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

MINUTES OF JUNE 22, 2006

William Beeson, M.D., Secretary called the meeting to order at 9:50 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present:	Worthe Holt, Jr., M.D., Vice President William Beeson, M.D., Secretary Bharat Barai, M.D. (arrived at 1:00p.m.) Navin Barot, M.D. Thomas Akre, D.O. Steven Huddleston, J.D.
Members Absent:	N. Stacy Lankford, M.D., President
Staff Present:	Michael Rinebold, Board Director Professional Licensing Agency Jody Edens, Assistant Board Director Professional Licensing Agency James Schmitt, Deputy Attorney General Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Beeson/Holt, 5/0/0

The Board voted to adopt the minutes of the May 25, 2006 meeting.

Beeson/Holt, 5/0/0

PROBATIONARY APPEARANCES

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

John Bulger, M.D.	Glenn Ballengee, D.O.	Ann Govier, M.D.
Michael Linton, M.D.	Kevin McCallum, M.D.	Jan Peterson, M.D.
Lawrence Rothstein, M.D.	Vanch Raham, M.D.	James Ranochak, M.D.
Stephanie Sharpe, M.D.	Bryan Smith, M.D.	Janie Jones, M.D.

David Hanes, D.O. –There was a discussion with Dr. Hanes concerning his urine screens. According to Dr. Hanes, he does not have access to the reports and will work with staff to ensure they are provided in the future.

The following did not appear for their scheduled probationary appearance:

Nilda Durany, M.D. Michael Johnson, M.D.

PERSONAL APPEARANCES

INITIAL APPLICANTS

The following did not appear for their scheduled personal appearance:

Robert Cardia, M.D. *Betty Ouyang, M.D.* *David McCance, D.O.*

The Board approved the following applications for licensure per the recommendations submitted by all attending Board members.

Gregory Ballard, M.D.	*Lacey Brown, M.D.*	*David Farman, M.D.*
Jacinta Gillis, M.D.	*John Kalec, M.D.*	*Laxmi Rao, M.D.*
Michael Robertson, M.D.	*Brent Weil, M.D.*	*Aaron Ermel, M.D.*

Kara Gurchiek, M.D. – Dr. Gurchiek appeared before one member concerning a positive response on her Residency application. After discussing her matter with Dr. Beeson he recommended her Residency permit be issued and gave her ten (10) days to obtain an examination by a Board certified Addictionologist and submit the report to the Board. If the report is favorable her Residency permit is fine, should it not be favorable Dr. Gurchiek must make a second appearance before the Board.

Roy Arnold, M.D. – Dr. Arnold appeared before two members concerning a positive response on his initial application. After discussing his matter with Dr. Akre and Mr. Huddleston, they recommended to Approve for licensure pending a favorable Psychiatric evaluation by a Board approved Psychiatrist and a letter of recommendation the Dr. Arnold's CEO.

Michael Jonesco, M.D. – Dr. Jonesco appeared before one member concerning a positive response on her Residency application. After discussing her matter with Dr. Beeson he recommended her Residency permit be issued and gave her ten (10) days to obtain an examination by a Board certified Addictionologist and submit the report to the Board. If the report is favorable her Residency permit is fine, should it not be favorable Dr. Jonesco must make a second appearance before the Board.

All Approved
Beeson/Holt, 5/0/0

The following personal appearances appeared before the full Board:

Alexander Kammer, M.D., Initial Application – Dr. Kammer appeared before the Board concerning a positive response on his initial application and was represented by Brain Betner. At the May meeting the Board tabled this application until the applicant supplied documents demonstrating his competence in OB/GYN. He submitted information to the Board indicating that he has two Physicians that will monitor, proctor and observe him in 25 deliveries; 5 C-Sections and will do random chart evaluations.

After discussion the Board moved to place the applicant on Indefinite Probation with terms and conditions. Holt/No second. This vote failed to pass.

