

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
January 20, 2016**

**PRESENT:** Mary Jo Capodice, D.O.; Greg Collins; Rodney Erickson, M.D.; Carolyn Ogland Vukich, M.D.(*via GoToMeeting*); Michael Phillips, M.D.; David Roelke, M.D.; Kenneth Simons, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Robert Zondag

**EXCUSED:** Russell Yale, M.D., Suresh Misra, M.D.

**STAFF:** Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of ten (10) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Removed: TELECONFERENCE/VIRTUAL MEETING and updated year to 2016 from header*
- *Added: Additional material for Item T.1 Application Review*
- *Removed: Report from Speaking Engagements*
- *Added: Item G.8: Senate Bill 568 replaced pages 37-38 to include link*
- *Added: Item U.3.d: 15 MED 262 – Proposed Stipulation, Final Decision and Order*
- *Removed: Item U.4.h: 15 MED 278 – Case Closing*
- *Removing: Item R: Review of WARN00000416 DLSC Case # 13 MED 308*

**MOTION:** Mary Jo Capodice moved, seconded by Michael Phillips, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES OF DECEMBER 16, 2015 – REVIEW AND APPROVAL**

**Amendments to the Minutes:**

- *Amendment: Michael Phillips attended in person*

**MOTION:** Sridhar Vasudevan moved, seconded by Robert Zondag, to approve the minutes of December 16, 2015 as amended. Motion carried unanimously.

**ELECTIONS, APPOINTMENTS, REAPPOINTMENTS, CONFIRMATIONS, AND  
COMMITTEE, PANEL AND LIAISON APPOINTMENTS**

**BOARD CHAIR**

**NOMINATION:** Sridhar Vasudevan nominated Kenneth Simons for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Kenneth Simons was elected as Chair by unanimous consent.

## VICE CHAIR

**NOMINATION:** David Roelke nominated Timothy Westlake for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Timothy Westlake was elected as Vice Chair by unanimous consent.

## SECRETARY

**NOMINATION:** Sridhar Vasudevan nominated Mary Jo Capodice for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Mary Jo Capodice was elected as Secretary by unanimous consent.

<b>2016 ELECTION RESULTS</b>	
<b>Board Chair</b>	Kenneth Simons
<b>Vice Chair</b>	Timothy Westlake
<b>Secretary</b>	Mary Jo Capodice

## LIAISON APPOINTMENTS

<b>2016 LIAISON APPOINTMENTS</b>	
<b>Professional Assistance Procedure (PAP) Liaison</b>	<b>Mary Jo Capodice</b> Alternate – <b>Michael Phillips</b>
<b>Office of Education and Examinations Liaison</b>	<b>Timothy Westlake</b> Alternate – <b>David Roelke</b>
<b>Website Liaison</b>	<b>Robert Zondag</b> Alternate – <b>Greg Collins</b>
<b>Credentialing Liaison(s)</b>	<b>David Roelke, Rodney Erickson</b> Alternate – <b>Russell Yale, Carolyn Ogland Vukich</b>
<b>Legislative Liaison</b>	<b>Timothy Westlake, Kenneth Simons, Greg Collins</b>
<b>Maintenance of Licensure Liaisons</b>	<b>Rodney Erickson, Carolyn Ogland Vukich</b> Alternate – <b>Mary Jo Capodice</b>
<b>Newsletter Liaison</b>	<b>Kenneth Simons</b> Alternate – <b>Robert Zondag</b>
<b>Monitoring Liaison</b>	<b>Mary Jo Capodice</b> Alternate – <b>Sridhar Vasudevan</b>
<b>Continuing Education Liaison</b>	<b>Rodney Erickson</b> Alternate – <b>David Roelke</b>
<b>Administrative Rules Liaison</b>	<b>Russell Yale</b> Alternate – <b>David Roelke</b>

<b>Prescription Drug Monitoring Program Liaison</b>	<b>Timothy Westlake</b> Alternate – <b>Sridhar Vasudevan</b>
<b>Travel Liaison</b>	<b>Greg Collins</b> Alternate – <b>Kenneth Simons</b>
<b>Controlled Substances Committee</b>	<b>Mary Jo Capodice, Rodney Erickson, Carolyn Ogland Vukich, Sridhar Vasudevan, Timothy Westlake</b>
<b>Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)</b>	<b>Timothy Westlake</b>

**MOTION:** Sridhar Vasudevan moved, seconded by Michael Phillips, to affirm the Chair’s appointment of liaisons for 2016. Motion carried unanimously.

