

**MEDICAL EXAMINING BOARD
MEETING MINUTES
OCTOBER 17, 2018**

PRESENT: David Bryce, M.D.; Mary Jo Capodice, D.O.; Padmaja Doniparthi, M.D.; Rodney Erickson, M.D.; Bradley Kudick (*arrived at 8:08 a.m.*); Lee Ann Lau, M.D. (*via teleconference*); David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D.; Robert Zoeller, M.D.; Robert Zondag

EXCUSED: Alaa Abd-Elsayed, M.D.; Michael Carton

STAFF: Tom Ryan, Executive Director; Dale Kleven, Rule Coordinator; Kate Stolarzyk, 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

MOTION: David Roelke moved, seconded by Robert Zondag, to adopt the agenda as published. Motion carried unanimously.

MINUTES OF SEPTEMBER 19, 2018

MOTION: Robert Zoeller moved, seconded by Rodney Erickson, to approve the minutes of September 19, 2018 as published. Motion carried unanimously.

Introductions, Announcements, and Recognition – Resignation of Robert Zondag

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to honor and thank Robert Zondag for his service to the Medical Examining Board and the Interstate Medical Licensure Compact Commission. Motion carried unanimously.

Appointment of Liaisons and Alternates

2018 LIAISON APPOINTMENTS	
Newsletter Liaison	Bradley Kudick Alternate – Michael Carton
Website Liaison	Michael Carton Alternate – Lee Ann Lau

MOTION: David Roelke moved, seconded by Rodney Erickson, to appoint Lee Ann Lau to the Interstate Medical Licensure Compact Commission. Motion carried unanimously.

MOTION: David Bryce moved, seconded by Timothy Westlake, to affirm the Chair's appointment of liaisons. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

Scope Statement for Med 10, Relating to Unprofessional Conduct

MOTION: David Bryce moved, seconded by Padmaja Doniparthi, to approve the Scope Statement revising Med 10, relating to unprofessional conduct, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

(Bradley Kudick arrived at 8:08 a.m.)

Review of Proposed Changes to MTBT 4, Relating to Requirements for Renewal and Reinstatement; MTBT 5, Relating to Unprofessional Conduct; and OT 4, Relating to Supervision and Practice of Occupational Therapy Assistants

MOTION: Robert Zoeller moved, seconded by Bradley Kudick, to affirm the Board has reviewed the proposed rules revising Wisconsin Administrative Code Chapters MTBT 4, relating to requirements for renewal and reinstatement, and MTBT 5, relating to unprofessional conduct, and has no comments for the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to consider. Motion carried unanimously.

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to affirm the Board has reviewed the proposed rules revising Wisconsin Administrative Code Chapter OT 4, relating to supervision and practice of occupational therapy assistants, and has no comments for the Occupational Therapists Affiliated Credentialing Board to consider. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) UPDATE – DISCUSSION AND CONSIDERATION

Updated Report Based on PDMP Data for Potential Referrals to Professional Licensing Boards

MOTION: Lee Ann Lau moved, seconded by David Roelke, to refer to DLSC the top seven (7) Physician Assistant prescribers from Section 2 of the Controlled Substances Board Prescription Drug Monitoring Program's October 17th, 2018 MD/DO/PA Prescribing Report to the Medical Examining Board. Motion carried unanimously.

UPDATE ON RE-ENTRY TO PRACTICE – LEE ANN LAU AND TOM RYAN

Recommendations from the September 19, 2018 Re-Entry to Practice Committee Meeting for Full Board Consideration

MOTION: Rodney Erickson moved, seconded by David Bryce, to recommend that the Board initiate legislation to reduce the late renewal time period specified in 440.08(3)(b), from 5 years to 1 year. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to terminate the Re-Entry to Practice Committee and create a Licensure Forms Committee consisting of Lee Ann Lau, Padmaja Doniparthi, David Roelke, David Bryce, and Bradley Kudick

to review initial and renewal application forms for possible revisions. Motion carried unanimously.

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

**Consideration of Lois Connolly, M.D., for Reappointment as an Anesthesiologist Member on the
Council on Anesthesiologist Assistants**

MOTION: Timothy Westlake moved, seconded by Bradley Kudick, to reappoint Lois Connolly, M.D., to the Council on Anesthesiologist Assistants as an Anesthesiologist member, for a term to expire on 7/1/2021. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 9:12 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mary Jo Capodice moved, seconded by David Bryce, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:43 a./p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Bradley Kudick moved, seconded by Rodney Erickson, 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.)

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

Monitoring

***Farid A. Ahmad, M.D. – Requesting Consideration of His Objection to the Denial of Full
Licensure***

MOTION: David Roelke moved, seconded by Robert Zondag, to affirm the June 19, 2005 (sic) Order Denying Request for Full Licensure (Order 0002832) against Farid A. Ahmad, M.D. Motion carried unanimously.

MOTION: Robert Zoeller moved, seconded by Robert Zondag, to find that Farid A. Ahmad, M.D., is in violation of the December 11, 2013 Final Decision and Order (Order Number 0002832). Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by David Roelke, to further limit the license of Farid A. Ahmad, M.D., such that beginning November 30, 2018 he may only engage in the practice of medicine and surgery necessary to successfully complete CPEP's educational recommendations. Any petition for removal of this limitation must be accompanied by satisfactory evidence of successful completion of all CPEP educational recommendations. Motion carried unanimously.