After further discussion the Board moved to Table this matter until the afternoon. In the mean time Dr. Kammer and his counsel will meet with Dr. Beeson to work on terms and conditions.

Dr. Beeson presented to the full Board that Dr. Kammer agreed to Indefinite Probation may not petition to withdraw for 1 year with the following terms and conditions:

- First thirty (30) day observe all deliveries and C-Sections performed by Dr's. Wetzel and Fritz.
- On site proctoring of fifty (50) deliveries and twenty (20) C-Sections by Dr's. Wetzel and Fritz and any staff Physician with privileges to perform these procedures
- Each Proctoring Physician will provide the Chief of Medicine and the Board with monthly status reports regarding performance and quality of care on cases proctored with the format of the report to be in a form acceptable by the Board.
- First three (3) months – 100% of Hospital clinical OB charts to be reviewed and 25% of office practice records to be reviewed by peer review physician. The Physician reviewing this information must submit a monthly report to the Board in a format acceptable by the Board.

- Second three (3) months – 50% of Hospital clinical OB charts to be reviewed and 10% of office practice records to be reviewed by peer review physician. The Physician reviewing this information must submit a monthly report to the Board in a format acceptable by the Board.
- Thereafter for the first year – 10% of Hospital clinical OB charts must be reviewed by a Board Certified OB/GYN that is not on Start Memorial Hospital staff who is approved by the Board and by the Chief of Medicine at Start Memorial. The Physician reviewing the charts must submit a quarterly report to the Board in a format acceptable by the Board.
- In the first six (6) months, monthly reports concerning performance; work habits; quality of care; interpersonal relations; communications with patients/Nursing staff; Administrative staff; and other Physicians must be submitted by the Chief of Medicine.
- Board must be notified immediately of any quality of care; patient safety issues.
- Quarterly probationary appearances before the Board
- Order to show cause language.
- All other normal terms of probations.

After discussion the Board moved to APPROVE Dr. Beeson's recommendation.

Beeson/Huddleston, 5/0/0

Leslie VanSchaack, M.D., Initial Application. – Appeared before the Board concerning a positive response on her initial application and was not represented by counsel. Dr. VanSchaack has an annotation of irregular behavior on her USMLE record because it was determined that during her examination she made and was in possession of notes and was also in possession of an electronic paging device. Dr. VanSchaack explained to the Board that she brought the paper to take notes because she is left handed and her arm smears the board they give you to take notes on and she only used the pager for a clock to keep her time in check. She has one (1) more year of Residency to complete in the Army and then must serve (3) years after she completes her Residency. She currently has a training permit in Texas. After discussion the Board gave Dr. VanSchaack the opportunity to withdraw her application. Dr. VanSchaack requested to withdraw her application. The Board moved to APPROVE her withdrawal request.

Beeson/Holt, 5/0/0

ADMINISTRATIVE HEARINGS

The following hearings were continued:

Anthony T. DeLuco, M.D., License No. 01043866A, Cause No. 2006 MLB 0013
Michael John Fenelon, M.D., License No. 01035318A, Cause No. 2006 MLB 0016
Sylvester A. Nathan, M.D., License No. 01036281A, Cause No. 2006 MLB 0017

Paul John Russo, D.O., License No. 02001842A, Cause No. 2005 MLB 0062
Respondent did appear in person and was represented by Kent Moore regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

Dr. Russo has been disciplined in the State of Wisconsin. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a LETTER OF REPRIMAND.

Beeson/Holt, 4/0/2, with Dr's. Akre and Barai abstaining

Lamont Anthony Tyler, D.O., License No. 02002708A, Cause No. 2006 MLB 0014
Respondent did appear in person and was represented by Paul Chatzky regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Patrick McCool, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

Dr. Tyler was disciplined in the State of Illinois for a relationship with a patient. An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Patrick McCool, Deputy Attorney General. The agreement included INDEFINITE PROBATION may not request withdrawal until his Illinois license has been fully reinstated. The Indiana probation order will mirror his Illinois probation terms. After having considered the evidence presented and taking official notice of its file in the matter the Board moved to ACCEPT the agreement.

