislative agenda and he assist the Board as much as possible.

JANUARY 2010 REGULATORY DIGEST UPDATE

This is a rough draft of the Regulatory Digest. Corrections and updates will be made and the disciplines will be added. The draft will be reviewed again at the February meeting.

CONTINUING EDUCATION AND MAINTENANCE OF COMPETENCE DISCUSSION

The Board reviewed the document from the FSMB Advisory Group on Continued Competence of Licensed Physicians.

FSMB REPORT/UPDATE – GENE MUSSER, SUE KAILAS AND SANDRA OSBORN

Sujatha Kailas term on the Nominating Committee will be ending this year. There are three positions available on the Committee and Dr. Kailas encouraged the other Board members to apply.

Sandra Osborn has been invited to participate in the fourth annual USMLE item writing workshop in Philadelphia on April 15, 2010. The travel and participation is completely funded by the USMLE.

MOTION: Jerold Harter moved, seconded by Suresh Misra, to approve Sandra Osborn to participate in and attend the USMLE Item

Writing Workshop in Philadelphia, PA on April 15, 2010. Motion carried unanimously.

INFORMATIONAL ITEMS

None.

OTHER BUSINESS

None.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Raymond Mager, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Roll call vote: Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes; Carolyn Bronston-yes. Motion carried unanimously.

Open session recessed at 10:40 a.m.

RECONVENE IN OPEN SESSION

MOTION: Gene Musser moved, seconded by Jerold Harter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:22 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Gene Musser moved, seconded by Ian Munro, to reaffirm all motions made during closed session. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

JAMES J GREENBERG, MD

James J. Greenberg, MD, appeared before the full board for an oral examination.

MOTION: Ian Munro moved, seconded by Suresh Misra, to grant a license to James J. Greenberg, MD, when all requirements for licensure are met. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING ISSUED TO R.B.

MOTION: Ian Munro moved, seconded by Sandra Osborn, to uphold the administrative warning as issued to R.B. Motion carried unanimously.

PROPOSED STIPULATIONS

KENNETH KURT, DO

MOTION: Suresh Misra moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Kenneth Kurt, DO. Motion carried unanimously.

DIANA KRUSE, MD

MOTION: Jerold Harter moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Diana Kruse, MD. Motion carried unanimously.

GREGORY J ESTLUND, MD

MOTION: Raymond Mager moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Gregory J. Estlund, MD, and accept the surrender of his license. Motion carried unanimously.

SHEILA F HOCKMAN, DO

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Sheila F. Hockman, DO. Motion carried unanimously.

DELIBERATION OF COMPLAINTS

08 MED 129

MOTION: Jack Lockhart moved, seconded by Suresh Misra, to find probable cause to issue a complaint in the matter of **28 MED 129**. Jude Genereaux abstained. Motion carried.

08 MED 401

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, in favor of a finding of probable cause to issue a complaint in the matter of **08 MED 401**. Raymond Mager abstained Motion carried.

06 MED 070

MOTION: Carolyn Bronston moved, seconded by Gene Musser, in favor of a finding of probable cause to issue a complaint in the matter of **06 MED 070**. Motion carried unanimously.

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE OBJECTIONS TO THE PROPOSED DECISION AND ORDER IN THE MATTER REGARDING JACQUELINE ERLAND, MD (04 MED 322)

MOTION: Carolyn Bronston moved, seconded by Gene Musser, to approve the Motion for Extension of Time in which to file objections to the Proposed Decision and Order in the matter regarding Jacqueline Erland, MD, case number **04 MED 322**. Motion carried unanimously.

MONITORING

REQUEST FOR MODIFICATION

CHARLES E NELSON, MD

MOTION: Carolyn Bronston moved, seconded by Ian Munro, to approve the request for a modification of the order for a reduction in screens from 56 to 35 screens per year for Charles E. Nelson, MD. Motion carried unanimously.

CASE CLOSINGS

07 MED 435

MOTION: Suresh Misra moved, seconded by Raymond Mager, to close case **07 MED 435** for compliance gained. Motion carried unanimously.

09 MED 018

MOTION: Jack Lockhart moved, seconded by Jerold Harter, to close case **09 MED 018** for no violation. Motion carried unanimously.

09 MED 017

MOTION: Jerold Harter moved, seconded by Jack Lockhart, to close case **09 MED 017** for no insufficient evidence. Motion carried unanimously.

07 MED 399

MOTION: Jude Genereaux moved, seconded by Ian Munro, to close case **07 MED 399** for prosecutorial discretion. Motion carried unanimously.

07 MED 179

MOTION: Suresh Misra moved, seconded by Gene Musser, to close case **07 MED 179** for insufficient evidence. Motion carried unanimously.

07 MED 076

MOTION: Raymond Mager moved, seconded by Ian Munro, to close case **07 MED 076** for no violation. Motion carried unanimously.

08 MED 056

MOTION: Sheldon Wasserman moved, seconded by Ian Munro, to close case **08 MED 056** for insufficient evidence. Motion carried unanimously.

09 MED 193

MOTION: Gene Musser moved, seconded by Jerold Harter, to close case **09 MED 193** for insufficient evidence. Motion carried unanimously.

09 MED 215

MOTION: Gene Musser moved, seconded by Jack Lockhart, to close case **09 MED 215** for prosecutorial discretion (P\$). Motion carried unanimously.

07 MED 382

MOTION: Raymond Mager moved, seconded by Jerold Harter, to close case **07 MED 382** for prosecutorial discretion (P6). Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Gene Musser moved, seconded by Ian Munro, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:23 p.m.

THE NEXT MEETING IS FEBRUARY 17, 2010