***Jennifer L. Fick (Nolden), P.A. – Requesting Reduction in Drug and Alcohol Screens and
Termination of AA/NA Meetings***

MOTION: Padmaja Doniparthi moved, seconded by Robert Zoeller, to grant the request of Jennifer L. Fick (Nolden), P.A., for a reduction in drug and alcohol screens to not less than 14 screens and one annual hair test and termination of AA/NA meetings. Motion carried unanimously.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning Jennifer L. Fick.)

Abel A. Garibaldi, M.D. – Requesting Reinstatement of Full Licensure

MOTION: Lee Ann Lau moved, seconded by Robert Zoeller, to deny the request of Abel A. Garibaldi, M.D., for consideration of reinstatement of full licensure. Motion carried.

Administrative Warnings

15 MED 398 – S.K.C.

MOTION: Robert Zoeller moved, seconded by Rodney Erickson, to issue an Administrative Warning in the matter of S.K.C., DLSC Case Number 15 MEB 398. Motion carried unanimously.

16 MED 416 – D.S.

MOTION: Timothy Westlake moved, seconded by Bradley Kudick, to issue an Administrative Warning in the matter of D.S., DLSC Case Number 16 MED 416. Motion carried unanimously.

16 MED 473 – T.E.N.

MOTION: David Roelke moved, seconded by David Bryce, to issue an Administrative Warning in the matter of T.E.N., DLSC Case Number 16 MED 473. Motion carried unanimously.

17 MED 349 – T.A.S.

MOTION: Rodney Erickson moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of T.A.S., DLSC Case Number 17 MED 349. Motion carried unanimously.

(Robert Zoeller recused himself and left the room for deliberation and voting in the matter concerning T.A.S., DLSC Case Number 17 MEB 349.)

Stipulations, Final Decisions and Orders

16 MED 415 – Alissa Dries, M.D.

MOTION: Bradley Kudick moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Alissa Dries, M.D., DLSC Case Number 16 MED 415. Motion carried unanimously.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning Alissa Dries, M.D., DLSC Case Number 16 MED 415.)

17 MED 104 – John W. Murphy, M.D.

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against John W. Murphy, M.D., DLSC Case Number 17 MED 104. Motion carried unanimously.

(Robert Zoeller recused himself and left the room for deliberation and voting in the matter concerning John W. Murphy, M.D., DLSC Case Number 17 MED 104.)

18 MED 305 – Maud H. Regne- Karlsson, M.D.

MOTION: David Roelke moved, seconded by Bradley Kudick, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Maud H. Regne- Karlsson, M.D., DLSC Case Number 18 MED 305. Motion carried unanimously.

Case Closings

16 MED 029 – P.G.

MOTION: Timothy Westlake moved, seconded by Bradley Kudick, to close DLSC Case Number 16 MED 029, against P.G., for Prosecutorial Discretion (P5 flag). Motion carried unanimously.

16 MED 127 – J.L.H.

MOTION: Robert Zoeller moved, seconded by David Roelke, to close DLSC Case Number 16 MED 127, against J.L.H., for No Violation. Motion carried unanimously.

16 MED 217 – M.A.D.

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to close DLSC Case Number 16 MED 217, against M.A.D., for No Violation. Motion carried unanimously.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning DLSC Case Number 16 MED 217.)

17 MED 101 – M.F.D.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to close DLSC Case Number 17 MED 101, against M.F.D., for Insufficient Evidence. Motion carried unanimously.

17 MED 243 – A.F.

MOTION: Bradley Kudick moved, seconded by David Roelke, to close DLSC Case Number 17 MED 243, against A.F., for Insufficient Evidence. Motion carried unanimously.

17 MED 322 – P.S.

MOTION: David Bryce moved, seconded by Robert Zondag, to close DLSC Case Number 17 MED 322, against P.S., for Prosecutorial Discretion (P2). Motion carried unanimously.

17 MED 481 – M.V.

MOTION: Mary Jo Capodice moved, seconded by Padmaja Doniparthi, to close DLSC Case Number 17 MED 481, against M.V., for No Violation. Motion carried unanimously.

17 MED 543 – M.B.

MOTION: David Roelke moved, seconded by Robert Zoeller, to close DLSC Case Number 17 MED 543, against M.B., for Insufficient Evidence. Motion carried unanimously.

17 MED 549 – D.C.D.

MOTION: David Bryce moved, seconded by Padmaja Doniparthi, to close DLSC Case Number 17 MED 549, against D.C.D., for Prosecutorial Discretion (P1). Motion carried unanimously.

18 MED 073 – T.D.M.

MOTION: Rodney Erickson moved, seconded by Robert Zoeller, to close DLSC Case Number 18 MED 073, against T.D.M., for No Violation. Motion carried unanimously.

18 MED 088 – K.C.

MOTION: Robert Zondag moved, seconded by Lee Ann Lau, to close DLSC Case Number 18 MED 088, against K.C., for Insufficient Evidence. Motion carried unanimously.

18 MED 231 – J.S.

MOTION: Robert Zondag moved, seconded by Rodney Erickson, to close DLSC Case Number 18 MED 231, against J.S., for No Violation. Motion carried unanimously.

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

MOTION: Robert Zoeller 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: Lee Ann Lau moved, seconded by Timothy Westlake, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:44 a.m.