

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

MINUTES OF JUNE 22, 2017

Kirk Masten, D.O., President, called the meeting to order at 9:10 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: Kirk Masten, D.O., President
John Strobel, M.D., Vice President
Scott Green, M.D., Member
Rebecca Mueller, M.D., Member

Members Absent: Bharat Barai, M.D., Secretary
Victoria McCann, J.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., John Strobel, M.D., Scott Green, M.D., Rebecca Mueller, M.D.

Strobel/Green, 4/0/0
Motion carries

The Board voted to adopt the minutes of the May 25, 2017 meeting.

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

Green/Strobel, 4/0/0
Motion carries

AFFILIATED MONITORS PRESENTATION

Beth Compton, Regional Director, Affiliated Monitors presented information to the Board regarding the services that they offer. They are based out of Boston, Massachusetts.

Ms. Compton stated that their services include compliance monitoring for licensing Boards and criminal cases involving physicians, dentists, as well as Medicaid fraud control units. Many participants that they work with are either on probation or are seeking reinstatement of their license.

Ms. Compton stated that they work with thirty state Boards including Illinois and the services are paid by the participant at an hourly rate. They work with fraud cases, boundary issues, sanitary management and records management. They will monitor everything that is within the stipulations of a Board or Court order to facilitate compliance.

Ms. Compton stated that the medical monitors that they employ are physician experts who are contracted to do chart reviews for their participant's specific monitoring needs.

Madhusudan Yakkanti, M.D.

Petition for Reconsideration of Renewal Decision – Valid to Practice

Dr. Yakkanti's license status has been "valid to practice" since 2015. He self-reported to the Board his Kentucky Board discipline. The Kentucky Board discipline was satisfied in November of 2016 and was provided to the Office of Attorney General. His license status in Kentucky is "active".

A complaint was filed on June 18, 2017 regarding the Kentucky discipline by the State. Due to this development the Board discussed not hearing the evidence at this meeting and scheduling a Hearing for the July 27, 2017 meeting.

DISCUSSION

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

Retirement/Surrender Requests

Jeffrey Yessenow, M.D., 01030811A/B – Retirement

After discussion, the Board moved to APPROVE Dr. Yessenow's request to retire his Indiana Medical License.

Green/Strobel, 4/0/0
Motion carries

Raman Kansal, M.D., 01064506A – Retirement

After discussion, the Board moved to APPROVE Dr. Kansal's request to retire his Indiana Medical License.

Green/Strobel, 4/0/0
Motion carries

Rule Updates

Director Covington updated the Board on the status of the revisions to the High Breast Density Guideline Rule, which is still under review at the Governor's office. He also stated that the SB 226 workgroup would be meeting on July 12 to hear testimony from interested parties prior to making a recommendation to the Board.

Healthcare Volunteer Registry Location Application Review

Mollie Wheat Memorial Clinic, Terre Haute, IN

Michael Keller, Indiana University Medical Student presented to the Board the annual report of the Mollie R. Wheat Memorial Clinic. Dr. Keller also stated that the Clinic operates in a building that is co-owned by the University Hospital and Indiana State University. The clinic provides basic medical care, preventative medical screening and chronic disease education to underserved and uninsured populations within Indiana communities.

The physicians at this facility are all medical students that alternate Saturdays to work at the clinic.

After review and discussion, the Board moved to APPROVE the APPLICATION.

Strobel/Green, 4/0/0
Motion carries

PERMIT/LICENSURE APPLICATION REVIEW

Michael Kaster, M.D.

At the March 23, 2017 Board meeting the Board moved to TABLE discussion of Dr. Kaster's application until the June 22nd Medical Board Meeting.

Dr. Kaster is currently completing his second year of post-graduate training at St. Vincent Hospital. Dr. Kaster graduated from Ross University located in Dominica in the West Indies. Indiana requires all foreign medical school graduates to complete two

years of post-graduate training in order to apply for full medical licensure. Dr. Kaster's two years of post-graduate training will be completed on July 1, 2017. Dr. Kaster requested the Board waive the two years of post-graduate training so that he may have his full license prior to completing his second year of post-graduate training at St. Vincent.

