

**MEDICAL EXAMINING BOARD
MINUTES
DECEMBER 15, 2010**

PRESENT: Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Jerold Harter, MD; Sujatha Kailas (arrived at 8:08), MD; Jack Lockhart, MD (via telephone/Live Meeting at 8:25; excused at 1:12); Raymond Mager, DO; Suresh Misra (excused at 12:00), MD; Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD

EXCUSED: Ian Munro, MD

STAFF: Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Anne Hletko, Council on Physician Assistants; Mark Grapentine and Nancy Nankivil, Wisconsin Medical Society; Jeremy Levin, RWHC; Ryan Natzke, WI Academy of Family Physicians; Judy Warmuth, WHA

CALL TO ORDER

Dr. Sandra Osborn, Vice Chair, called the meeting to order at 8:04 a.m. A quorum of ten (10) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- On page 3, under Item CS-2 – correct the case number to 10 MED 320
- Delete pages 55-56 in the agenda packet
- Under Item 7d – insert email from Humayun Chaudhry, DO, President and CEO, FSMB
- After Item CS-4 – insert DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER – Floyd Brooks, RCP – 10 MED 218
- FSMB information – insert in item 7m after page 80
- After Item CS-4 – insert Michael Scott Moore, MD- Requesting Employment Approval
- Case Status Report – insert at the end of the agenda
- The status of the Summary Suspension regarding Jay R. Zaretsky has changed and is now a Proposed Stipulation

MOTION: Gene Musser moved, seconded by Raymond Mager, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 17, 2010

Corrections:

- On page 3, under REGULATORY DIGEST PLANNING, in the third sentence, delete “article” and insert “articles”
- On page 4, under BOARD CHAIR, VICE CHAIR AND PUBLIC MEMBER..., in the third sentence, insert a space after “December”.

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to approve the minutes of November 17, 2010 as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JAY R ZARETSKY, MD
10 MED 360

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Jay R. Zaretsky, MD. Dr. Zaretsky was represented by Attorney Adrianna Haugen Shannon who appeared via telephone. This matter will be deliberated in closed session.

MICHAEL N MANGOLD, MD
10 MED 320

Attorney Sandra Nowack, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Michael N. Mangold, MD. Dr. Mangold appeared before the Board to respond to questions. This matter will be deliberated in closed session.

ITEMS RECEIVED AFTER MAILING OF THE AGENDA

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER

FLOYD BROOKS, RCP
10 MED 217

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Floyd Brooks, RCP. This matter will be deliberated in closed session.

ITEMS FOR BOARD DISCUSSION

Budget Update – Appearance by Bev Haberman, DRL Accountant, Division of Management Services

Bev Haberman presented an update on the Medical Examining Board budget.

Review Scope Statement for Approval Re: Wis. Admin. Code MED § 8.10

The Board reviewed the scope statement. Legal counsel recommended amending the scope statement to read Wis. Admin Code MED § 8.

MOTION: Jerold Harter moved, seconded by Carolyn Bronston, to approve the scope statement as amended regarding Wis. Admin. Code MED § 8. Motion carried unanimously.

FSMB Maintenance of Licensure Implementation Group Proposal and MEB Workgroup Report

The Board discussed the proposals from the Maintenance of Licensure Committee and continuing medical education (CME).

Planning for FSMB January Leadership Visit with MEB

Sujatha Kailas presented the schedule for the January 19, 2011 meeting.

8:00 a.m. - noon – Regular Board Meeting

Noon – 1:00 p.m. – Lunch

1:00 p.m. – 1:30 p.m. – Presentation from DOE on the role of the case advisor

1:30 p.m. – 3:00 p.m. – FSMB presentation to the Board – MOL and the WI disciplinary process as compared to other states

3:00 p.m. – 3:30 p.m. – MEB only to discuss and recap the presentations and to set priorities for 2011

FSMB Call for Nominations – Board Consideration/Annual FSMB Meeting

The Board reviewed the FSMB call for nominations.

MOTION: Gene Musser moved, seconded by James Conterato, to authorize Sujatha Kailas as the Board's representative and Sandra Osborn as the alternate to attend the annual FSMB conference. Tom Ryan is authorized as the DRL representative to attend this meeting. Motion carried unanimously.

FSMB scholarships for public members to attend the annual meeting are not available this year.

January Meeting Planning and Oral Examinations the Day Before the Meeting

Oral examinations and the screening panel will be held the day before the January Board meeting.

Regulatory Digest Planning

The Board discussed possible articles for the Digest. Articles should be sent to Sujatha Kailas prior to the January 19 Board meeting. The Board requested David Carlson take a photo of the Board at the January 19 Board meeting for inclusion in the Digest.

Tom Ryan will compile data for the Annual Report after the first of the year and will bring this information to the Board when available.

Licensing of foreign physicians – Review e-mail from Steven Levine, JD

The email from Steven Levine was noted.

Ohio Board Educational Project

The Board reviewed this information.

Criminal Background Check Update – Mike Berndt

Criminal background checks may be included in the ARRA grant recommendations. Rule changes would be necessary to require background checks for all applicants for licensure.

