

**MEDICAL EXAMINING BOARD
MEETING MINUTES
JUNE 19, 2019**

PRESENT: Alaa Abd-Elseyed, M.D.; David Bryce, M.D.; Mary Jo Capodice, D.O.; Michael Carton (*via Skype*); Padmaja Doniparthi, M.D.; Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; David Roelke, M.D.; Kenneth Simons, M.D. (*via Skype*); Timothy Westlake, M.D.; Robert Zoeller, M.D. (*joined via Skype at 8:12 a.m., arrived in person at 8:27 a.m.*)

STAFF: Yolanda McGowan, DPD Division Administrator; Jameson Whitney, Legal Counsel; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department staff

CALL TO ORDER

Timothy Westlake, Vice Chairperson, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

MOTION: Alaa Abd-Elseyed moved, seconded by David Bryce, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 17, 2019

MOTION: David Roelke moved, seconded by Rodney Erickson, to approve the Minutes of April 17, 2019 published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Board Members – Term Expiration Dates

MOTION: Bradley Kudick moved, seconded by Alaa Abd-Elseyed, to recognize Dr. Erickson for his years of service to the Board and his efforts on behalf of the Board and the State of Wisconsin. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

(Robert Zoeller connected via Skype at 8:12 a.m.)

Adoption Orders: CR 18-072, Relating to Continuing Medical Education for Physicians; CR 18-074, Relating to Perfusionists; and CR 18-078, Relating to Sports Physician Licensure Exemptions

MOTION: Lee Ann Lau moved, seconded by Bradley Kudick, to approve the Adoption Orders for Clearinghouse Rules CR 18-072, relating to continuing medical education for physicians, CR 18-074, relating to perfusionists, and CR 18-078, relating to sports physician licensure exemption. Motion carried unanimously.

Germane Modification to CR 18-101, Relating to Respiratory Care Practitioners

MOTION: Lee Ann Lau moved, seconded by David Roelke, to approve the requested germane modification to Clearinghouse Rule CR 18-101, relating to respiratory care practitioners, for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

(Robert Zoeller arrived in person at 8:27 a.m.)

CLOSED SESSION

MOTION: Lee Ann Lau moved, seconded by David Roelke, 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.). Timothy Westlake, Vice Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Alaa Abd-Elsayed-yes; David Bryce-yes; Mary Jo Capodice-yes; Michael Carton-yes; Padmaja Doniparthi-yes; Rodney Erickson-yes; Bradley Kudick-yes; Lee Ann Lau-yes; David Roelke-yes; Kenneth Simons-yes; Timothy Westlake-yes; Robert Zoeller-yes. Motion carried unanimously.

The Board convened into Closed Session at 8:38 a.m.

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

MOTION: Mary Jo Capodice moved, seconded by Robert Zoeller, to issue an Administrative Warning in the matter of disciplinary proceedings of the following cases:

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| 1. 18 MED 333 – W.A. | 22. 18 MED 449 – Y.H. |
| 2. 18 MED 342 – M.B. | 23. 18 MED 452 – K.L. |
| 3. 18 MED 348 – J.B. | 24. 18 MED 459 – D.K.M. |
| 4. 18 MED 350 – J.B. | 25. 18 MED 466 – D.M. |
| 5. 18 MED 357 – J.C. | 26. 18 MED 472 – R.M. |
| 6. 18 MED 359 – V.C. | 27. 18 MED 474 – C.N. |
| 7. 18 MED 363 – J.J.C. | 28. 18 MED 481 – T.O. |
| 8. 18 MED 364 – M.C. | 29. 18 MED 485 – J.P. |
| 9. 18 MED 365 – T.D. | 30. 18 MED 492 – T.C. |
| 10. 18 MED 369 – R.E. | 31. 18 MED 504 – A.R. |
| 11. 18 MED 371 – S.F. | 32. 18 MED 512 – T.R. |
| 12. 18 MED 394 – C.F. | 33. 18 MED 513 – D.Y. |
| 13. 18 MED 395 – R.F. | 34. 18 MED 520 – R.S. |
| 14. 18 MED 396 – V.G. | 35. 18 MED 526 – S.R. |
| 15. 18 MED 400 – A.S.G. | 36. 18 MED 530 – G.S. |
| 16. 18 MED 412 – A.H. | 37. 18 MED 533 – D.S. |
| 17. 18 MED 417 – A.H. | 38. 18 MED 534 – J.S. |
| 18. 18 MED 419 – J.H. | 39. 18 MED 540 – J.S. |
| 19. 18 MED 424 – S.J. | 40. 18 MED 544 – E.S. |
| 20. 18 MED 429 – J.N.J. | 41. 18 MED 565 – N.T. |
| 21. 18 MED 443 – R.K. | |

Motion carried unanimously.

