

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

MINUTES OF SEPTEMBER 28, 2017

Kirk Masten, D.O., President, called the meeting to order at 8:53 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: Kirk Masten, M.D., President
John Strobel, M.D., Vice President
Bharat Barai, M.D., Secretary
Michael Busk, M.D., Member
Victoria McCann, J.D., Member

Members Absent:
Scott Green, M.D., Member
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, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Barai/Busk, 5/0/0
Motion carries

The Board voted to adopt the minutes of the August 24, 2017 meeting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Barai/McCann, 5/0/0
Motion carries

DISCUSSION

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

SB 226

The Board voted to not add any additional exemptions and approve SB 226 as is.

Strobel/McCann, 5/0/0
Motion carries

Citations

After discussion, the Board moved to IMPOSE a CIVIL PENALTY of FIVE HUNDRED (\$500.00) DOLLARS to be PAID IN THIRTY (30) DAYS on the following Physicians for failing to answer "yes" to a question on their renewal application:

Robert Brewer, M.D. 01017401A – failure to disclose

Edward Delle Donne, M.D. 01053773A – failure to disclose

John Graham, D.O. 02001454A– failure to disclose

Dennis Lawton, M.D. 01025392A– failure to disclose

Todd Midlia, D.O. 02001032A– failure to disclose

Thomas Murphy, M.D. 01040011A– failure to disclose

Scott Swim, M.D. 01039287A– failure to disclose

Anton Thompkins, M.D. 01046243A– failure to disclose

Dwight Tyndall, M.D. 01051714A– failure to disclose

McCann/Busk, 5/0/0
Motion carries

Retirement/Surrender Requests

Richard Mann, M.D., 01018081A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Mann's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

Barai/McCann, 5/0/0
Motion carries

Rasiklal B. Ganatra, M.D., 01055086A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Ganatra's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

Strobel/Barai, 5/0/0
Motion carries

Deron T. Warren, D.O., 02002813A – Surrender Request

After discussion, the Board moved to APPROVE Dr. Warren's REQUEST to SURRENDER his INDIANA PHYSICIAN LICENSE.

McCann/Strobel, 5/0/0
Motion carries

Abdul-Wahid Ajeena, M.D., 01047493A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Ajeena's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

Strobel/Barai, 5/0/0
Motion carries

William Roberts, M.D., 01060784A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Robert's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

Barai/McCann, 5/0/0
Motion carries

Nelson Graham, M.D., 01025814A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Graham's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

McCann/Strobel, 5/0/0
Motion carries

Robert Smith, M.D., 01071520A – Retirement Request

Dr. Smith was issued a Letter of Concern and fined five thousand (\$5,000.00) dollars by the Florida State Medical Board for a disciplinary action taken against his Hawaii license for failing to disclose disciplinary action taken by the Alaska State Medical Board for failing to timely report malpractice settlements.

After discussion, the Board moved to DENY Dr. Smith's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

Strobel/McCann, 5/0/0
Motion carries

David Lautz, M.D., 01030688A – Retirement Request

After discussion, the Board moved to APPROVE Dr. Lautz's REQUEST to RETIRE his INDIANA PHYSICIAN LICENSE.

McCann/Barai, 5/0/0
Motion carries

John Wohlwend, M.D., 01064796A – Surrender Request

Dr. Wohlwend was fined one thousand and five hundred (\$1,500) dollars by the Hawaii State Medical Board in April of 2017, for failure to disclosing a malpractice settlement.

After discussion, the Board moved to DENY Dr. Wohlwend's REQUEST to SURRENDER his INDIANA PHYSICIAN LICENSE.

Strobel/Barai, 5/0/0
Motion carries

Navneet Adya, M.D., 01050213A – Surrender Request

Dr. Adya's license has been on probation since 2011 due to probation in Illinois and California.

After discussion, the Board moved to DENY Dr. Adya's REQUEST to SURRENDER his INDIANA PHYSICIAN LICENSE.

Barai/McCann, 5/0/0
Motion carries

PERSONAL APPEARANCES

The following personal appearances were rescheduled for October 26, 2017 Board meeting:

Andrew Kawecki, M.D.
John Kencos, M.D.

