

MEDICAL LICENSING BOARD OF INDIANA

Met THROUGH VIDEO and AUDIO CONFERENCING

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

MINUTES OF OCTOBER 22, 2020

John Strobel, M.D., President, called the meeting to order at 8:03 a.m. and declared a quorum in accordance with IC 25-22.5, pursuant to public notice posted online at the Board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present by Telephone: John Strobel, M.D., President
Kirk Masten, D.O., Vice President
Bharat Barai, M.D., Member
Heidi Dunniway, M.D., Member
Michael Busk, M.D., Member (in at 8:10a.m.)

Members Absent: Victoria McCann, Consumer Member
Rebecca Mueller, M.D, Member

Staff Present by Telephone: Laura Turner, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Director
Professional Licensing Agency
Donna Sembroski, J.D. Deputy Attorney
General
Office of the Attorney General

The Board voted by roll call to adopt the agenda.

Barai/Dunniway, 4/0/0
Motion carries

The following board members voted aye by roll call:
John Strobel, Bharat Barai, Victoria McCann, Kirk Masten

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

Laura Turner, J.D., Board Director introduced Donna Semrobski, J.D., Deputy Attorney General to the Board. Donna will take over as Board Advisor replacing Brian Park who has left the Attorney General's Office. Donna has been with the Attorney General's Office since 2006. The Board welcomed Donna to the Board.

FULL BOARD APPEARANCES

Candace Backer, ISMP (PAP):

Ms. Backer informed the Board that as of January 1, 2021 she will be retiring from ISMA. She stated that she has enjoyed working with the Board and staff for the past thirty (30) years, but it was time to retire.

She also indicated she will leave the Board in the very capable hands of Ann Kelley who will be joined by Susan Kelley, LCSW, LAC.

The Board thanked Ms. Backer for all the work she has done with the Board, she has been a wonderful asset to ISMA, and they appreciate all the work she has done for them.

PERSONAL APPEARANCES

The following personal appearance was cancelled:

Roger Core, M.D., License No. 01027023A, Inactive status back to Active status request.

Dawn Jones, M.D., Initial Application Positive Response:

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

Dr. Jones explained that she was in a lengthy malpractice case that went to court and she won. Right after this win she was informed of another malpractice case. She was exhausted from the case that just ended so she settled the second case.

She has practiced for twenty-four (24) years. She has active licenses in MO and KS.

She has the opportunity to work Locums in Indiana and that is why she needs the license.

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

Barai/Dunniway, 5/0/0
Motion carries

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

Scott Yen, M.D., Initial Application Positive Response:

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

Dr. Yen stated that he has practiced medicine since 1995. He is with Parkview Physician's group in internal medicine.

He has a one million (1,000,000) malpractice settlement case. He indicated he was treating a patient with Warfarin. The patient was supposed to come back in two (2) weeks, but the patient didn't come back because he was going on vacation. Two (2) days before vacation, the patient developed a brain bleed and passed away.

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

Barai/Masten, 5/0/0
Motion carries

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

Michael Kaplan, M.D., Initial Application Positive Response:

Dr. Kaplan appeared telephonically and was represented by counsel, Patricia Daehnke regarding a positive response on his initial application.

In 2011, Dr. Kaplan was investigated by the FDA for conspiracy to adulterate a medical device across state lines. He was criminally convicted and spent two and one-half (2.5) years in prison.

Ms. Daehnke explained to the Board that the Judge put the wrong code on as it shows conspiracy to murder someone in Congress. He was sent to a maximum-security prison and when he tried to get out early that was when his attorney found that the Judge had entered the wrong code. The Judge admits that the code was wrong and allowed him to be released from prison early.

In 2015 his license was revoked by the Nevada Board of Medicine. Nevada has supported him to take the SPEX examination.

After discussion, the Board moved to TABLE this application until July 2021 so Dr. Kaplan can take the SPEX and clean up his Nevada license.

