

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF January 26, 2017

Kirk Masten, D.O., President, called the meeting to order at 8:40 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: Kirk Masten, D.O., President
Bharat Barai, M.D., Secretary
John Strobel, M.D., Member
Scott Green, M.D., Member
Victoria McCann, J.D., Member (arrived at 8:48 a.m.)
Rebecca Mueller, M.D., Member

Staff Present: Darren R. Covington, J.D., Board Director
Professional Licensing Agency
Kimberly A. Letko, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., Rebecca Mueller, M.D., John Strobel, M.D., Scott Green, M.D.

Green/Strobel, 5/0/0
Motion carries

The Board voted to adopt the minutes of the December 1, 2016 meeting.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., Rebecca Mueller, M.D., John Strobel, M.D., Scott Green, M.D.

Strobel/Green, 5/0/0
Motion carries

ELECTION OF OFFICERS FOR 2017

Kirk Masten, D.O., was nominated to be President of the Medical Licensing Board by Board Member, Rebecca Mueller, M.D., and seconded by Victoria McCann.

The Board voted and elected Kirk Masten, D.O. to serve again as President of the Medical Licensing Board.

Consensus, 5/0/0

John Strobel, M.D., was nominated to be Vice President of the Medical Licensing Board by Board President, Kirk Masten, D.O., and seconded by Rebecca Mueller, M.D.

The Board voted and elected John Strobel, M.D. to serve as Vice President of the Medical Licensing Board.

Consensus, 5/0/0

Bharat Barai, M.D., was nominated to be Secretary of the Medical Licensing Board by Board Member, Rebecca Mueller, M.D., and seconded by Scott Green, M.D.

The Board voted and elected Bharat Barai, M.D. to serve again as Secretary of the Medical Licensing Board.

Consensus, 5/0/0

ISMA PRESENTATION

Michael Brady, Director of Advocacy at ISMA introduced Scott Gartenman, Director of Healthcare Policy, and David Pison, Intern, to the Board and presented information regarding possible new regulations in tobacco cessation and Advanced Practice Nurse collaborative agreements.

ADMINISTRATIVE HEARINGS

Javid Bashir, M.D., License No. 01038881A, Cause No. 2016 MLB 0025

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent's Michigan license was summarily suspended after he was convicted of Conspiracy to Pay and Receive Health Care Kickbacks. In May 2015, his Michigan license was revoked and fined \$50,000.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Mueller/McCann, 6/0/0
Motion carries

The State presented evidence from Michigan Board of the Disciplinary actions against Respondent.

State admitted the following exhibits into evidence:

- Exhibit A: Respondent's PLA File
- Exhibit B: Final Order, Summary Suspension and Administrative complaint from Michigan Licensing Department

State requested the Board to revoke Respondent's license.

After discussion, the Board moved to PERMANENTLY REVOKE Respondent's LICENSE.

Green/Barai, 6/0/0
Motion carries

Thomas M. Bellinger, M.D., License No. 01063223A, Cause No. 2016 MLB 0022

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent's Michigan license suspended in January 2014 for overprescribing for a patient he had a relationship with. His license was put on probation in June 2014, but suspended again in April 2015 for non-compliance.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

McCann/Strobel, 6/0/0
Motion carries

The State admitted the following exhibits into evidence:

- Exhibit A: Respondent's PLA File
- Exhibit B: Final Order, Consent Order and Stipulation, Order of Summary Suspension, Administrative Complaint from the State of Michigan Department of Licensing

After discussion, the Board moved to PLACE Respondent's License on INDEFINITE SUSPENSION.

Barai/Green, 6/0/0
Motion carries

Lisa N. Booth, M.D., License No. 01041550A, Cause No. 2016 MLB 0029

Respondent appeared in person and with counsel, Richard Kiefer, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent surrendered her DEA registration for cause in 2012. The Complaint alleged that this surrender was based upon controlled substance prescribing to two patients without a legitimate medical purpose and failure to maintain adequate records.

The State presented a settlement agreement. Both parties have agreed to the terms in the settlement agreement.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and ISSUE a LETTER OF REPRIMAND.

Barai/Green, 6/0/0
Motion carries

The Board moved to RENEW Respondent's License.