Ijaz Ahmad, M.D. – Renewal Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Ahmad answered yes to following question on his renewal application, which states:

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

Dr. Ahmad settled a malpractice suit in June of 2016, for eight hundred and ninety-five thousand (\$895,000.000) dollars for allegedly failing to timely communicate results of an abnormal Pap smear for a forty eight (48) year old female, resulting in a thirteen (13) month delay in treatment and her subsequent death.

After discussion, the Board moved to APPROVE Dr. Ahmad's APPLICATION for LICENSURE in the STATE OF INDIANA.

Barai/Strobel, 5/0/0
Motion carries

Michael Bangert, M.D. – Initial Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Bangert answered yes to the following questions on his application:

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

3. Do you have any condition or impairment (*including a history of alcohol or substance abuse*) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner?
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?
9. Have you ever surrendered your DEA registration at any time or had any limitations placed on your DEA registration?
11. Have you ever been excluded from being a Medicare / Medicaid provider?

Dr. Bangert entered into a consent agreement with Ohio, on March 8, 2017, that placed his Ohio license on Probation for a period of five (5) years due to his self-disclosure in 2013 to the Ohio Board that he had been diagnosed with a mental illness during his residency that left him unable to fulfill the duties of his training program. He has been voluntarily treating his illness since then and has been in full compliance with the Ohio Board order.

After discussion, the Board moved to APPROVE Dr. Heckman's LICENSE on PROBATION with terms and conditions which include compliance with the Ohio Board Probation Order, and that he enter into a contract with the Indiana State Medical Association Physician Assistance Program, with the ability to petition the Board once his Ohio Probation has been lifted.

Masten/Busk, 5/0/0
Motion carries

Daniel Hekman, M.D. – Initial Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

At the August 24, 2017 Board meeting, the Board moved to table Dr. Hekman's application for licensure until the Board had received the evaluation results from Indiana State Medical Association Physician Assistance Program (ISMA PAP) and to reschedule for September 28, 2017 meeting.

Dr. Hekman signed a five (5) year contract with ISMA PAP and has been compliant with this contract thus far.

After discussion, the Board moved to APPROVE Dr. Heckman's APPLICATION for LICENSURE in the STATE OF INDIANA.

Strobel/Barai, 5/0/0
Motion carries

Sheila Hockman, D.O., - Initial Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Hockman answered yes to the following questions on your license application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
2. 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?
8. Have you ever had a malpractice judgment against you or settled any malpractice action?

In or around 2004, Dr. Hockman tendered her resignation from the medical staff of a hospital in Oconto Falls, Wisconsin, due to hostile working environment. Her resignation was reported to the National Practitioner Databank and subsequently to the State Medical Board of Wisconsin.

Dr. Hockman's counsel advised her to surrender her Wisconsin license in lieu of appearing before the Wisconsin State Medical Board and explaining the reason for her resignation.

The State Medical Board of Pennsylvania assessed Dr. Hockman a civil penalty of two hundred and fifty (\$250.00) dollars for not reporting the Wisconsin license surrender within 60 days of the surrender.

Reciprocal action was taken by the South Carolina Medical Board regarding her South Carolina Medical license.

Dr. Hockman had one malpractice settlement in South Carolina in May of 2012.

After discussion, the Board moved to APPROVE Dr. Hockman's APPLICATION for LICENSURE in the STATE of INDIANA.

Barai/McCann, 5/0/0
Motion carries

Patricia Murphy, M.D. – Initial Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Murphy answered yes to the following questions on her application:

4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
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?
 - (3) Have you ever been convicted of any offense, misdemeanor, or felony in any state?
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?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Murphy failed to appear before the Board for the third scheduled Board meeting. Multiple attempts to contact Dr. Murphy were made.

Dr. Murphy submitted her application on October 21, 2016.

Dr. Murphy's application for licensure was abandoned.

William Oh, M.D. – Initial Application - Positive Response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Oh answered yes to the following questions on his initial application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
8. Have you ever had a malpractice judgment against you or settled any malpractice action?

Dr. Oh resigned his position as an orthopedic surgeon at Lima Memorial Hospital, in Lima, Ohio in lieu of re-evaluation by the hospital board.

Dr. Oh had two malpractice settlements. In 2004, Dr. Oh settled a malpractice suit for two hundred thousand (\$200,000.00) dollars for alleged improper performance.

In 1995, Dr. Oh settled a malpractice suit for two thousand (\$2,000.00) dollars for allegedly performing surgical procedure on incorrect knee.

