

MEDICAL LICENSING BOARD OF INDIANA

Met THROUGH VIDEO and AUDIO CONFERENCING

<https://IndianaEnhanced.Webex.com/join/PLAWebex>
(240) 454-0887 and entering meeting room # 610 915 440

MINUTES OF JANUARY 28, 2021

John Strobel, M.D., President, called the meeting to order at 8:02 a.m. and declared a quorum in accordance with IC 25-22.5, pursuant to public notice posted online at the Board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present by Telephone:	John Strobel, M.D., President Kirk Masten, D.O., Vice President Bharat Barai, M.D., Member Heidi Dunniway, M.D., Member Michael Busk, M.D., Member Rebecca Mueller, M.D., Member
Member(s) Absent:	Victoria McCann, J.D., Consumer Member
Staff Present by Telephone:	Laura Turner, J.D., Board Director Professional Licensing Agency Jody Edens, Assistant Director Professional Licensing Agency James Harry, J.D., Deputy Attorney General Office of the Attorney General Adam Harvey, J.D., Deputy Attorney General Office of the Attorney General

The Board voted by roll call to adopt the agenda as amended.

Dunniway/Barai, 5/0/0
Motion carries

The following board members voted aye by roll call:
John Strobel, Kirk Masten, Bharat Barai, Heidi Dunniway, Michael Busk
The following board members objected: none
The following board members abstained: none

The Board voted by roll call to adopt the August 27, 2020, Minutes as written.

Dunniway/Busk, 5/0/0
Motion carries

The following board members voted aye by roll call:
John Strobel, Kirk Masten, Bharat Barai, Heidi Dunniway, Michael Busk
The following board members objected: none
The following board members abstained: none

ELECTION OF OFFICERS

The following were voted into office for a one (1) year term beginning February 1, 2021

- John Strobel, R.Ph., President
- Kirk Masten, R.Ph., Vice President
- Tory McCann, J.D., Secretary

Barai/Busk, 5/0/0 Motion
carries

The following board members voted aye:
John Strobel, Kirk Masten, Michael Busk, Bharat Barai, Heidi Dunniway
The following board members voted nay: none
The following board members abstained: none

PERSONAL APPEARANCES

The following Personal Appearance(s) were continued:

Sharon Ransom, M.D., License No. 01053230A – Reinstatement Renewal

The following Personal Appearance did not appear for the schedule appearance:

Jamie Shepherd, M.D., License No. 01042795A – Reinstatement Renewal

Chibuikwe Anokwute, M.D., Initial App – Positive Response:

Dr. Anokwute appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Anokwute informed the Board that on April 28, 2008, his teenage brother got into an altercation with their father. He was there when the altercation happened and tried to assist in getting his brother under control. He was not successful, and the police were

called. When the Police arrived, Dr. Anokwute had wrestled his brother to the ground and was on top of him. An Officer pulled him off his brother and arrested him and his brother. The charges were dismissed.

He submitted several letters of recommendation for the Board to review. He has not had any other issues.

He has practiced for five (5) years and has full licenses in MN, ND, MO AR and LA.

After discussion, the Board moved to APPROVE his initial application.

Masten/Busk, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none

The following board members abstained: none

George Charuk, D.O., Initial Application – Positive Response:

Dr. Charuk appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

He indicated he has resigned from several Hospitals, but it was not due to action taken by the Hospital, he was relocating to a different practice location in a different city.

He did indicate he was terminated from Gateway Spine and Pain on February 21, 2020. He was employed with Gateway beginning October 2018. He indicated that Dr. Hon, Owner was displeased with the amount of income coming in. He had already discharged one (1) other physician. Dr. Charuk indicated he saw a friend of his before hours and Dr. Hon terminated his employment for having a "separate business". He did not lose his hospital privileges.

After discussion, the Board moved to APPROVE Dr. Charuk's initial application.

Barai/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none

The following board members abstained: none

Kimberley Lance, R.D., License No. 37002415A – Renewal Positive Response:

Ms. Lance appeared telephonically and was represented by counsel, Todd Ess regarding

a positive response on her renewal application.

Ms. Lance explained that she went to Little Eataly Festival in Terre Haute and received a OWI. She plead guilty and was placed on court probation. She did receive an evaluation and treatment was not necessary. She will complete the court probation in March 2021.