McCann/Green, 6/0/0
Motion carries

Ernesto Carrasco, M.D., License No. 01032263A, Cause No. 2016 MLB 0038

Respondent appeared in person, and without counsel, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a complaint against the Respondent on November 3, 2016 alleging that Respondent engaged in sexual contact with a patient under Respondent's care.

The State's complaint states that the Respondent allegedly treated a female psychiatric patient at least four (4) times during 2015 at Midtown/Eskenazi Hospital, and that the Respondent and patient engaged in sexual activities during the second and third visit.

The State presented an agreement requesting indefinite suspension for no less than 2 years. The Respondent agreed to the terms of the settlement agreement.

After discussion, the Board moved to APPROVE the SETTLEMENT AGREEMENT, PLACE Respondent's License on INDEFINITE SUSPENSION and IMPOSE a ONE THOUSAND (\$1,000.00) DOLLAR FINE.

Green/Strobel, 6/0/0
Motion carries

Dale W. Economan, D.O., License No. 02000601A, Cause No. 2015 MLB 0031

Respondent failed to appear in person or by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Jessica Krug, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Respondent's license was summarily suspended for ninety days on August 27, 2015 due to alleged inappropriate controlled substance prescribing and possession of marijuana. It was subsequently extended and expired January 25, 2017.

The State requested an extension of the summary suspension.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION for NINETY (90) DAYS.

Barai/Green, 6/0/0

Motion carries

Gregory M. Ferro, D.O., License No. 02000365A, Cause No. 2016 MLB 0032

Respondent failed to appear in person or by counsel regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed an Amended Proposed Settlement Agreement which would place Respondent's license on probation for a minimum of 3 years with terms and conditions and impose a fine at the discretion of the Board. This Settlement is the resolution of a Complaint filed against Respondent based upon multiple citations issued by the DEA in May 2015 related to his storage, labeling and inventorying of controlled substances.

Respondent agreed to the terms of the Amended Settlement Agreement.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and IMPOSE a FINE of TWO THOUSAND (\$2,000.00) DOLLARS due in 90 days:

Strobel/Green, 5/0/1, (Barai abstained)
Motion carries

After further discussion the Board moved to RENEW Respondent's license on PROBATION.

Strobel/Masten, 6/0/0
Motion carries

Philip Fisher, D.O., License No. 02001476A, Cause No. 2016 MLB 0020

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent's West Virginia license was revoked in December 2014 for overprescribing and sex with patients. Respondent surrendered his Kentucky license March 2012 based upon a summary suspension in West Virginia. Respondent's Ohio license was revoked in 2012 based on the summary suspension in West Virginia.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Strobel/McCann, 6/0/0
Motion carries

The State admitted the following exhibits into evidence:

Exhibit A: Statement of charges from West Virginia Board of Osteopathic
Medicine

Exhibit B: Agreed Order of Surrender from Kentucky Board of Medical Licensure

Exhibit C: Ohio Licensing File

After discussion, the Board moved to find Respondent in Violation of Count I and
PERMANENTLY REVOKE LICENSE.

Barai/McCann, 6/0/0
Motion carries

Mark T. Henderson, M.D., License No. 01051084A, Cause No. 2012 MLB 0006

Respondent appeared in person regarding a Petition to Withdraw Probation scheduled
before the Board. The State of Indiana was represented by Kelly Haltom, Deputy
Attorney General and the court reporter sworn in for this matter was Regina Moss with
Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel,
M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Respondent's license was placed on probation with terms and conditions on October 4th
2012 since his license in Kentucky was disciplined based upon his supervision of a
physician assistant who improperly prescribed controlled substances.

The Kentucky agreement expired October 2016. Respondent has complied with the
terms and conditions of his Kentucky Agreement and has had a valid DEA Registration
for a year in Kentucky. Respondent's Kentucky license is now free and clear.

State admitted the following exhibits into evidence:

Exhibit A: Kentucky Board Compliance Inspection Report

Exhibit B: Kentucky Board License Verification for Respondent

After discussion, the Board moved to WITHDRAW PROBATION.

Barai/Strobel, 6/0/0
Motion carries

Thomas Horiagon, M.D., License No. 01065070A, Cause No. 2016 MLB 0023

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent has had out-of-state discipline. His Colorado license was put on probation for five years in 2014 for substandard care. He surrendered his California license due to the action in Colorado.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

McCann/Green, 6/0/0
Motion carries

The State admitted the following exhibits into evidence:

Exhibit A: Certified Copy of PLA file

After discussion, the Board moved to PLACE Respondent's license on INDEFINITE PROBATION with the stipulation that Respondent cannot practice in Indiana while on Probation until first appearing before the Board.