After discussion, the Board moved to APPROVE Dr. Oh's APPLICATION for LICENSURE in the State of Indiana.

Barai/Busk, 5/0/0
Motion carries

Robert Richey, M.D. – Renewal – Positive response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Richey answered yes to question number seven (7) on the renewal application, which states:

7. Since you last renewed have you surrendered your DEA registration at any time or had any limitations or discipline placed on your DEA registration?

Dr. Richey surrendered his DEA license upon the recommendation of Mr. Billy F. Lane and Mr. Andrew J. Ratcliff, Division Investigators with the Indianapolis District Office of the Drug Enforcement Administration.

Mr. Ratcliff and Mr. Lane encouraged Dr. Richey to surrender his DEA registration after they stated he had a complaint filed against him from a CVS Pharmacy regarding over prescribing of controlled substances.

After discussion, the Board moved to APPROVE Dr. Richey's RENEWAL APPLICATION.

Masten/Barai, 5/0/0
Motion carries

Andrew J. Richison, M.D. – Renewal – Positive response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Richison answered yes to the following questions on his renewal application:

4. Since you last renewed, have you had a malpractice judgment against you or settled any malpractice action?
5. Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline – or have you resigned in lieu of discipline or termination?

Dr. Richison settled a malpractice suit on June 10, 2016 for one hundred and eighty-seven thousand and one (\$187,001.00) dollars for allegedly performing an unnecessary procedure.

Dr. Richison was suspended for 28 days between June and July of 2017 for inappropriate operating room conduct which resulted in a HIPPA violation. The suspension was served in good faith and his privileges were restored.

After discussion, the Board moved to APPROVE Dr. Richison's RENEWAL of his LICENSURE in the state of Indiana.

Strobel/Busk, 5/0/0
Motion carries

Constantine G. Saites, M.D. – Initial Application – Positive response

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Saites answer yes to the following question on his application:

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. Saites was placed on academic probation while completing his final year of general surgery training at the Mayo Clinic in September of 2014 to remediate personal and professional deficiencies. He was ultimately dismissed from the post-graduate program at the Mayo Clinic in January of 2015.

Four months later he was hired by the Henry Ford Hospital as a fourth year general surgery resident where he led the Trauma Surgery service for eight (8) months and won clinical teaching recognition.

After discussion, the Board moved to APPROVE Dr. Saites APPLICATION for LICENSURE in the State of Indiana.

Barai/McCann, 5/0/0
Motion carries

Ray C. Smith, III, M.D. – Renewal – Failure to Disclose

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Smith failed to answer yes to the following question on his renewal application:

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

Dr. Smith settled a malpractice suit on October 28, 2016 for one hundred and eighty seven thousand and one (\$187,001.00) dollars for failing to diagnose shingle which resulted in patient's loss of vision in one eye.

After discussion, the Board moved to RENEW Dr. Smith's LICENSE and IMPOSE a CIVIL PENALTY of FIVE HUNDRED (\$500.00) DOLLARS.

Strobel/Busk, 5/0/0
Motion carries

Nida J. Syed, M.D. – Initial – Waiver Request

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Dr. Syed is requesting a waiver of the USMLE 3 Attempt Rule and a waiver regarding the foreign medical school where she received her degree due to the school being an Indiana unapproved foreign medical school.

Dr. Syed was accompanied by her employer, Deb Fabert MSN, RN, BC, Program Director, Behavioral Science, IU Health Bloomington Hospital. Ms. Fabert submitted the five (5) year employment contract between IU Health and Dr. Syed to the Board for review.

Dr. Syed was dismissed from Ross University in 2009 after she failed to pass the USMLE Step 1 within three (3) attempts. Dr. Syed then applied to the American University of Integrative Sciences and was accepted and reapplied to take the USMLE Step 1 and passed on her 4th attempt.

Dr. Syed received her medical degree from American University of Integrative Sciences School of Medicine, Saint Michael, Barbados and completed her post graduate training at the University of Arizona Psychiatry Residency Program.