### **DELEGATION MOTIONS**

#### *Delegated Authority for Urgent Matters*

**MOTION:** Robert Zondag moved, seconded by David Roelke, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

#### *Council Delegation Motion*

**MOTION:** Robert Zondag moved, seconded by Carolyn Ogland Vukich, to delegate to the Board’s Councils and/or it’s liaisons the authority to review applications and conduct examinations of candidates for licensure and to make recommendations regarding the licensure of applicants based upon the application reviews and examinations. Recommended credential denials should be considered by the Medical Examining Board. This delegation motion is not intended to be exhaustive of the Councils’ advisory authority. Motion carried unanimously.

#### *Delegated Authority for Application Denial Reviews*

**MOTION:** Robert Zondag moved, seconded by Timothy Westlake, that the Board counsel or another department attorney is formally authorized to serve as the Board’s designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

#### *Document Signature Delegation*

**MOTION:** Robert Zondag moved, seconded by Rodney Erickson, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out

duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

### *Credentialing Authority Delegations*

**MOTION:** Robert Zondag moved, seconded by Mary Jo Capodice, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Robert Zondag, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to affirm the Chair's appointment of Mary Jo Capodice as the Monitoring Liaison, and Sridhar Vasudevan as the alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

## **LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

### **Emergency/Permanent Scope for Med 13 Relating to Prescribing CME**

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Westlake, to approve the Scope Statement for an emergency and permanent rule on Med 13 relating to Continuing Medical Education for Prescribing Opioids for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**MOTION:** David Roelke moved, seconded by Greg Collins, to delegate to the legislative liaisons the ability to work with the legislature and other interested parties on a realignment of the reporting period for the 30 credit continuing professional development requirement. Motion carried unanimously.

## **REPORT FROM OPIOID PRESCRIBING COMMITTEE – RELATING TO A PROPOSED PAIN MANAGEMENT CONTINUING MEDICAL EDUCATION REQUIREMENT**

**MOTION:** Sridhar Vasudevan moved, seconded by David Roelke, to authorize Timothy Westlake or his designee from the Board to participate in the Wisconsin Health Systems Prescription Drug Abuse Reduction Coalition. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Robert Zondag 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; Carolyn Ogland Vukich – yes; Michael Phillips – yes; David Roelke – yes; Kenneth Simons – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:54 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 11:59 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** David Roelke moved, seconded by Greg Collins, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

**MONITORING MATTERS****Jose Araujo, M.D. – Requesting Full License**

**MOTION:** Sridhar Vasudevan moved, seconded by David Roelke, to grant the request of Jose Araujo, M.D. for removal of limitations from license. Motion carried.

**Mazin Ellias, M.D. – Requesting Full License**

**MOTION:** Timothy Westlake moved, seconded by Michael Phillips, to grant the request of Mazin Ellias, M.D. for removal of limitations from license. Motion carried unanimously.

*(Sridhar Vasudevan recused himself and left the room for deliberation and voting in the matter concerning Mazin Ellias, M.D.)*

**APPEARANCE – APPLICATION REVIEW – FIDELIS IKEGWUONU**

**MOTION:** Timothy Westlake moved, seconded by Michael Phillips, to deny Fidelis Ikegwuonu's petition for approval by the Board to retake Step 2 of the USMLE pursuant to Wis. Admin. Code § Med 1.08. **Reason for Denial:** Fidelis Ikegwuonu failed to present evidence satisfactory to the Board of further professional training or education. Fidelis Ikegwuonu has not shown successful completion of an LCME or AOA accredited Medical School as required in Board

orders dated 11/24/14 and 02/02/15. The Board will not consider any further petitions in this regard prior to 02/01/2017. Motion carried unanimously.

**REQUEST FOR WAIVER OF 24 MONTHS OF ACGME/AOA APPROVED POST GRADUATE TRAINING**

**Nikolaos Chatzizacharias**

**MOTION:** Michael Phillips moved, seconded by David Roelke, to find that the training and education of Nikolaos Chatzizacharias is substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2)(b). Motion carried.