Barai/McCann, 6/0/0
Motion carries

Earl W. Moore, M.D., License No. 01072841A, Cause No. 2016 MLB 0011

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D.

The State filed a Complaint alleging that Respondent entered into a Consent Order with Virginia in 2014 whereby he agreed to permanently surrender his license. This was

based upon inappropriate controlled substance prescribing. Florida subsequently issued a Reprimand and restricted him from prescribing any controlled substances.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Barai/Strobel, 5/0/0
Motion carries

The State admitted the following exhibits into evidence:

- Exhibit A: Indiana PLA File
- Exhibit B: Certified records from Virginia Medical Licensing Board
- Exhibit C: Certified records from Florida Board of Health
- Exhibit D: Order for Surrender of License and Consent from Arizona Medical Board

After discussion, the Board moved to PLACE Respondent on INDEFINITE PROBATION with the terms and conditions that the Respondent can't practice within the State of Indiana while on probation until first appearing before the Board.

Strobel/Barai, 5/0/0
Motion carries

Cynthia Denise Owens, D.O., License No. 02004155A, Cause No. 2016 MLB 0030

Respondent appeared in person and with counsel, Barclay Wong, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General. The court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State filed a Complaint alleging that Respondent's license in Michigan was reprimanded and fined due to negligence during the discharge of a patient.

In September of 2014, Respondent signed a Consent Order with the Michigan Department of Licensing and Regulatory Affairs, was reprimanded and ordered to pay a fine of two hundred and fifty (\$250.00) dollars.

The State presented an oral motion to dismiss the complaint.

After discussion, the Board moved to DISMISS the COMPLAINT.

Green/Mueller, 6/0/0
Motion carries

Firas Rabi, M.D., License No. 01068579A, Cause No. 2015 MLB 0033

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

A Complaint was filed alleging that Respondent's license was suspended in Iowa in February 2015 due to sexual misconduct towards staff and prescribing medication without a physician-patient relationship. He was also fined \$10,000.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Barai/McCann, 6/0/0
Motion carries

The State admits the following exhibits into evidence:

- Exhibit B: Certified Documents from Iowa Board of Medicine
- Exhibit C: Certified Documents from Iowa Board of Medicine
- Exhibit E: Amended Reinstatement Order from the Iowa Board of Medicine

After discussion, the Board moved to PLACE Respondent on INDEFINITE PROBATION with the terms and conditions that the Respondent can't practice within the State of Indiana while on probation until first appearing before the Board.

Barai/McCann, 6/0/0
Motion carries

Gregory L. Ward, D.O., License No. 02002528A, Cause No. 2015 MLB 0032

Respondent did not appear in person or by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Regina Moss with Stewart Richardson Deposition Services.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

A Complaint was filed alleging that Respondent's Kentucky license was placed on restriction in October 2014 due to alcohol abuse and a physical/mental condition that impeded his ability to practice competently. Respondent was asked to submit to an in-patient evaluation but did not appear. He is prohibited from practicing in Kentucky until he obtains this evaluation.

The Respondent has been issued 2 notices of proposed default. The Respondent wrote to the Board requesting that they not place him in default.

The State requested the Board hold Respondent in Default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Green/Strobel, 6/0/0
Motion carries

The State admitted the following exhibits into evidence:

Exhibit B: Certified documents from Kentucky Board of Medical Licensure

After discussion, the Board moved to PLACE Respondent on INDEFINITE SUSPENSION.

Barai/McCann, 6/0/0
Motion carries

PERSONAL APPEARANCES

Monty Edward Allen, D.O. – Initial Application – Not practiced medicine in 8 years

Dr. Allen appeared before the Board due to his stating that he has not practiced medicine within the last eight years on his initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D.

Dr. Allen received his D.O. Degree from Texas College of Osteopathic Medicine in 2004. He completed a one year internship at Samaritan Medical Center from June 2004-June 2005 and a one year residency at Texas Tech HSC Family Medicine from October 2007-June 2008.

Between 2014 and 2015, he worked as a Patient Care Assistant at Midland Memorial Hospital.

Dr. Allen currently works as a Medical Technologist at Indian Health Service ACL Hospital.