Dr. Syed submitted the following letters of recommendation:

1. Letter from Deb Fabert MSN, RN, BC, Program Director, Behavioral Science, IU Health Bloomington Hospital
2. Letter from Noshere Ranjibar, M.D., Assistant Professor, Department of Psychiatry, Child and Adolescent Psychiatry Division, Medical Director, Whole Child Clinic, University of Arizona
3. Letter from Julie Demetree, M.D., Assistant Professor, Psychiatry Residency Training Director, University of Arizona, Department of Psychiatry

Dr. Syed will be working in the following underserved counties:

Morgan, Greene, Lawrence, Washington, Jackson, Scott, Orange, Martin, Daviess, Vigo, Clay, Owen, Brown and Bartholomew.

After discussion, the Board moved to APPROVE Dr. Syed WAIVER of the USMLE 3 ATTEMPT RULE and UNAPPROVED FOREIGN MEDICAL SCHOOL and ISSUE LICENSE with terms and conditions that include annual reports for three consecutive years from employer.

Strobel/Barai, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearings were continued:

Rajiv Sood, M.D., License No. 01040612A, Cause No. 2017 MLB 0033

Pedro Joel L. Velasco, M.D., License No. 01035610A, Cause No. 2017 MLB 0025

Jeffrey Alan Campbell, M.D., License No. 01036153A, Cause No. 2017 MLB 0029

Respondent appeared in person and with counsel, Robert Saint, regarding an Extension of Summary Suspension and Petition for Relief 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, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

At the July 27, 2017 Board meeting, the Board moved to Summarily Suspend Respondent's license for 90 days due to Respondent being indicted in United States District Court, Western District of Kentucky on twenty-one (21) counts of conspiracy, fraud, and unlawful distribution of controlled substances. Respondent was employed as a physician at Physicians Primary Care, PLLC, located in Jeffersonville, Indiana and it is

alleged that Respondent engaged in these activities during the course of his employment.

The Respondent's criminal charges are still pending.

The State is requesting that the Board extend the Summary suspension for an additional 90 days.

The State admitted the following into evidence:

- 1) Respondent's charges from the US District Court of Kentucky
- 2) Respondent's medical review by U.S. Department of Justice, Western Division, Kentucky

Respondent presented a Petition for Relief of Summary Suspension, stating that he does not have an active CSR in the State of Indiana and he would like to continue practicing medicine during the pendency of the criminal charges under a probationary medical license.

Respondent admitted the following exhibits:

- A) Affidavit of James H. Wesp, MPH, MBA, Chief Executive Officer of Dhvaj, Inc.
- B) Affidavit of Rickey D. Kinzey, D.O., Baptist Floyd Health, New Albany, IN

After discussion, the Board moved to DENY RESPONDENT'S PETITION FOR RELIEF OF SUMMARY SUSPENSION and EXTEND the SUMMARY SUSPENSION for an ADDITIONAL NINETY (90) DAYS.

Barai/McCann, 5/0/0
Motion carries

Dale W. Economan, D.O., License No. 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 and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

The State requested the Board extend Respondent's Summary Suspension for an additional 90 days due to Respondent's trial date being set in November of 2017.

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

Busk/McCann, 5/0/0
Motion carries

Christopher C. May, D.O., 01064675A, Cause No. 2013 MLB 0016

Respondent appear in person, and was represented by counsel, Lorie Brown and Melissa Wray, regarding a Request for Reinstatement scheduled before the Board. The State of Indiana was represented by Natalie Stidd, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Respondent's license was placed on Indefinite Suspension for no less than three years with terms and conditions on August 9, 2013 for writing a controlled substance script for a patient, who was a known addict, under the patient's mother's name and then picking it up at the pharmacy for the patient.

On or around May 28, 2011, Respondent was criminally charged with sixteen (16) Class D Felonies including nine counts of Conspiracy to Obtain a Controlled Substance and seven counts of Conspiracy to Commit Insurance Fraud.

Respondent presented evidence that he has been in compliance with the terms and conditions of his Indefinite Suspension.

Respondent admitted the following exhibits into evidence:

- A: Discharge from Gibson Superior Court Probation Department
- B: Gibson Superior Court Order converting judgement of conviction from Class D Felony to Class A Misdemeanor
- C: Assessment Discharge Summary from Professional Renewal Center, Lawrence Kansas
- D: Letter from Professional Renewal Center
- E: CPEP Assessment Report
- G: Respondent's CME log from AMA
- H: Respondent's American Academy Family Physicians Certificate
- I: Respondent's CME log from University of California
- J: Receipt from Respondent's Bank for \$5,000.00 Check paid to the IPLA
- K: Office of Attorney General Receipt of \$5.00 payment

After discussion, the Board moved to REINSTATE RESPONDENT'S LICENSE on INDEFINITE PROBATION for a minimum of ONE (1) YEAR with TERMS and CONDITIONS.