After discussion, the Board moved to RENEW Ms. Lance's license on AGREED INDEFINITE PROBATION with terms and conditions.

Barai/Dunniway, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none

The following board members abstained: none

Caden Smith, R.D., License No. 37002843A – Renewal Positive Response:

Mr. Smith appeared telephonically and was not represented by counsel regarding a positive response on her initial application.

Ms. Smith indicated that in October 2020 she received a OWI after leaving a wedding where she consumed some wine.

She did the CARE program in Hamilton County. She is also going to Fairbanks, prime for life, five (5) hour class. She will be on court probation until December 16, 2021.

Last drink she had was at the wedding.

After discussion the Board moved to RENEW Ms. Smith's license on AGREED INDEFINITE PROBATION with terms and conditions.

Barai/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none

The following board members abstained: none

Mirna Abdullah, M.D., License No. 01063472A – Reinstatement Renewal:

Dr. Abdullah appeared telephonically and was not represented by counsel regarding her reinstatement renewal.

Dr. Abdallah has not practiced in the United States since 2014. She was then working for

the United Arab Emirates from 2014 to the end of 2020 when she moved back to the United States.

The hospital she was at is accredited by the Joint Commission.

After discussion, the Board TABLED Dr. Abdullah's application for a letter from the head of the Anesthesia department of the UAE Hospital, proof that it is accredited by the Joint Commission and a list of clinical privileges she had from the hospital. The Board indicated that Dr. Masten will review the letters and either approve the application or request a new personal appearance.

Barai/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none

The following board members abstained: none

Laurel Destafano, M.D., License No. 010422187A – Inactive to Active Status:

Dr. Destafano appeared telephonically and was not represented by counsel regarding a request to change the status of her license from inactive to active status.

Dr. Destafano explained that she didn't work from 1984 through 1989. In 1990 she completed her residency in West Virginia. In 1994 she practiced locums in Indiana.

She had eight (8) children and in November 1997 she stopped practicing to care for her handicapped adult child.

Her West Virginia license is suspended as she has not completed her continuing education. She indicated she has kept abreast of the medical profession through her computer.

The Board stated that they would need one of the following, a one (1) year residency, a detailed reentry plan with a monitor and educational sessions.

During discussion, Dr. Destafano requested to withdraw her reinstatement renewal application.

The Board moved to APPROVE her request to WITHDRAW her reinstatement renewal.

CONSENSUS
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller

The following board members objected: none
The following board members abstained: none

Warren Hauck, M.D., License No. 01026526A – Reinstatement Renewal:

Dr. Hauck appeared telephonically and was not represented by counsel regarding a request to reinstate his medical license.

Dr. Hauck informed the Board that he retired back in 2013, which was the last time he saw a patient. He wants to reinstate his license should he decide to practice again. He would like to do charity work and make himself available should he be needed.

After discussion, the Board moved to TABLE Dr. Hauck's reinstatement renewal and to come back with a plan of at least six (6) months of training. The plan should be clear and specific in it's outline to reenter the practice of medicine.

Strobel/Barai, 5/0/1, with Dr. Masten abstaining
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Rebecca Mueller
The following board members objected: none
The following board members abstained: Kirk Masten

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

Jonathon Wade Cavins, M.D., License No. 01064975A, Cause No. 2019 MLB 0008
Carolyn G. Kochert, M.D., License No. 01031275A, Cause No. 2020 MLB 0030
John Honningford, M.D., License No. 01056668A, Cause No. 2019 MLB 0002

Dwayne Cameron Adrian, M.D., License No. 01034541A, Cause No. 2018 MLB 0002

Respondent appeared telephonically and was represented by counsel, Barclay Wong regarding a Withdraw of Probation scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Anne Kelly, ISMA Clinical Coordinator was sworn in to testify.

Dr. Adrian's sobriety date is March 3, 2018. He signed a contract with ISMA (PAP) in 2014 and was dismissed in 2017 for non-compliance. In 2018 he signed a new contract with ISMA (PAP) and has been compliant since. His contract is for his lifetime.

He is working at Ball Memorial Hospital in Muncie.

Ms. Kelley testified that Dr. Adrian has been fully compliant with his second contract and the length is for his lifetime.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the ORDER of PROBATION.