Barai/Busk, 5/0/0
Motion carries

The following board members voted aye by roll call:

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

Rajat Prakash, M.D., Initial Application Positive Response:

Dr. Prakash appeared telephonically and was represented by counsel, Elliot Pinkie regarding a positive response on his initial application.

Dr. Prakash has not practiced for eight (8) years.

In 2011 he was charged with Boundary violation. Illinois Board placed his license on probation and required him to have a Chaperone with all his patients. During the time he had his Chaperone two (2) separate patients came forward and accused him of inappropriate touching.

At this time, he stopped practicing.

In 2015, the Illinois Board permanently revoked his Illinois medical license.

His Virginia license has expired.

After discussion, the Board moved to TABLE this application for one (1) year to allow Dr. Prakash to take the SPEX and to obtain a fitness for duty evaluation through one of the following entities: Pine Grove in Mississippi; Professional Renewal Center in Kansas or Acumen in Kansas.

Barai/Strobel, 4/0/1, with Dr. Masten abstaining
Motion carries

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

Chirag Trivedi, M.D., J.D., Initial Application Positive Response:

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

Dr. Trivedi informed the Board that he was charged with a DUI and in the hearing the Judge determined there was no merit for the arrest and admonished the Officer that had arrested him.

He indicated it was late at night and he walked to the scene of an accident of a client of his. He wanted to consult/confer with the person in the accident and the Officer didn't want him to talk with her. Dr. Trivedi told the Officer that he had no right to stop him

unless he was going to arrest him. The Officer then arrested him.

Although he completed two (2) years of residency, he did not complete the residency program. He indicated that he would look at completing it in the future.

After discussion, the Board moved to Approve Dr. Trivedi's initial application .

Strobel/Barai, 5/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Amy Holbert, Acupuncture Detox Specialist – Initial Application Positive Response:

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

Ms. Holbert is a Clinical Addiction Counselor and former addict. Her R.N. license was placed on probation in August 2019.

Her sobriety date is December 27, 2012 and she goes to AA/NA meetings twice per week and has a sponsor she speaks with.

After discussion, the Board moved to APPROVE her initial application PENDING a Signed RMA.

Strobel/Barai, 5/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Rajneesh Salwan, M.D., License No. 01060670A, Reinstatement of Expired License and Positive Response:

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

Dr. Salwan informed the Board that back in 2016 his privileges were revoked after he was found asleep in the physician's lounge and was taken to the ER and treated for alcohol intoxication.

His sobriety date is October 14, 2016. He is currently in IL monitoring program. He has a

five (5) year contract of which he has successfully completed three (3) years.

He continues to go to AA/NA meetings daily, see his sponsor weekly and meeting with his therapist every three (3) days.

His license in Illinois is on active status.

Ms. Backer stated that should he sign a contract with ISMA, they will then obtain the document from the Illinois program.

After discussion, the Board moved to APPROVE his initial application pending a signed contract with ISMA.

Strobel/Barai, 5/0/0
Motion carries

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

Ronald Mezzak, D.O., License No. 02002660A Reinstatement Renewal Positive Response:

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

Dr. Mezzak indicated he will be the Medical Director of two (2) Methadone clinics.

He has contact ISMA and was evaluated and signed a monitoring contract.

His sobriety date is February 5, 2018. He attends three (3) AA/NA meetings per week and goes to one (1) Caduceus meeting per week.

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

Strobel/Busk, 5/0/0
Motion carries

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

Rupal Parmar, M.D., Initial App – Waiver of USMLE Three (3) Attempts Rule:

Dr. Parmar appeared telephonically and was not represented by counsel regarding a

waiver request for the USMLE three (3) attempts rule.

Enrique Beckmann, M.D., appeared on behalf of Dr. Parmar. Dr. Beckmann is the Medical Director at Kendrick Hospital in Hammond. He informed the Board that Hammond Indiana is considered underserved.

Dr. Parmar informed the Board that he has practiced in Illinois for the past thirteen (13) years. He is also board certified.