Masten/Barai, 5/0/0
Motion carries

Yvon J. Nazon, M.D., 01021678A, Cause No. 2017 MLB 0014

Respondent appeared in person and with counsel, Lorie Brown and Melissa Wray regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Tim Webber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

The State requested a continuance of the hearing.

After discussion, the Board moved to CONTINUE the HEARING for the OCTOBER 26, 2017 BOARD MEETING.

Barai/McCann, 5/0/0
Motion carries

Vijil K. Rahulan, M.D., 01054147A, Cause No. 2017 MLB 0024

Respondent appeared in person and with counsel, Barclay Wong, 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 Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

On March 16, 2016 Respondent entered into a Consent Order with the Michigan Board of Medicine for authorizing internet prescriptions for patients who were located in Michigan while Respondent was located in Texas. Under the Consent Order, Respondent was issued a reprimand and a fine of eight thousand (\$8,000) dollars.

On August 1, 2016, Respondent entered into an Agreed Order with Kentucky Board of Medical Licensure based upon the discipline against Respondent's license in Michigan and Respondent's failure to report the discipline when he renewed his Kentucky license. Under the Agreed Order, Respondent's Kentucky license was placed on probation for five (5) years and reprimanded, and Respondent was ordered to pay a fine of five thousand (\$5,000.00) dollars.

Respondent's license was reciprocally reprimanded, based on Michigan discipline in Maryland, Illinois, California, Maine and Tennessee.

Respondent entered into a Consent Order on February 7, 2017 with Pennsylvania Board based on the disciplinary action taken by the Kentucky Board and his Pennsylvania license was suspended for five (5) years, with suspension immediately stayed in favor of probation.

Respondent failed to disclose the pending charges against his license in Michigan when he renewed his Indiana license on October 22, 2015

Both parties agreed to a Settlement Agreement which included a Letter of Reprimand and imposed a fine of no more than one thousand (\$1,000.00) dollars to be paid within 90 days of the Final Order.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and IMPOSE a FINE of THREE HUNDRED (\$300.00) DOLLARS to be PAID WITHIN 90 DAYS of the FINAL ORDER.

Barai/Kirk, 5/0/0
Motion carries

Barai/McCann, 4/0/0
Motion carries

James E. Ranochak, M.D., 01026732A, Cause No. 2017 MLB 0028

Respondent failed to appear in person but was represented by counsel, Robert Saint, regarding an Extension of Summary Suspension & Proposed Settlement Agreement 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, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

The parties have reached a Settlement Agreement which extends the summary suspension of Respondent's license for an additional ninety (90) days.

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

McCann/Busk, 5/0/0
Motion carries

Mohammad Shah, M.D., 01073709A, Cause No. 2014 MLB 0004

Respondent failed to appear in person or with counsel regarding a Petition for Withdrawal of Probation Order 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, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

Due to the failure of appearance by the Respondent and his counsel, the State requested the Board to issue a Notice of Proposed Dismissal.

After final discussion the Board moved to ISSUE a NOTICE of PROPOSED DISMISSAL.

Strobel/Busk, 5/0/0
Motion carries

Jamiere Y. Smith, M.D., 01041991A, Cause No. 2017 MLB 0030

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Timothy Webber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

The State has reached terms for Settlement Agreement but has not executed the Settlement Agreement.

The State requested a continuance of the hearing.

After discussion, the Board moved to CONTINUE the HEARING for the OCTOBER 26, 2017 BOARD MEETING.

Barai/McCann, 5/0/0
Motion carries

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

Respondent appeared in person but without counsel regarding a Disciplinary 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 was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

In August 2005, Respondent entered into a settlement agreement with the Illinois Department of Public Aid which required Respondent to pay one hundred and eighty thousand (\$180,000.00) dollars to Public Aid in monthly installments of one thousand five hundred (\$1,500.00) dollars. Respondent also agreed to withdraw as a provider under the Medical Assistance Program for a period of no less than ten (10) years and until the agreed amount was fully paid. The Illinois Department of Public Aid also agreed not to report Respondent's termination from the Medical Assistance Program to any state or federal agency.