After discussion, the Board moved to APPROVE Dr. Kaster's application for LICENSURE and to issue his license on July 1, 2017.

Masten/Green, 4/0/0
Motion carries

PERSONAL APPEARANCES

Personal Appearances rescheduled for July 27, 2017 Board meeting:
Esther P. Soundar, M.D.

Christopher M. Osan, M.D. – Initial Application – Positive response

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

Dr. Osan was present with counsel, Richard Kiefer.

Dr. Osan answered yes to the following application questions:

5. 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?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?
7. Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?
12. 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. Osan is currently finishing his third year of post graduate training at Texas Tech University Health Sciences Center El Paso, Department of Family and Community Medicine, in El Paso, Texas.

Dr. Osan was arrested for driving under the influence on August 24, 2007. He entered a guilty plea to the offense and received "conditional discharge" on March 3, 2008.

Dr. Osan was also arrested for driving while intoxicated in Camden, Missouri on February 19, 2004. Dr. Osan pled guilty to careless and imprudent driving and the case was dismissed on February 10, 2005.

Dr. Osan underwent an evaluation by Texas Physicians Health Program relating to his the DUI conviction and interaction with other health care professionals with whom he worked in his residency program.

Dr. Osan has entered into a two (2) year monitoring contract with Candace Backer, Physician Assistance Coordinator, at the Indiana State Medical Association.

After discussion, the Board moved to APPROVE Dr. Osan's license.

Green/Strobel, 4/0/0
Motion carries

Dayna Schwarz, M.D. – Initial Application – Positive Response

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

Dr. Schwarz answered yes to the following application questions:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
8. Have you ever had a malpractice judgment against you or settled any malpractice action?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

The Illinois Board issued a reprimand and fine on April 26, 2013 and January 22, 2016, as well as the Wisconsin Board issued a reprimand due to Dr. Schwarz's failure to timely report the settlement of two malpractice claims filed against her in Illinois.

A settlement of one million dollars (\$1,000,000.00) was paid for failing to consult with family prior to removing ovary during a c-section on December 13, 2012. A settlement of one hundred and forty-four thousand, two hundred and twenty-four dollars

(\$144,224.00) was paid for failing to diagnose the patient with preeclampsia, resulting in a still birth on January 10, 2012.

Dr. Schwarz also has two DUI arrests from 1998 and 1991.

After discussion, the Board moved to GRANT Dr. Schwarz LICENSURE.

Strobel/Green, 4/0/0
Motion Carries

George Welsh, M.D. – Reinstatement – Positive Response

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

Dr. Welsh answered “yes” to the following question on the Physician Reinstatement application:

1. Since you last renewed, has any health professional license, certificate, registration or permit you hold or have held been disciplined or are formal charges pending?

Dr. Welsh’s Indiana license has been expired since June 30, 2009.

Dr. Welsh was issued a Reprimand in Ohio and placed on Probation due to aiding or abetting practice without a license. His probation is due to end in October of 2017.

After Board discussion, Dr. Welsh chose to withdraw his application for licensure in the State of Indiana until his probation has ended and his license in Ohio is free and clear.

ADMINISTRATIVE HEARINGS

Mohammed Asgar, M.D., License No. 01068370A, Cause No. 2016 MLB 0044

Respondent appeared in person and with counsel, Barclay Wong, regarding a Disciplinary Hearing & 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 Sherri Rutledge with Rutledge Independent Reporting.

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

On or about December 18, 2014, Respondent was criminally charged with Conspiracy to Solicit and Receive Kickbacks for allegedly receiving kickbacks and bribes from owners of Grand Home Health Care in return for Respondent’s referral of patients to

Grand Home Health Care. Respondent was sentenced to six (6) months of incarceration and was released on March 11, 2017.

On October 15, 2015 Respondent's Illinois Physician and Surgeon license was indefinitely suspended and effective October 20, 2016, Respondent has been excluded from participating in any capacity in Medicare, Medicaid, and all Federal health care programs.