After speaking with the Board Dr. Allen requested to withdraw his application for medical licensure.

Raoaa Benkhadra, M.D. – Waiver – Request to change employer under waiver

Dr. Benkhadra appeared before the Board, and with counsel, George Carberry, regarding a request to change her employer while under a waiver from the Board.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Benkhadra appeared with her new employer from Eglin Surgeon Care, LLC with a new employment contract that met all the terms and conditions of her waiver.

After discussion, the Board APPROVED Dr. Benkhadra's new employment contract.

Barai/Strobel, 6/0/0
Motion carries

Thuan Duc Dang, M.D. – Initial Application – Positive response

Dr. Dang appeared before the Board regarding positive responses on his initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Dang answered yes to:

“Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?”

“Have you ever been denied a license, certificate, registration or permit to practice medicine, osteopathic medicine or any regulated health occupation in any state (*including Indiana*) or country, or surrendered your license?”

“Have you ever been the subject of an investigation by a regulatory agency concerning your license?”

“Have you ever had a malpractice judgment against you or settled any malpractice action?”

Dr. Dang was reprimanded by the Maryland Board of Physicians on August 22, 2012 in response to a patient complaint that the Board felt a formal investigation was due. Dr. Dang entered a Consent Order with the Maryland Board and agreed to probation for one year with the stipulation that he would not perform carotid surgery ever again and would complete two hours of CME courses.

As a result of the Maryland Board Order, the Pennsylvania State Board instituted a reciprocal action against Dr. Dang's license that has been inactive since December 2002. Dr. Dang surrendered his Pennsylvania license.

Dr. Dang applied for an Ohio medical license. Due to the actions against his license in Maryland and Pennsylvania, the Ohio Medical Board granted him a probationary medical license with terms and conditions.

As a result of Dr. Dang's Reprimand by the Maryland Medical Board, his participation with Tricare and Coventry Insurance was terminated, as well as Aetna Life Insurance and its affiliates.

Malpractice Settlements:

Date of Incident: 04/2007 – Patient suffered significant permanent injury due to enterotomy of the bowel, which later developed a bowel fistula, requiring subsequent surgeries by others, due to improper performance of a cholecystectomy and hernia repair by Dr. Dang. Settlement: \$900,000.00.

Date of Incident: 01/2007 – DEATH - Patient underwent an elective laparoscopic ventral hernia repair by another physician. Due to subsequent pain, fever and distended abdomen post-surgery, Patient underwent repair of a bowel perforation performed by Dr. Dang who was covering for the operating surgeon. Settlement: \$50,000.00.

Date of Incident: 01/2007 – DEATH – Patient with a history of coronary artery disease, hypertension, and left-sided carotid stenosis underwent left-sided carotid endarterectomy performed by Dr. Dang. Postop, the Patient arrested and suffered brain damage. The patient died nine days later. Settlement: \$133,333.33.

Date of Incident: 09/2006 – Minor Temporary Injury – Patient presented to the emergency room with severe abdominal pain two days after undergoing a laparoscopic cholecystectomy by Dr. Dang. Patient suffered from bowel leak, right liver lobe damage, infection, and temporary colostomy, as a result of clipping the common bile duct during the cholecystectomy. Settlement: \$437,500.00.

After discussion, the Board moved to TABLE Dr. Dang's personal appearance until July 27, 2017 Board meeting, in order to allow him to complete the terms and conditions attached to his probationary Ohio License.

Barai/Strobel, 6/0/0
Motion carries

Sean R. Dillon, M.D. – Initial Application – Failed to disclose positive response

Dr. Dillon appeared before the Board regarding his failure to disclose on his initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Dillon failed to answer yes to:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?

On April 21, 2016 Dr. Dillon was intoxicated on hospital property with intent of trying to speak to a female employee of St. Elizabeth's Healthcare.

On April 22, 2016 Dr. Dillon was placed on administrative leave and was referred to the Kentucky Physician's Health Foundation ("the Foundation").

On or about May 26, 2016, the Medical Director of the Kentucky Physicians Health Foundation, Greg L. Jones, M.D., referred Dr. Dillon to the Florida Recovery Center (FRC) for a ninety-six (96) hour evaluation and notified the Kentucky Medical Licensing Board of the incident.

