

**MEDICAL EXAMINING BOARD
MEETING MINUTES
July 16, 2014**

PRESENT: Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D.; Carolyn Ogland, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Timothy Swan, M.D.; Sridhar Vasudevan, M.D.; Russell Yale, M.D.; and Robert Zondag

EXCUSED: James Barr; Timothy Westlake, M.D.

STAFF: Tom Ryan, Executive Director; Pam Stach, Legal Counsel; Kimberly Wood, Program Assistant Supervisor; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:01 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- **After Item T.4 (Closed Session):** Under the agenda item titled “ Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC)” **ADD:**
 - Item T.5: Ronald G. Rubin, M.D., Case Number 13 MED 039
- **Item H.3 (Open Session):** Under the agenda item titled “Legislative/Administrative Rule Matters - Review and Discussion of Requirements for Documenting and Retaining Records of Physician Assistants’ Supervising Physician” **REMOVE:**
 - Item H.3.A: Appearance by Joost Kap

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Suresh Misra moved, seconded by Michael Phillips, to approve the minutes of June 18, 2014 as published. Motion carried unanimously.

**BOARD CONSIDERATION OF A MOTION IN
APPRECIATION OF JUDE GENEREAUX’S SERVICE**

MOTION: Timothy Swan moved, seconded by Carolyn Ogland, to recognize Jude Genereaux for her many years of service to the Medical Examining Board and for all her efforts to protect public health and safety. Motion carried unanimously.

**REPORT ON THE NATIONAL PRACTITIONER DATA BANK
CONTINUOUS QUERY PROGRAM**

MOTION: Rodney Erickson moved, seconded by Greg Collins, to rescind the April motion regarding a Department study of the Continuous Query option of the NPDB, and to continue to monitor databank services. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Review and Discussion of Requirements for Documenting and Retaining Records of Physician Assistants' Supervising Physician

MOTION: Rodney Erickson moved, seconded by Carolyn Ogland, to approve form # 2594 as amended. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to authorize Kenneth Simons to attend and participate in discussion at the Alliance of Health Insurers Annual Meeting on September 9, 2014. Motion carried unanimously.

Citizen Advocacy Center (CAC) 2014 Annual Meeting, October 23-24, 2014, in Baltimore, Maryland

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to designate Robert Zondag or Greg Collins to attend the Citizen Advocacy Center (CAC) 2014 Annual Meeting on October 23-24, 2014 in Baltimore, Maryland and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, 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; Greg Collins – yes; Rodney Erickson – yes; Suresh Misra – yes; Carolyn Ogland – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Swan – yes; Sridhar Vasudevan – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously

The Board convened into Closed Session at 9:13 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to reconvene in Open Session at 10:35 A.M. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

MOTION: Greg Collins moved, seconded by Robert Zondag, to find that Christian Maduoma, M.D., failed the MEB Full Board Oral Examination. **Reason for Denial:** Based upon the information of record and applicant's oral examination, applicant is not currently competent to practice with reasonable skill and safety. Motion carried.

MOTION: Suresh Misra moved, seconded by Russell Yale, to deny the application of Christian Maduoma, M.D., for a license to practice Medicine and Surgery in the State of Wisconsin. **Reason for Denial:** Failure of the MEB Full Board Oral Examination. Motion carried.

MONITORING MATTERS

James P. Fogarty, M.D. – Requesting Return to Full Licensure

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to grant the request of James P. Fogarty, M.D. for return of full licensure. Motion carried unanimously.

Devinder K. Sidhu, M.D. – Requesting to Practice Anesthesiology

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to grant the request of Devinder K. Sidhu, M.D. for removal of Anesthesiology practice restrictions, elimination of the requirement for AA/NA attendance, and reduction in the frequency of therapy visits. Motion carried unanimously.

**PRESENTATION AND DELIBERATION ON PROPOSED STIPULATIONS, FINAL
DECISIONS AND ORDERS BY THE DIVISION OF LEGAL SERVICES AND COMPLIANCE
(DLSC)**

Jeffrey B. Gorelick, M.D. – 11 MED 360, 11 MED 361, and 13 MED 083

MOTION: Suresh Misra moved, seconded by Carolyn Ogland, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffrey B. Gorelick, M.D., DLSC case numbers 11 MED 360, 11 MED 361, and 13 MED 083. Motion carried.

(Sridhar Vasudevan recused himself and left the room for deliberation and voting in the matter concerning Jeffrey B. Gorelick, M.D., Respondent – DLSC case numbers 11 MED 360, 11 MED 361, and 13 MED 083.)

David A. Van De Loo, M.D. – 12 MED 316 and 13 MED 151

MOTION: Greg Collins moved, seconded by Suresh Misra, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against David A. Van De Loo, M.D., DLSC case numbers 12 MED 316 and 13 MED 151. Motion carried unanimously.

Graig A. Aders, M.D. – 12 MED 381

MOTION: Sridhar Vasudevan moved, seconded by Russell Yale, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Graig A. Aders, M.D., DLSC case number 12 MED 381. Motion carried.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Graig A. Aders, M.D., Respondent – DLSC case number 12 MED 381.)

Robert J. Smith, M.D. – 13 MED 227

MOTION: Greg Collins moved, seconded by Suresh Misra, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Robert J. Smith, M.D., DLSC case number 13 MED 227. Motion carried unanimously.

Ronald G. Rubin, M.D. – 13 MED 039

MOTION: Greg Collins moved, seconded by Suresh Misra, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Ronald G. Rubin, M.D., DLSC case number 13 MED 039. Motion carried unanimously.

**PRESENTATION AND DELIBERATION ON COMPLAINTS FOR
DETERMINATION OF PROBABLE CAUSE**

Jeffrey J. Entress, M.D. – 13 MED 199

MOTION: Carolyn Ogland moved, seconded by Suresh Misra, to find probable cause to believe that Jeffrey J. Entress, M.D., DLSC case number 13 MED 199, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

(Michael Phillips recused himself and left the room for deliberation and voting in the matter concerning Jeffrey J. Entress, M.D., Respondent – DLSC case number 13 MED 199.)

Mary Burgesser-Howard, M.D. – 13 MED 501

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to find probable cause to believe that Mary Burgesser- Howard, M.D., DLSC case number 13 MED 501, is guilty of unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried unanimously.

PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNINGS

13 MED 125 (B.E.R.)

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 13 MED 125 (B.E.R.). Motion carried unanimously.

13 MED 226 (K.J.B.)

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to issue an Administrative Warning in the matter of DLSC case number 13 MED 226 (K.J.B.). Motion carried. Abstentions: 2, Recusals: 1

(Russell Yale recused himself and left the room for deliberation and voting in the matter DLSC case number 13 MED 226 (K.J.B.))

CASE CLOSING(S)

13 MED 331 (V.S.)

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 13 MED 331, against V.S., for no violation
2. 13 MED 359, against (K.P.P., V.V.K.A., A.G. and C.A.M.), for no violation
3. 13 MED 366, against C.P. and T.A., for no violation
4. 13 MED 374, against M.W.J., for no violation
5. 14 MED 069, against D.B. and R.A.N., for no violation

Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Timothy Swan moved, seconded by Russell Yale, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

MOTION: Greg Collins moved, seconded by Robert Zondag, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Michael Phillips moved, seconded by Greg Collins, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:37 a.m.