In March of 2013, Respondent was terminated from the Medical Assistance Program due to his failure to pay the monthly installments as agreed in the August 2005 settlement with the Illinois Department of Public Aid.

On June 17, 2014, the Illinois Department of Financial and Professional Regulation (IDFPR) filed an Administrative Complaint alleging Respondent failed to notify IDFPR about his March 2013 termination of his Medical Assistance Program privileges.

On October 23, 2015 the IDFPR placed Respondent's license on indefinite probation.

On May 27, 2015, Respondent submitted his MD Expired Renewal Form to IPLA. Respondent failed to disclose on his renewal application regarding the Illinois Board discipline.

After discussion, the Board found Respondent was in violation of Count 1: Indiana Code 25-1-9-4(a)(1)(A), (5) and (7).

Barai/McCann, 5/0/0
Motion carries

After further discussion, the Board found Respondent was in violation of Count 2: Indiana Code 25-1-9-4(a)(1)(A).

McCann/Strobel, 5/0/0
Motion carries

After final discussion, the Board moved to PLACE RESPONDENT'S LICENSE on INDEFINITE PROBATION with terms and conditions.

Masten/Strobel, 5/0/0
Motion carries

Axel Vargas, M.D., 01043448A, Cause No. 2017 MLB 0021

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Timothy Webber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D.

On September 14, 2015, Respondent was disciplined in the State of Illinois for improper dispensing of controlled substances. Respondent's was issued a letter of reprimand and fined ten thousand (\$10,000.00) dollars.

Respondent and the State have both agreed to a settlement agreement which will include a letter of reprimand.

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

Barai/Busk, 4/0/0, McCann out
Motion carries

After further discussion, the Board moved to RENEW RESPONDENT'S LICENSE.

Barai/Strobel, 4/0/0, McCann out
Motion carries

Jake Heiney, M.D., 01075470A, Cause No. 2017 MLB 0006

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

Participating Board Members: Kirk Masten, M.D., John Strobel, M.D., Bharat Barai, M.D., Michael Busk, M.D., Victoria McCann, J.D.

On August 7, 2015, Respondent was charged in Lucas County, Ohio, with two (2) counts of Gross Sexual Imposition and Tampering with Records. The charges alleged that Respondent fondled women during medical exams and that he altered medical records after learning that he was being investigated for sexual misconduct.

In October of 2015, the Ohio State Medical Board indefinitely suspended Respondent's license.

On February 24, 2016, Respondent was found guilty on all counts and was sentenced to one hundred and eighty (180) days in jail, to be followed by four (4) years of probation. Terms included registering as a sex offender for fifteen (15) years, two hundred (200) hours of community service, ninety (90) days of work release, completion of a sex offender treatment program and five thousand (\$5,000.00) dollars in fines.

The State admitted the following exhibits into evidence:

- 1) Certified copies of The State of Ohio vs. Respondent
- 2) Certified copies of Respondent's Ohio Medical License file
- 3) Ohio Revised Code 4731.22
- 4) Certified copies of the People of The State of Michigan vs. Respondent
- 5) News article from The Blade, April 19, 2016
- 6) News article from the Monroe News, April 19, 2016
- 7) Certified copy of Respondent's Michigan medical license file
- 8) Copy of the Final Order on the matter of the Respondent, February 10, 2017

After discussion the Board moved to find Respondent in violation of Count 1 and Count 2.

Barai/McCann, 5/0/0
Motion carries


After Further discussion, the Board moved to PLACE RESPONDENT'S LICENSE on INDEFINITE SUSPENSION.

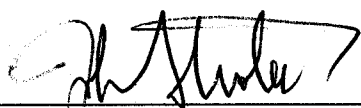
Barai/John, 5/0/0
Motion carries

After final discussion, the Board moved to IMPOSE a FINE OF TWO THOUSAND (\$2,000.00) DOLLARS PAYABLE within 90 DAYS from the DATE OF the ORDER.

Barai/Strobel, 5/0/0
Motion carries

There being no further business, the meeting adjourned at 4:30 p.m.


Kirk Masten, M.D., President
D.O.


John Strobel, M.D., Vice President