*(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Nikolaos Chatzizacharias.)*

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

**Complaints**

***14 MED 473 – Victor Ruiz, M.D.***

**MOTION:** Robert Zondag moved, seconded by Rodney Erickson, to find probable cause to believe that Victor Ruiz, M.D., DLSC case number 14 MED 473, has committed 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.

*(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Victor Ruiz, DLSC case number 14 MED 473.)*

***14 MED 607 – Paul Awa, M.D.***

**MOTION:** Michael Phillips moved, seconded by David Roelke, to find probable cause to believe that Paul Awa, M.D., DLSC case number 14 MED 607, has committed 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.

*(Greg Collins recused himself and left the room for deliberation and voting in the matter concerning Paul Awa, DLSC case number 14 MED 607.)*

**Administrative Warnings**

***15 MED 286 – J.M.P.***

**MOTION:** Timothy Westlake moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC case number 15 MED 286 – J.M.P. Motion carried unanimously.

***15 MED 335 – S.R.***

**MOTION:** Mary Jo Capodice moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 15 MED 335 – S.R. Motion carried.

*(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning S.R., DLSC case number 15 MED 335.)*

***15 MED 383 – M.A.S.***

**MOTION:** Robert Zondag moved, seconded by David Roelke, to issue an Administrative Warning in the matter of DLSC case number 15 MED 383 – M.A.S. Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders**

***13 MED 367 – Gregg M. Gaylord, M.D.***

**MOTION:** Mary Jo Capodice moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregg M. Gaylord, M.D., DLSC case number 13 MED 367. Motion carried.

*(Sridhar Vasudevan recused himself and left the room for deliberation and voting in the matter concerning Gregg M. Gaylord, M.D., DLSC case number 13 MED 367.)*

***14 MED 120 – Eleazar M. Kadile, M.D.***

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Eleazar M. Kadile, M.D., DLSC case number 14 MED 120. Motion carried unanimously.

***14 MED 454 – Michael D. O'Reilly, M.D.***

**MOTION:** Michael Phillips moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael D. O'Reilly, M.D., DLSC case number 14 MED 454. Motion carried unanimously.

***15 MED 262 – Wilton C. Calderon, M.D.***

**MOTION:** Sridhar Vasudevan moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Wilton C. Calderon, M.D., DLSC case number 15 MED 262. Motion carried unanimously.

***15 MED 277 – Andrew J. Weddle, D.O.***

**MOTION:** Greg Collins moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against

Andrew J. Weddle, D.L., DLSC case number 15 MED 277. Motion carried unanimously.

## Case Closings

### CASE CLOSING(S)

**MOTION:** Greg Collins moved, seconded by David Roelke, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 13 MED 469 – S.H.I. *Prosecutorial Discretion (P5-Flag)*
2. 14 MED 246 – J.L.P. *Prosecutorial Discretion (P3)*
3. 15 MED 144 – K.D.D. *No Violation*
4. 15 MED 154 – K.S.C. *Prosecutorial Discretion (P4)*
5. 15 MED 183 – V.C. *No Violation*
6. 15 MED 252 – B.S.H. *Prosecutorial Discretion (P3)*
7. 15 MED 356 – M.S. *No Violation*

Motion carried unanimously.

### *15 MED 052*

**MOTION:** Rodney Erickson moved, seconded by Sridhar Vasudevan, to table DLSC case number 15 MED 052 against S.A.H. Motion carried unanimously.

### PROPOSED FINAL DECISIONS AND ORDERS

#### Jonathan G. Peterson, M.D., Respondent

**MOTION:** David Roelke moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Jonathan G. Peterson, M.D., Respondent – DHA case number SPS-14-0092/DLSC case number 14 MED 029. Motion carried unanimously.

#### Roger A. Pellmann, M.D., Respondent

**MOTION:** David Roelke moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Roger A. Pellmann, M.D., Respondent – DHA case number SPS-15-0057/DLSC case number 15 MED 025. Motion carried unanimously.

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

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

### ADJOURNMENT

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:02 p.m.