The State and Respondent reached a settlement agreement which states that Respondent's license shall be placed on INDEFINITE PROBATION with no right to petition for withdraw of probation for at least three (3) years, subject to terms and conditions.

After discussion, the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Strobel/Green, 4/0/0
Motion carries

After further discussion, the Board moved to IMPOSE a FINE of five hundred dollars (\$500.00), PAYABLE within 90 DAYS of FINAL ORDER.

Strobel/Masten, 4/0/0
Motion carries

After final discussion, the Board moved to RENEW Respondent's LICENSE on INDEFINITE PROBATION with no right to petition for withdraw of probation for at least three (3) years, subject to terms and conditions outlined in the SETTLEMENT AGREEMENT.

Strobel/Green, 4/0/0
Motion carries

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

Respondent failed to appear in person or with 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 Sherri Rutledge with Rutledge Independent Reporting.

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

The State presented to the Board that Respondent was charged criminally and his criminal trial is pending until October. The State requests an extension of Respondent's summary suspension for an additional ninety (90) days.

After discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION for an additional NINETY (90) DAYS.

Green/Strobel, 4/0/0
Motion carries

Charles E. Heinsen, M.D., License No. 01021497A, Cause No. 2014 MLB 0021

Respondent appeared in person and without counsel regarding a Petition to Withdraw Probation 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 Sherri Rutledge with Rutledge Independent Reporting.

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

Respondent appeared before the Board requesting withdrawal of his probation in order to be able to obtain board certification and insurance.

Respondent admitted the following exhibit:

Exhibit 1: Statement to Members of Medical Licensing Board of Indiana to request withdrawal of probation on medical license.

On August 26, 2014, Respondent entered into a settlement agreement with the State which placed Respondent's Indiana medical license on Indefinite Probation for no less than thirty-six (36) months with terms and conditions.

The State presented evidence to the Board that the Respondent has not reached the thirty-six (36) month term on his probationary license and therefore should not be allowed to have his probation withdrawn prematurely.

After discussion, the Board moved to DENY Respondent's PETITION TO WITHDRAW PROBATION.

Strobel/Green, 3/1/0, (Mueller opposed)
Motion carries

Jose Antonio Ramos, M.D., License No. 01070974A, Cause No. 2016 MLB 0039

Respondent failed to appear in person but was represented by counsel, Joshua Burrell, regarding an Extension of Summary Suspension and Disciplinary Hearing & Proposed Settlement Agreement 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 Sherri Rutledge with Rutledge Independent Reporting.

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

The State presented a Settlement Agreement to the Board in which Respondent would surrender his license and not be eligible to reapply for five (5) years based on Respondent's conviction of the crimes of Possession of a Narcotic Drug and Criminal Recklessness which have direct bearing on his ability to continue to practice competently.

The State requests that the Board accept the settlement agreement and extend the summary suspension until a final order is reissued.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT.

Strobel/Green, 4/0/0
Motion carries

After further discussion, the Board moved to IMPOSE a FINE of TWO THOUSAND (\$2000.00) DOLLARS to be PAID within NINETY (90) DAYS of the FINAL ORDER.

Strobel/Green, 4/0/0
Motion carries

After final discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION until FINAL ORDER is ISSUED.

Strobel/Green, 4/0/0
Motion carries

John K. Sturman, M.D., License No. 01064902A, Cause No. 2015 MLB 0027

Respondent appeared in person and with counsel, Gillian Keiffer regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Jessica Krug, Deputy Attorney General and Aaron Milewski, Deputy Attorney General. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

Respondent's license was put on Summary Suspension on September 23, 2015 due to pending criminal charges. Respondent was not allowed to petition the Board to remove the suspension until criminal charges were resolved.

Respondent was found not guilty on all criminal charges.

Respondent does not hold a DEA or Controlled Substance Registration in Indiana and has no plans to re-apply.

The State filed a Motion to Dismiss Summary Suspension. The State presented to the Board that Respondent is not a clear and present danger to the public if he is not prescribing.

After discussion, the Board moved to DISMISS the SUMMARY SUSPENSION.