17 MED 149 – N.P.H.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to issue an Administrative Warning in the matter of N.P.H., DLSC Case Number 17 MED 149. Motion carried unanimously.

Stipulations, Final Decisions and Orders***16 MED 485 – Vincent P. Gibbons, M.D.***

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Vincent P. Gibbons, M.D., DLSC Case Number 16 MED 485. Motion carried.

(Alaa Abd-Elseyed recused himself and left the room for deliberation and voting in the matter concerning Vincent P. Gibbons, M.D., DLSC Case Number 16 MED 485.)

17 MED 282 – Dominic B. Draper, M.D.

MOTION: Robert Zoeller moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dominic B. Draper, M.D., DLSC Case Number 17 MED 282. Motion carried unanimously.

17 MED 435 – Dai Takahashi, D.O.

MOTION: Lee Ann Lau moved, seconded by Robert Zoeller, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dai Takahashi, D.O., DLSC Case Number 17 MED 435. Motion carried unanimously.

17 MED 461 – Peter A. Mahler, M.D.

MOTION: Bradley Kudick moved, seconded by Lee Ann Lau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Peter A. Mahler, M.D., DLSC Case Number 17 MED 461. Motion carried unanimously.

18 MED 123 – Joseph M. Baker, D.O.

MOTION: Bradley Kudick moved, seconded by Lee Ann Lau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Joseph M. Baker, D.O., DLSC Case Number 18 MED 123. Motion carried unanimously.

18 MED 156 – Arthur A. Arena, M.D.

MOTION: Lee Ann Lau moved, seconded by Bradley Kudick, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Arthur A. Arena, M.D., DLSC Case Number 18 MED 156. Motion carried unanimously.

18 MED 686 – Robert D. Kingsbury, M.D.

MOTION: Robert Zoeller moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert D. Kingsbury, M.D., DLSC Case Number 18 MED 686. Motion carried unanimously.

18 MED 679 – Kirsten D. Peterson, M.D.

MOTION: Robert Zoeller moved, seconded by Alaa Abd-Elseyed, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings Kirsten D. Peterson, M.D., DLSC Case Number 18 MED 679. Motion carried unanimously.

Case Closings

MOTION: David Roelke moved, seconded by Rodney Erickson, to close the following DLSC Cases for the reasons outlined below:

1. 17 MED 172 – I.N. – Insufficient Evidence
2. 17 MED 172 – M.M. – Insufficient Evidence
3. 17 MED 384 – M.N.H. – Prosecutorial Discretion (P1)
4. 17 MED 450 – K.J.W. – No Violation
5. 17 MED 489 – J.M.R. – No Violation
6. 17 MED 516 – E.S. – Insufficient Evidence
7. 18 MED 121 – M.D. – No Violation
8. 18 MED 171 – T.O.B. – No Violation
9. 18 MED 180 – J.C.H. and J.S. – No Violation
10. 18 MED 205 – D.M. – Prosecutorial Discretion (P2)
11. 18 MED 216 – A.A. – Prosecutorial Discretion (P2)
12. 18 MED 244 – A.S. – No Violation
13. 18 MED 262 – W.C.M. – No Violation
14. 18 MED 273 – L.M.G. – No Violation
15. 18 MED 288 – K.K.B. – No Violation
16. 18 MED 289 – Z.S. – Prosecutorial Discretion (P2)
17. 18 MED 300 – M.J.W. – No Violation
18. 18 MED 304 – L.N.E. – No Violation
19. 18 MED 307 – I.B. – No Violation
20. 18 MED 340 – P.B. – No Violation
21. 18 MED 351 – A.F.C. – No Violation
22. 18 MED 352 – C.A.C. – No Violation
23. 18 MED 360 – O.A.C. – No Violation
24. 18 MED 362 – M.C. – No Violation
25. 18 MED 378 – M.B. and M.S. – No Violation
26. 18 MED 416 – D.H.S. – No Violation
27. 18 MED 425 – M.R.J. – No Violation
28. 18 MED 428 – N.J. – No Violation
29. 18 MED 437 – T.A.L. – No Violation
30. 18 MED 445 – G.N. – No Violation
31. 18 MED 448 – H.I.T. – No Violation
32. 18 MED 450 – J.W.R. – No Violation
33. 18 MED 496 – S.N.B. – Lack of Jurisdiction (L2)
34. 18 MED 537 – J.J.K. – No Violation
35. 18 MED 545 – S.L.N. – No Violation
36. 18 MED 596 – K.G. – Insufficient Evidence
37. 18 MED 614 – M.M. – No Violation
38. 18 MED 621 – C.D.L. – No Violation
39. 18 MED 660 – J.J.O and G.H.R. – No Violation
40. 18 MED 676 – C.A.F. – No Violation
41. 18 MED 694 – A.O. – No Violation
42. 18 MED 708 – J.A.C. – No Violation
43. 18 MED 715 – J.A.O. – No Violation
44. 18 MED 717 – G.R.D. – No Violation
45. 18 MED 726 – B.A.B. – No Violation
46. 19 MED 023 – D.C.B. – No Violation
47. 19 MED 058 – M.I. – No Violation

Motion carried unanimously.