FRC recommended Dr. Dillon sign a contract with the Foundation for alcohol abstinence, to see a therapist for evaluation of mood difficulties, and to attend a boundaries course to be educated on workplace boundaries.

Dr. Dillon signed a two year contract with the Foundation on June 1, 2016. Dr. Dillon also signed an agreed order with the Kentucky Medical Licensing Board which includes terms and conditions.

After discussion, the Board moved to GRANT Dr. Dillon FULL LICENSURE PENDING a SIGNED ISMA PAP CONTRACT.

Barai/Strobel, 6/0/0
Motion carries

Neviana Dimova, M.D. – Waiver Request – Exceeded USMLE Exam Attempts

Dr. Dimova failed to appear before the Board regarding a request for a waiver of the USMLE 3rd attempt Rule.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

After discussion, the Board moved to DENY Dr. Dimova a Waiver.

Barai/McCann, 6/0/0
Motion carries

Marshall James Jr., M.D. – Waiver Request – Exceeded USMLE Exam Attempts

Dr. James appeared before the Board regarding a request for a waiver of the USMLE 3rd attempt Rule.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. James appeared before the Board to request a waiver for exceeding the number of attempts on his USMLE Step 2 exam. Dr. James attempted the USMLE Step 2 exam 6 times, passing on the 6th attempt.

Dr. James was accompanied at his personal appearance by his employer, Aileen Wehren, EdD, Porter-Starke, VP Systems Administration and presented the Board with Dr. James' three year employment contract with Porter-Starke Services DBA Marram Health Center. Dr. James' employer agrees to submit yearly reports to the Board regarding his work performance. Dr. James' will be working at Marram Health Center, a Federally Qualified Health Center in Gary, Indiana, a medically underserved area of Indiana.

After discussion the Board moved to APPROVE Dr. James' application for licensure in the State of Indiana.

McCann/Mueller, 6/0/0
Motion carries

Satyaprakash Makam, M.D. – Renewal – Valid To Practice Status Review

Dr. Makam appeared before the Board, and with counsel, Brett Clayton, regarding issues with his "Valid to Practice While Being Reviewed" status of his license.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Makam filed a Petition to Modify October 22, 2015 Order with the Board regarding issues he is having with his ability to prescribe while his license is "Valid to Practice While Being Reviewed". Multiple pharmacies will not fill prescriptions written by Dr. Makam due to the Agency website showing that his license expired on 10/31/2015.

After discussion the Board moved to RENEW Dr. Makam's license.

Barai/Strobel, 6/0/0
Motion carries

Tamberly Lou McCoy, M.D. – Initial Application – Positive response

Dr. McCoy reappeared before the Board regarding positive responses on her initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. McCoy originally appeared before the Board on May 26, 2016 regarding a disciplinary action that was taken against her license by the Kentucky Medical Board for using inappropriate prescribing practices regarding controlled substances that she prescribed to seven of her patients.

Dr. McCoy entered into an amended agreed order with terms and conditions with the Commonwealth of Kentucky after completing initial requirements of the initial agreed order that stipulated she successfully complete a controlled substances course and HB1 course and pay investigation costs.

The Board requested, at the May 26, 2016 meeting, that her appearance be tabled until she completed all of the terms and conditions in the Kentucky Board order and that she have a free and clear Kentucky license.

Dr. McCoy stated that she was still waiting on the Kentucky restrictions to be lifted.

After discussion, the Board moved to TABLE Dr. McCoy's personal appearance until the March 23, 2017 Board meeting in order for her to present a clear and full license from the Kentucky Board of Medicine.

Strobel/Barai, 6/0/0
Motion carries

Richard Pergolizzi, M.D. – Initial Application – Positive responses

Dr. Pergolizzi appeared before the Board regarding positive responses on his initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Pergolizzi failed to answer yes to:

“Except for minor violations of traffic laws resulting in fines, and arrests or convictions that

have been expunged by a court,
1. Have you ever been arrested?"

Dr. Pergolizzi answered yes to:

"Have you ever had a malpractice judgment against you or settled any malpractice action?"

On January 14, 2015, Dr. Pergolizzi was arrested on assault and battery charges, a Class 1 Misdemeanor, and a strangulation charge, a Class 6 Felony, after a fight between Dr. Pergolizzi and his wife culminated in the police being called to his home for a domestic disturbance. The call to the police was made by his daughter after witnessing the fight ensue. The charges were eventually dropped.