Masten/Strobel, 5/0/0
Motion carries

The following board members voted aye by roll call:
John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller
The following board members objected: none
The following board members abstained: none

Michael Theodore Bangert, M.D., License No. 01079385A, Cause No. 2017 MLB 0039

Respondent appeared telephonically and was represented by counsel, Mary Watts regarding a Withdraw of Probation scheduled before the Board. The State of Indiana was represented by Erica Steuerwald, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Anne Kelley, ISMA Clinical Coordinator was sworn in to as a witness.

Dr. Bangert's Ohio license is on probation until March 2022. He last practiced in June 2020.

He was in the FL PAP program while he completed two (2) fellowship programs. His license in Florida unrestricted.

Anne testified that Dr. Bangert signed a contract with ISMA in February 2018 which included that he could not practice until he completes a multidisciplinary evaluation, which he completed in Florida. He signed a new five (5) year contract in 2020. He is required to see a psychiatrist and therapist monthly. He has been totally compliant since 2018.

Respondents Exhibits:

- 1 – Letter of compliance with IPRP
- 2 – Copy of Florida license
- 3 – Letters from his two (2) Fellowship Directors
- 4 – String of emails from Anthem
- 5 – Letter from Chadwick Strain at Community South

After taking official, judicial notice of the pleadings, testimony of the witness, and evidence, and orders in this matter the Board moved to WITHDRAW the Order of

Probation.

Barai/Strobel, 3/1/1, with Dr. Masten opposed and Dr. Busk abstaining
Motion carries

The following board members voted aye by roll call:
John Strobel, Bharat Barai, Rebecca Mueller
The following board members objected: Kirk Masten
The following board members abstained: Michael Busk

Daniel Neil Ringel, D.O., License No. 02002578A, Cause No. 2017 MLB 0039

Respondent appeared telephonically and was not represented by counsel regarding a Withdraw of Probation scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Dr. Ringel gave his Physician Assistant (PA) six (6) signed prescriptions and the PA did not have prescriptive authority. Dr. Ringel explained that he felt pressured by the Office Manager to give the prescriptions to the PA. He said it was before PA's had prescriptive authority in Indiana as it wasn't effective for another month. The Office Manager insisted it was ok to give them as they had applied for the prescriptive authority.

Respondents Exhibit:

1 – Proof of completion of Community Service and payment of court fees.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation.

Strobel/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller
The following board members objected: none
The following board members abstained: none

Faizuddin Shareef, D.O., License No. 02003711A, Cause No. 2018 MLB 0026

Respondent appeared telephonically and was not represented by counsel regarding a Reinstatement Hearing scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Dr. Barai recused himself from this matter and left the meeting.

The Board placed Dr. Shareef's license on indefinite suspension on June 17, 2019 due to numerous practice violations committed in his treatment of patients for substance abuse at NWI Medical Consultants. The Board set the following requirements to be completed prior to requesting reinstatement:

- Complete CPEP courses in Basics of Chronic Pain Management, Medical Record Keeping Seminar, and Prescribing Controlled Drugs with proofs of completion for the three (3) CPEP classes.
- Undergo a Clinical Competency Assessment and Educational Intervention through CPEP with proof of completion.
- Undergo a psychological evaluation, including a mental status exam, through ISMA recommended provider with results of the evaluation submitted to the Board.

The CPEP report indicates in part the following:

- Medication-Assisted Treatment of Substance Use Disorder. The MCAP recommended he be subject to a "Lifetime Ban on the Ability to Prescribe Buprenorphine or Treat Substance Disordered Patients". He demonstrated educational needs in this area of practice, due to the MCAP results they refrain from providing educational recommendations specific to this topic.
- Opioid Prescribing Point of Care (PoC) Experience. He needs to participate in a clinical experience to provide necessary support required as he returns to prescribing opioids for chronic pain management. The PoC experience is intended to allow appropriately graduated levels of independence through periods of supervision as Dr. Shareef addresses immediate practice needs.
 - He needs to present all patients to whom he intends to prescribe controlled substances to a Preceptor to discuss diagnosis, risk of abuse and addiction, informed consent, and monitoring
- Education Preceptor: Needs to establish an experienced educational Preceptor in family medicine. This would include regular meetings for review of cases and documentation; discuss decisions related to cases; chart review.
- Communication, they recommend he take a clinician-patient communication course or coaching.