He has letters of recommendation from the following:

- Gradimir Vuckovic, M.D., Medical Director, NICI Laboratories
- Abdur Shakir, M.D., Sarah Bush Lincoln Regional Cancer Center Director, Co-Director Campaign Hope Committee, Clinical Professor University of IL at Chicago.

After discussion, the Board APPROVED Dr. Parmar's request for a waiver of the USMLE three (3) Attempts rule.

Strobel/Barai, 5/0/0
Motion carries

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

Willie Jackson, M.D., Initial Application – Waiver of the USMLA Three (3) Attempts Rule:

Dr. Jackson appeared telephonically and was not represented by counsel regarding a waiver request for the USMLE three (3) attempts rule.

Dr. Favor appeared on her behalf and indicated she will be serving in underserved areas.

Dr. Jackson has practiced since 2009 with no malpractice issues.

She is a Forensic Psychiatrist and has been approved to take the Boards to be Board Certified.

The Board reviewed a letter of recommendation and of need from Chad Schultheis, M.D., F.A.P.A., Indiana University Health Bloomington, Outpatient Behavioral Health, Fellow of the American Psychiatric Association, Clinical Assistant Professor of Psychiatric at Indiana University School of Medicine. In his letter Dr. Schultheis stated "Our current staffing for inpatient behavioral health is to say the least at an extremely critical point. We lost all three (3) of our inpatient attending psychiatrists in an eight (8) week period."

After discussion, the Board APPROVED Dr. Jackson's request for a waiver of the USMLE

three (3) Attempts rule.

Barai/Busk, 5/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

Kurtis Hull, M.D., License No. 01037287A, Cause No. 2020 MLB 0017
Frank Spendal, M.D., License No. 01038276A, Cause No. 2020 MLB 0027

Anthony Nigliazzo, M.D., License No. 01070993A, Cause No. 2020 MLB 0021

Respondent appeared telephonically and was represented by counsel, Ron Elberger, regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

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

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

Masten/Dunniway, 5/0/0
Motion carries

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

Marco A. Zolezzi, M.D., License No. 01076936A, Cause No. 2019 MLB 0040

Respondent did not appear telephonically and was represented by counsel, Ryan Sullivan, regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Whitney Cooper, Deputy Attorney General and the

court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

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

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

Masten/Dunniway, 4/0/0
Motion carries

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

Scott Marsteller, M.D., License No. 01068656A, Cause No. 2020 MLB 0026

Respondent did not appear telephonically and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

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

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

Barai/Dunniway, 4/0/0
Motion carries

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

Ossama F. Abdellatif, M.D., License No. 01063981A, Cause No. 2019 MLB 0025

Respondent did not appear telephonically and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was

represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent, and the Attorney General's Office was presented to the Board. The proposed settlement agreement included EXTENSION OF SUMMARY SUSPENSION for NINETY (90) DAYS.

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

Barai/Masten, 5/0/0
Motion carries

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

Darryl L. Henry, M.D., License No. 01063685A, Cause No. 2019 MLB 039

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

The circumstances in this matter have not changed.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for NINETY (90) DAYS.

Barai/Masten, 5/0/0
Motion carries

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

John Greenman, M.D., License No. 01034958A, Cause No. 2018 MLB 0033

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Modify Probation scheduled before the Board. The State of Indiana was represented by Alyssa Servies, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared

telephonically.

Dr. Greenman indicated he has completed all terms of his probation except for taking the Prescribing Controlled Drugs course at Vanderbilt University and the \$7,000 fine. He completed the PBI course and stated he found it useless.

At this time, he has paid a total of \$2,000 towards the file. He paid \$1,000 on September 9, 2019 and \$1,000 on May 4, 2020.

He indicated that no one would hire him as he is on probation.

He stated he wants to have his probation withdrawn and the Board to cancel the rest of the fine. The state indicated they object to this request.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to TABLE his request to Withdraw probation and requested he come back with a plan of reentry with a potential employer and for him to make arrangements to pay the rest of the fine.