Malpractice Settlement: \$850,000.00

Date of Incident: 07/24/2013

Outcome: Death

Description: Patient was diagnosed as having a left pericallosal ascending cerebral artery aneurysm. Dr. Pergolizzi performed endovascular coiling procedure on the aneurysm.

Allegations: The Plaintiff alleges that the insured failed to recognize a post procedure intracranial bleed and stop heparin causing the bleeding to continue. The patient went into cardiac arrest and expired several days after the procedure.

After discussion, the Board GRANTED Dr. Pergolizzi FULL LICENSURE.

Strobel/Green, 6/0/0
Motion carries

Syed Sohail, M.D. – Renewal – Valid To Practice Status Review

Dr. Sohail appeared before the Board regarding issues with his "Valid to Practice While Being Reviewed" status of his license.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Sohail stated to the Board that he is having difficulty prescribing to his patients. Dr. Sohail stated that there are a chain of pharmacies suddenly not accepting his non-narcotic prescriptions due to the fact that his license status shows expiration date of 10/31/2015. Dr. Sohail states that the letter from the Board showing that his status is "Valid to Practice" does not seem to suffice with the pharmacy chain since his license is expired.

Dr. Sohail appeared before the Board on January 28, 2016 regarding a positive response on his renewal application. At that meeting, the Board moved to neither approve nor deny the renewal application and instead referred the matter to the Office of the Attorney General for investigation and placed his license on "Valid to Practice While Being Reviewed" status.

After discussion the Board moved to RENEW Dr. Sohail's license.

Green/Strobel, 6/0/0
Motion carries

Nadeem Talpur, M.D. – Waiver Request – Exceeded USMLE Exam Attempts

Dr. Talpur appeared before the Board regarding a request for a waiver of the USMLE 3rd attempt Rule. Dr. Talpur passed step three (3) on the seventh (7) attempt.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Talpur was accompanied at his personal appearance by his employer, Brittany Cook, System Vice President of Neurosciences at Norton Healthcare. Ms. Cook explained that they were drafting the employment contract and did not bring it with them to the personal appearance, however they will send us the contract as soon as they have finished completing it. Ms. Cook stated that Norton Healthcare is affiliated with Clark Memorial Hospital and Harrison County Hospital. Both of these areas are medically underserved areas of Indiana. Ms. Cook stated that Dr. Talpur would be working in the Neurosciences department in the area of telestroke. Ms. Cook agreed to send annual reports regarding Dr. Talpur's work progress to the Board for review. Dr. Talpur is Board Certified in Neurology.

After discussion, the Board moved to GRANT Dr. Talpur a WAIVER once they receive the three year employment contract from his employer.

Green/Mueller, 6/0/0
Motion carries

Philip J. Taylor, D.O. – Initial Application – Positive response

Dr. Taylor appeared before the Board regarding positive responses on his initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Taylor answered yes to:

“Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?”

“Have you ever been the subject of an investigation by a regulatory agency concerning your license?”

“Have you ever had a malpractice judgment against you or settled any malpractice action?”

“Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?”

On January 9, 2013, Dr. Taylor voluntarily resigned from Zeeland due to being under investigation by Zeeland Community Hospital for concerns related to his professional competence for saving a miscarried fetus without the consent of the patient. Dr. Taylor disputed this. Due to this resignation, Spectrum Health terminated Dr. Taylor. Dr. Taylor filed a lawsuit for wrongful termination and Spectrum filed a complaint with the Michigan Medical Licensing Board on February 16, 2015, against Dr. Taylor for unethical behavior.

On June 9, 2015, Dr. Taylor signed a Consent Order with the Michigan Board Disciplinary Subcommittee and was Reprimanded and Fined five hundred (\$500.00) dollars for not placing the name of the patient or of her child on the jar in which he kept the fetus so no patient confidences were breached, and that although the medical forms that the patient filled out pertaining to treatment contained a general authorization for Respondent to retain all body tissues which were removed during treatment, this did not include authorization from the patient to retain the fetus.

Malpractice:

9/20/2002: Minor Temporary Injury - Settlement, \$20,000.00. Alleged failure to recognize and diagnose a perforated bowel in a 37 year old female patient, which occurred during a laparoscopic right salpingo-oophorectomy, resulting in additional surgery.