The also found significant gaps in some of his medical knowledge. They listed a long list of areas where he needs to improve his medical knowledge. His clinical judgment and reasoning, as demonstrated during their assessment were generally inadequate. The Board reviewed all twenty (20) pages of the CPEP final report which included many areas of concern.

States Exhibits

A – CPEP assessment

B – Michael Uphues, D.O. affidavit

C – Michael Uphues, D.O. email

Respondent Exhibits:

1 – CPEP final report

- 2 – CPEP assessment
- 3 – Fitness for Duty report
- 4 – MCAP evaluation
- 5 – All email correspondence

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DENY the Respondent's request to Reinstate.

Strobel/Mueller, 5/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Michael Busk, Kirk Masten, Rebecca Mueller
The following board members objected: none
The following board members abstained: none

Kurtis Allen Hull, M.D., License No. 01037287A, Cause No. 2020 MLB 0017

Respondent appeared telephonically and was represented by counsel, Richard Kiefer regarding a Complaint/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Barai/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller
The following board members objected: none
The following board members abstained: none

Ralph E. Inabnit, D.O., License No. 02000735A, Cause No. 2020 MLB 0031

Respondent did not appear telephonically and was not represented by counsel regarding a Motion to Dismiss Complaint scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Dr. Inabnit passes away in December 2020 due to covid.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DISMISS the States Complaint.

Strobel/Masten, 6/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten, Rebecca Mueller
The following board members objected: none
The following board members abstained: none

Kathleen Anne Whaley, M.D., License No. 01040411A, Cause No. 2017 MLB 0013

Respondent appeared telephonically and was represented by counsel, Robert Saint regarding an Appeal of Final Order scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General, and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Dr. Whaley practices addiction medicine in New York. She has continued her treatment and has been very stable since 2016. She has a five (5) year contract with the NY PAP program. Her ISMA program ended in 2017 when she moved to New York.

Her criminal information in Park County has now been expunged. She requests that the Board rehear her case with the expungement as new evidence.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DENY the Appeal of Final Order/Petition for a New Hearing.

Masten/Barai, 6/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten Rebecca Mueller
The following board members objected: None
The following board members abstained: none

DISCUSSION

Participating Members: John Strobel, M.D., Michael Busk, M.D., Bharat Barai, M.D., Kirk Masten, D.O., Heidi Dunniway, M.D., Rebecca Mueller, M.D.,

Ibrahim Sadek, M.D. – Citation:

Ms. Edens informed the Board that citations can only be issued for practitioners renewing and existing license. Dr. Sadek was an initial application.

After discussion, the Board moved to RESCIND the Citation issued to Dr. Sadek.

Strobel/Mueller, 6/0/0
Motion carries

The following board members voted aye by roll call:

Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten Rebecca Mueller

The following board members objected: None

The following board members abstained: none

Rajat Prakash, M.D., Evaluation program for review:

Dr. Prakash appeared in October 2020 with counsel Elliott Pinkie, He had 8 years of not practicing. He ceased practicing in May 2012 due to Boundary violations in IL. Illinois Board requires a Chaperone as one (1) patient came forward due to inappropriate touching, then a second patient came forward. He stopped practicing IL as his license was permanently revoked in 2015. The Indiana Board requested him to obtain a fitness for duty evaluation and to take the SPEX. ISMA gave three programs that they know of that deals with boundary violations; they are Pine Grove in Mississippi; Professional Renewal Center in Kansas and Acumen in Kansas.

Mr. Pinkie sent information for The Meadows Outpatient Center in Scottsdale AZ for the Board to review to see if it would be an appropriate program.

The Board asked Anne Kelley, Clinical Case Manager with ISMA if she had any opinion of this specific program. Ms. Kelley said she didn't have knowledge of this program as it is out of their purview since they do not deal with boundary issues.

After reviewing the information on The Meadows Outpatient Center, the Board indicated that it looks reasonably like the other programs. They also requested a Static99 Test be completed. Staff indicated they would email Mr. Pinkie and let him know.

There being no further business the Board adjourned at 5:59 p.m.