Strobel/Barai, 5/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, John Strobel, Bharat Barai, Michael Busk, Kirk Masten

The following board members objected: none

The following board members abstained: none

Ajit V. Pai, M.D., License No. 01028758A, Cause No. 2020 MLB 0009

Respondent appeared telephonically and was represented by counsel, Mike Gaerte regarding a Complaint/Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

A proposed settlement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION for not less than five (5) years with terms and conditions.

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

Masten/Dunniway, 5/0/0
Motion carries

The following board members voted aye by roll call:

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

The Board further reviewed the curriculum vita of Randolph Chang, M.D. to be the monitor for Dr. Pai.

After reviewing Dr. Chang's information, the Board moved to APPROVE him as Dr. Pai's Monitor.

Strobel/Barai, 4/0/0
Motion carries

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

Terrence D. Haffner, M.D., License No. 01049031A, Cause No. 2015 MLB 0030

Respondent did not appear telephonically and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to hold the Respondent's license in DEFAULT.

Dunniway/Barai, 5/0/0
Motion carries

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

The Respondent posted weight loss information on Facebook, when his license was suspended.

States Exhibit:
1 – Response from Respondent

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to issue a \$1,000 FINE.

Strobel/Masten, 5/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Sunil Gurudas Kamat, M.D., License No. 01081620A, Cause No. 2020 MLB 0004

Dileep Raman, M.D., License No. 01081609A, Cause No. 2020 MLB 0005

Reddy Sreenivas Singasani, M.D., License No. 01081617A, Cause No, 2020 MLB 0006

Respondents did not appear telephonically and were represented by counsel, Derek Peterson regarding an APPEAL OF RENEWAL DENIAL scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Mr. Peterson moved to consolidate all three matters (3) and to have separate orders issued.

After discussion, the Board moved to APPROVE the consolidation of the three (3) matters.

CONSENSUS

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

All three (3) physicians were licensed in Indiana before January 2019 and have no violations on their license.

They only do telemedicine, but do not reside in the United States. They are all foreign nationals.

All three (3) physicians had their license renewals denied by the Board as they were not authorized by the Federal Government to work in the United States. The decision was made following the review of their Petition for Review Hearing on License Renewal Application and argument from counsel, Derek Peterson at the December 5, 2019 meeting.

Respondents Exhibits:

1 A/B/C – Petition for Review Hearing on License Renewal for each physician

- 2 A/B/C – Petition for Review Hearing on License Renewal for each physician
- 3 A/B/C – Letter from Kimberly Letko, Assistant Board Director
- 4 A/B/C – Denial Letters from Darren Covington, Board Director

After review of Restriction on Public Benefits 8 USC -21-c and IC article 12-32 and listening to discussion from both sides, the Board ADJOURN this matter to be reconvened at a future date.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved STAY the proceedings and request a legal interpretation from the Attorney General's Office regarding this matter.

Barai/Masten, 5/0/0
Motion carries

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

DISCUSSION

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

E-Prescribing Committee:

Laura Turner, J.D., Board Director informed the Board that the Committee will meet next week and then every two (2) week thereafter until the e-prescribing rules are complete.

Order to Show Cause – Dr. Goodman:

Last month, Ms. Turner brought to the Board's attention after speaking with a DEA agent. She understood from the DEA agent that Dr. Goodman would be or is practicing. According to Dr. Goodman's order his license is on Indefinite Probation, but he may not practice until he appears before the Board and the Board approves his request.

Ms. Turner informed the Board that she has since spoke with the DEA agent again and it doesn't appear that he is working at this time.

After discussion, the Board moved to WITHDRAW the ORDER TO SHOW CAUSE on Dr. Goodman's license.

Strobel/Masten, 5/0/0
Motion carries

The following board members voted aye:
John Strobel, Michael Busk, Bharat Barai, Kirk Masten, Heidi Dunniway

The following board members voted nay: none
The following board members abstained: none

There being no further business the Board adjourned at 4:11 p.m.

John Strobel, M.D., President

Kirk Masten, D.O., Vice President