03/03/2009: Death – Settlement, \$400,000.00. Alleged that during labor and delivery there was a failure to appropriately interpret the fetal monitor strips, appreciate arrest of labor and appropriately utilize forceps, resulting in a skull fracture, hypoxic encephalopathy and infant death at 18 days of life.

4/01/2009: Significant Permanent Injury – Settlement, \$195,000.00. Shoulder Dystocia delivery resulted in a Brachial Plexus injury. It was alleged that the BPI was the result of failing to anticipate a shoulder dystocia and failing to utilize an appropriate amount of traction to avoid an injury.

After discussion, the Board moved to TABLE Dr. Taylor's personal appearance until he fulfills the terms and conditions of his probationary license in Michigan.

Strobel/McCann, 5/1/0, (Barai opposed)
Motion carries

Laurence S. Webster, M.D. – Reinstatement – Positive response – Expired 2009

Dr. Webster appeared before the Board regarding positive responses on his reinstatement license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. Webster answered yes to:

“Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?”

“Since you last renewed, have you been denied a license, certificate, registration, or permit in any state?”

“Since you last renewed, have you had a malpractice judgment against you or settled any malpractice action?”

“Since you last renewed, have you surrendered your DEA registration at any time or had any limitations or discipline placed on your DEA registration?”

In March of 2007 Dr. Webster was sued by a 56 year old female patient for allegedly improperly diagnosing the patient with PVD, a condition she did not have and which was not supported by medical records, resulting in loss of her health insurance, monetary loss and emotional distress. Patient presented for treatment of thyroid, hormonal deficiencies, osteoporosis prevention and anti-aging. Dr. Webster had treated her with nutritional supplements and hormones. Settlement: \$23,500.00

On June 8, 2009, Dr. Webster voluntarily surrendered his North Carolina medical license after allegations and an investigation into prescribing, record keeping and inappropriate contact and conversations with patients and staff. Dr. Webster’s license was indefinitely suspended on June 24, 2009.

In October of 2009, the Illinois Medical Board placed Dr. Webster’s Illinois medical license in “Refuse to Renew” status due to the North Carolina Board discipline.

On January 26, 2011, the North Carolina Medical Board denied Dr. Webster’s request for renewal. Dr. Webster appealed the denial and asked for a hearing. Dr. Webster’s request for a hearing was withdrawn on March 24, 2011.

On March 16, 2012, Dr. Webster applied for reinstatement of his North Carolina license. The North Carolina Board denied the application.

On May, 24, 2012, the Iowa Board of Medicine stated in their case history of Dr. Webster’s Iowa licensure that the North Carolina Board denied Dr. Webster’s application for

reinstatement due to Dr. Webster practicing without a license by maintaining a web site that solicited patients inquiries and caused the public to believe that he still had a medical license. Dr. Webster holds an inactive license in the state of Iowa.

On September 24, 2014, Dr. Webster's North Carolina license was disciplined for non-sexual dual relationship or boundary violation; unauthorized prescribing of medication; substandard or inadequate care. Dr. Webster entered into a consent order with the North Carolina Board which reinstates his North Carolina license on a one year temporary basis and he must have a chaperone present for all patients at all times; may not provide any hormonal treatment of any kind; may not provide self-treatment at any time; and shall practice within the standard of care at all times defined by the medical practice act of North Carolina General statutes.

On November 19, 2015, the North Carolina Board issued Dr. Webster a full license with the stipulation that Dr. Webster is required to continue to abide by the terms of his 2014 consent order.

In 2015, the North Carolina Board restored Dr. Webster's license while maintaining that he must continue to abide by the terms of his 2014 consent order.

After speaking with the Board, Dr. Webster decided to withdraw his application for licensure.

Jackie West-Denning, M.D. – Initial Application – Positive response

Dr. West-Denning appeared before the Board and with counsel, Ron Ellberger, regarding positive responses on her initial license application.

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Dr. West Denning answered yes to:

“Were any limitations or special requirements imposed on you because of academic performance, incompetence, disciplinary problems or any other reason during your medical education or post graduate training / residency program?”

Dr. West-Denning attended post graduate training at Louisiana State University from 2009 to 2013. During her fourth year of training at LSU, Dr. West-Denning decided to transfer to an ENT training program at University of Texas Health Science Center due to her husband accepting position in Texas. LSU placed her on academic probation for communication problems with staff after she disclosed she was leaving the program for UTHSC.