Green/Strobel, 4/0/0
Motion carries

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

Respondent appeared in person and with counsel, Robert Saint, regarding a Motion for Summary Judgment scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

The Board held oral arguments on Respondent's Motion for Summary Judgment.

After discussion, the Board moved to DENY the Respondent's MOTION FOR SUMMARY JUDGMENT.

Strobel/Green, 3/1/0, (Masten opposed)
Motion carries

Brett E. Wills, D.O., License No. 02004139A, Cause No. 2017 MLB 0023

Respondent failed to appear in person or with counsel regarding a Petition for Summary Suspension 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 Sherri Rutledge with Rutledge Independent Reporting.

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

The State filed an emergency petition for summary suspension and sent a Hearing Notice to the Respondent June 20, 2017 due to facts that show that Respondent presents a clear and immediate danger to the public's health and safety if allowed to continue to practice medicine in Indiana.

Respondent was referred to Indiana State Medical Association Physician Assistance Program (ISMA PAP) by his employer, Jay County Hospital.

ISMA PAP received information from Jay County Hospital, where Respondent was employed, that the Respondent had asked another physician for a prescription and that Respondent was exhibiting concerning behaviors at work.

Respondent separated from Jay County Hospital, and as a part of that separation was required to contact ISMA PAP.

Respondent met with two members of the ISMA PAP staff on May 11, 2017. At the conclusion of the meeting, Respondent agreed to undergo a multidisciplinary evaluation and had the evaluation scheduled for a date in May of 2017. Respondent subsequently cancelled the evaluation. ISMA PAP attempted to contact Respondent several times after the cancellation.

On June 5, 2017, ISMA PAP contacted Respondent and requested he contact them by 3:00 p.m. that day. Respondent did not contact ISMA PAP.

On June 7, 2017, ISMA PAP closed Respondent's file with the program.

The State admitted the following exhibit into evidence:

Exhibit A: Respondent's Professional Licensing Agency File

The following witness was called to testify by the State:

Candace Backer, LCSW, LCAC, Coordinator of ISMA Physician Assistance Program

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

Green/Strobel, 4/0/0
Motion carries

Paul O'Brien, D.O., License No. 02002928A, Cause No. 2017 MLB 0012

Respondent failed to appear in person but was represented by counsel, Barclay Wong, regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Aaron Milewsky, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

The State filed a Complaint against the Respondent on March 27, 2017. The State sent a notice to the Respondent of the date, time and place of the Hearing on the Complaint for April 27, 2017.

Respondent failed to appear at the Hearing on April 27, 2017 and the State requested the Board issue a Notice of Proposed Default. The Notice was issued on June 7, 2017.

The State was notified that the Respondent moved without updating his address with IPLA.

After discussion, the Board moved to NOT HOLD Respondent in Default.

Strobel/Green, 4/0/0
Motion carries

Eric Tchaptchet, M.D., License No. 01060475A, Cause No. 2017 MLB 0015

Respondent failed to appear in person but was represented by counsel, Barclay Wong, regarding a Notice of Proposed Default 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 was Sherri Rutledge with Rutledge Independent Reporting.

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

An administrative complaint against the Respondent was filed by the State on April 20, 2017.

The State sent notice to the Respondent on March 7, 2016, informing Respondent of the date, time and place of the final hearing on the administrative complaint scheduled for May 25, 2017.

Respondent failed to appear at the final hearing on May 25, 2017 and the State requested that the Board issue a Notice of Proposed Default to the Respondent. The Notice was issued on June 7, 2017.

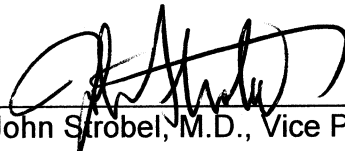
On June 12, 2017, Respondent responded in writing to the Notice of Proposed Default, stating that he had moved from the address that the State had on file and provided his new address.

After discussion, the Board moved to NOT HOLD Respondent in DEFAULT.

Strobel/Green, 4/0/0
Motion carries

There being no further business, the meeting adjourned at 12:25 p.m.

Kirk Masten, D.O., President



John Strobel, M.D., Vice President