Medical spas discussion – Yolanda McGowan, Attorney, Barber and Cosmetology Examining Board

Yolanda McGowan, legal counsel for the Barbering and Cosmetology Board, appeared before the Board to discuss medical spas and physician supervision and delegation of duties to staff. The Board requested Tom Ryan to obtain more information from physicians (plastic surgeons and dermatologists) who are associated with medical spas and the delegation of aesthetic procedures.

Legislative Activity – Sheldon Wasserman

No report at this time. The next legislative session begins in January.

Outreach Issues – Sujatha Kailas

No report at this time.

SECRETARY CELIA JACKSON

Secretary Celia Jackson addressed the Board. She met with the transition team for Governor-Elect Walker and is confident there will be a smooth transition. Secretary Jackson thanked the Board for their service and dedication.

Sujatha Kailas thanked Secretary Jackson for her leadership and guidance.

ADMINISTRATIVE MATTERS

Report on Board Chair, Vice Chair and Public Member Training – December 2-3, 2010

The training was well attended. Sandra Osborn stated the interaction with the other boards was interesting and said the training was worthwhile. LaMarr Franklin also attended the training.

Request for Board Member attendance at American Association of Osteopathic Examiners (AAOE) Summit Meeting – January 15- 6, 2011

The AAOE Summit Meeting will be held January 15-16 in Las Vegas, NV.

MOTION: Sandra Osborn moved, seconded by Sheldon Wasserman, to authorize Raymond Mager to attend the AAOE meeting on January 15-16, 2011 in Las Vegas, NV. Motion carried unanimously.

Appointment of Board Liaison for ARRA Grant

MOTION: Carolyn Bronston moved, seconded by Jude Genereaux, to appoint Raymond Mager as the Board Liaison for the ARRA Grant. Motion carried unanimously.

SCREENING PANEL REPORT

Jude Genereaux reported the screening panel reviewed thirty four (34) cases. Ten (10) cases were opened and two (2) 10-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted. Sandra Osborn will draft a letter to Secretary Jackson to thank her for her work with the Board.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Gene Musser moved, seconded by Sandra Osborn, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:59 a.m.

RECONVENE IN OPEN SESSION

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

Open session reconvened at 1:21 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED PETITIONS FOR SUMMARY SUSPENSION

**JAY R ZARETSKY, MD
10 MED 360**

MOTION: Raymond Mager moved, seconded by James Conterato, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order and the Summary Suspension in the disciplinary proceedings against Jay R. Zaretsky, MD. Motion carried unanimously. Suresh Misra was not present for the vote.

MICHAEL N MANGOLD, MD
10 MED 320

MOTION: Jerold Harter moved, seconded by Carolyn Bronston, to adopt the Petition for Summary Suspension in the disciplinary proceedings against Michael N. Mangold, MD. Motion carried. Gene Musser abstained

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

FLOYD BROOKS, RCP
10 MED 217

MOTION: Sheldon Wasserman moved, seconded by James Conterato, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Floyd Brooks, RCP. Motion carried unanimously.

CONSIDERATION OF COMPLAINTS

10 MED 320

MOTION: Carolyn Bronston moved, seconded by Jerold Harter, to find probable cause to issue a complaint in the matter of **10 MED 320**. Motion carried. Gene Musser abstained.

MONITORING

RAYMOND S KOZIAL, MD

MOTION: Jude Genereaux moved, seconded by Jerold Harter, to approve the request for a three-month stay of suspension to Raymond S. Kozial, MD. Motion carried. Sheldon Wasserman abstained.

KIRSTEN D PETERSON, MD

MOTION: Jerold Harter moved, seconded by LaMarr Franklin to deny the request for a stay of suspension to Kirsten D. Peterson, MD. Motion carried. Jack Lockhart abstained.

MICHAEL SCOTT MOORE, MD

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to remove the restriction in C.20 of the Order to practice only as emergency room physician and to approve the new practice setting in the general clinic attached to the hospital. Motion carried unanimously.

CASE CLOSINGS

07 MED 441

MOTION: Jerold Harter moved, seconded by Sandra Osborn, to close case **07 MED 441** for no violation. Motion carried unanimously.

10 MED 297

MOTION: Raymond Mager moved, seconded by Sheldon Wasserman, to close case **10 MED 297** for no jurisdiction (L2). Motion carried unanimously.

10 MED 270

MOTION: Jerold Harter moved, seconded by James Conterato, to close case **10 MED 270** for prosecutorial discretion (P3). Motion carried unanimously.

10 MED 267

MOTION: James Conterato moved, seconded by Sandra Osborn, to close case **10 MED 267** for insufficient evidence. Motion carried unanimously.

10 MED 252

MOTION: Jerold Harter moved, seconded by Raymond Mager, to close case **10 MED 252** for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

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

ADJOURNMENT

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

The meeting adjourned at 1:25 p.m.

THE NEXT BOARD MEETING IS JANUARY 19, 2011

SCREENING PANEL AND ORAL EXAMINATIONS WILL BE HELD JANUARY 18, 2011