UTHSC placed her on probation in January of 2014 due to issues with conduct and professionalism. The probationary status remained in place throughout her remaining time in the training program. In October of 2014, Dr. West-Denning was relieved of her clinical duties and reassigned to an administrative/reading period, pending a decision regarding her

appointment status. Dr. West-Denning retained counsel and ultimately resigned from the program in lieu of dismissal.

After discussion, the Board MOVED to APPROVE Dr. West-Denning for FULL LICENSURE.

Mueller/Green, 6/0/0
Motion carries

HEALTHCARE VOLUNTEER REGISTRY LOCATION REVIEW

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

Wheeler Mission Ministries, Inc.

After review and discussion, The Board APPROVED the APPLICATION.

Green/McCann, 6/0/0
Motion carries

Living Luke's Legacy Primary Care Clinic

After review and discussion, The Board APPROVED the APPLICATION.

Green/McCann, 6/0/0
Motion carries

DISCUSSION

Participating Board Members: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

FSSA's "Best Practice Guidelines for the Treatment of Opioid Use"

The Board reviewed FSSA's "Best Practice Guidelines for the Treatment of Opioid Use" and discussed their thoughts. Concerns were raised about the guidelines promoting the off-label use of clonidine and that it should be clear such use should only occur in an in-patient setting. There was also a question about whether the guidelines required a board-certified addictionologist or just a physician with a DATA-waiver to provide MAT services. The Board suggested that other practice settings, such as pain management physicians, be consulted to provide their input on the guidelines.

Dr. Katherine Patterson – High Breast Density Guidelines Rule Implementation

Dr. Patterson, Division Chief, Breast Radiology, IU Health, provided an update to the Board on the implementation of the Board's high breast density guidelines rule. Dr. Patterson reported that of the 100-150 screens she reads per day, approximately 50-75 high dense breast tissue. Dr. Patterson stated the notification process was working well, but there was confusion about what the word "consult" means and whether it requires face-to-face communication. The Board decided it would amend the rule to include a definition of consult.

FSMB Annual Meeting

Dr. Masten volunteered to serve as the Board's delegate to the FSMB Annual Meeting April 20-22 in Ft. Worth.

Acupuncture Referral Rule 844 IAC 13-5-4

The Board considered a letter from Jennifer Stone, a former member of the Acupuncture Advisory Committee, who noted that the statute was changed to no longer require physician referral for acupuncture services. The Board decided it would delete the physician referral requirement in the rule.

Retirement/Surrender Requests

The Board approved the following surrender requests:

Mahendra Patel, M.D., 01034865A/B

McCann/Green, 6/0/0
Motion carries

The Board approved the following retirement requests:

Glen Brunk, M.D., 01026203A

Barai/McCann, 6/0/0
Motion carries

Disapproved/Unapproved Foreign Medical Schools Review Process

The Board considered what process it would follow in reviewing applicants who graduated from an unapproved or disapproved foreign medical schools. The Board determined that it would review these applications collectively and vote on whether to deny or request a personal appearance from the applicant for consideration of a waiver. The Board would determine waiver requests on a case-by-case basis.

Grace Thomas, M.D. Motion to Deem 3-Year Waiver Requirement Satisfied

The Board considered Dr. Thomas' motion to deem that her 3-year waiver requirements had been satisfied. After review, the Board moved to GRANT the motion and directed the Director to send a letter to Dr. Thomas notifying her of the same.

Green/McCann, 5/0/1 (Masten recused)
Motion carries

Rule Updates

Healthcare Volunteer Location Registry Rule – Agency Correction

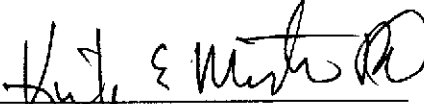
The Board voted to make a technical agency correction to the healthcare volunteer location registry rule, by correcting an inaccurate citation.

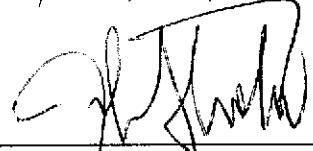
Green/McCann, 6/0/0
Motion carries

Telemedicine Guidelines

The Board held further discussions regarding what should be included in telemedicine guidelines and suggested contingency plans for emergencies and appropriate referrals should be included.

There being no further business the meeting adjourned at 4:45 p.m.


Kirk Masten, D.O., President


John Strobel, M.D., Vice President