17 MED 004 – E.R.

MOTION: Mary Jo Capodice moved, seconded by Alaa Abd-Elsayed, to close DLSC Case Number 17 MED 004, against E.R., for No Violation. Motion carried unanimously.

17 MED 336 – G.G.A.

MOTION: Bradley Kudick moved, seconded by David Bryce, not to close DLSC Case Number 17 MED 336, against G.G.A., and to refer the matter back to DLSC. Motion carried unanimously.

17 MED 463 – J.J.S.

MOTION: David Roelke moved, seconded by Bradley Kudick, not to close DLSC Case Number 17 MED 463, against J.J.S., and to refer the matter back to DLSC. Motion carried unanimously.

18 MED 260 – Unknown

MOTION: Robert Zoeller moved, seconded by Alaa Abd-Elsayed, to close DLSC Case Number 18 MED 260, against Unknown, for Insufficient Evidence. Motion carried unanimously.

18 MED 355 – R.C.

MOTION: David Roelke moved, seconded by Robert Zoeller, not to close DLSC Case Number 18 MED 355, against R.C., and to refer the matter back to DLSC. Motion carried unanimously.

18 MED 546 – D.K.

MOTION: Robert Zoeller moved, seconded by Bradley Kudick, to close DLSC Case Number 18 MED 546, against D.K., for No Violation. Motion carried unanimously.

18 MED 616 – R.H.

MOTION: David Roelke moved, seconded by Robert Zoeller, to close DLSC Case Number 18 MED 616, against R.H., for No Violation. Motion carried. Abstained: Simons

18 MED 623 – J.L.

MOTION: David Roelke moved, seconded by Robert Zoeller, to close DLSC Case Number 18 MED 623, against J.L., for No Violation. Motion carried. Abstained: Simons

18 MED 705 – T.P.

MOTION: Lee Ann Lau moved, seconded by Rodney Erickson, to close DLSC Case Number 18 MED 705, against T.P., for Prosecutorial Discretion (P1). Motion carried unanimously.

19 MED 051 – J.B.D.

MOTION: Lee Ann Lau moved, seconded by Bradley Kudick, to close DLSC Case Number 19 MED 051, against J.B.D., for No Violation. Motion carried unanimously.

Complaints

16 MED 224 – S.M.K.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to find probable cause in DLSC Case Number 16 MED 224, to believe that S.M.K. 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.

(Timothy Westlake recused himself and left the room for deliberation and voting in the matter concerning S.M.K., DLSC Case Number 16 MED 224. Mary Jo Capodice chaired the meeting for the duration of this item.)

16 MED 271 – W.S.N.

MOTION: David Roelke moved, seconded by Lee Ann Lau, to find probable cause in DLSC Case Number 16 MED 271, to believe that W.S.N. 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 disconnected from the meeting for deliberation and voting in the matter concerning W.S.N., DLSC Case Number 16 MED 271.)

Monitoring

Leonardo Aponte, M.D. Requesting Reinstatement of Full Licensure

MOTION: David Roelke moved, seconded by Robert Zoeller, to deny the request of Leonardo Aponte, M.D. and to make a finding that Dr. Aponte has violated the terms of the Board Order (2/17/2016) which is conduct imperiling the public health, safety, and welfare. The Board authorizes the Monitoring Liaison and Board Counsel to draft an Order imposing additional conditions and limitations as a result of violating the terms of the Order. Motion carried unanimously.

Srinivas Jolepalem, M.D. Violation of Board Order

MOTION: Rodney Erickson moved, seconded by David Roelke, to make a finding that Srinivas Jolepalem, M.D. has violated the terms of the Board Order (1/21/2015) which is conduct imperiling the public health, safety, and welfare. The Board hereby imposes a suspension as a result of violating the terms of the Order. Motion carried unanimously.

(Yolanda McGowan left the room during deliberation of the matter concerning Srinivas Jolepalem, M.D.)

RECONVENE TO OPEN SESSION

MOTION: Kenneth Simons moved, seconded by Alaa Abd-Elsayed, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:31 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: David Roelke moved, seconded by Bradley Kudick, 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: Robert Zoeller moved, seconded by Lee Ann Lau, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Lee Ann Lau moved, seconded by Michael Carton, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:31 a.m.