Beeson/Akre, 4/0/1 with Dr. Barai abstaining
(Dr. Barot was not in attendance for this matter)

Kurt A. Wiese, M.D., License No. 01040290A, Cause No. 2006 MLB 0015
Respondent did appear in person and was represented by Dennis Zahn regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Patrick McCool, Deputy Attorney General and the court reporter sworn in matter was Peggy McNamara with Accurate Reporting of Indiana.

Dr. Wiese did not complete the paperwork for the Department of Health after performing an Abortion. An Agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Patrick McCool, Deputy Attorney General. The Agreement included a Censure. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Beeson/Huddleston, 3/0/3 with Dr's. Barot, Barai and Akre abstaining
Motion passed

Arnaldo F. Trabucco, M.D., License No. 01057323A, Cause No. 2005 MLB 0036
Respondent did appear in person and was represented by Thomas Farlow regarding a Petition to Modify Probation Order scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

Pamela Trabucco and Joseph Roache were sworn in as witnesses for the Respondent. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to DENY the petition to modify. Beeson/No second. This vote failed to pass.

After further discussion a motion was made to consider Modification to the terms of Probation. Barai/No second. This vote failed to pass. Dr. Holt abstained from further discussion and voting.

After further discussion a motion was made to DENY the petition to modify.

Beeson/Barot, 4/1/1, with Dr. Barai objecting and Dr. Holt abstaining

Riley J. Snook, M.D., License No. 01053264A, Cause No. 2006 MLB 0024
Respondent did not appear in person and was represented by James Voyles regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included SUMMARY SUSPENSION for a period of ninety (90) days. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Beeson/Huddleston, 6/0/0

Jack Kevin Roll, M.D., License No. 01030836A, Cause No. 2004 MLB 0011
Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

The Respondent was committed for Psychiatric care after trying to commit suicide by overdosing. He has been in several Mental Health programs. The State is unaware of his mental state at this time. After having considered the evidence presented and taking official notice of its file in this matter the Board moved hold the Respondent's license in DEFAULT.

Holt/Huddleston, 6/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION.

Beeson/Huddleston, 6/0/0

Robert C. Richards, M.D., License No. 01060540A, Cause No. 2005 MLB 0017

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

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

Huddleston/Beeson, 6/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION.

Beeson/Huddleston, 6/0/0

Ruth A. Serneels, M.D., License No. 01040023A, Cause No. 95 MLB 0036

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Peggy McNamara with Accurate Reporting of Indiana.

The Respondent is reported to be suffering from substance abuse. She has recently violated several terms of her Kentucky and Indiana orders. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFUALT.

Barot/Holt, 6/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION.

Holt/Huddleston, 6/0/0

REVIEW OF INITIAL APPLICATIONS

The Board reviewed the positive response information on the following applicants and approved them for issuance:

Keith Baugh, M.D.	Milin Desai, M.D.	Jason Dilts, M.D.
Gary Hill, M.D.	Imtiaz Munshi, M.D.	Marcus Raines, M.D.
Christopher Salerno, M.D.	Michael Steckbauer, M.D.	William Tortoriello, M.D.
Jerry Yost, M.D.		

The Board reviewed the positive response information on the following applicants and approved pending additional documentation.

Betty Ouyang, M.D., approved pending KY approves her for a Residency permit.
George Shuert, M.D., approved pending a favorable addictionology evaluation.

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Magdy Ahmad, M.D.	Stacy Bax, M.D.	M. Hytham Beck, M.D.
Richard Butler, M.D.	Jill Jacobs, M.D.	Thomas Schroeder, M.D.
Balaji Venkat, M.D.	Marck Wilson, M.D.	Cassadra Wormack, M.D.

DISCUSSION

Angelica Kokkalis: Findings of Fact and Order – The Board moved to GRANT licensure based upon the ruling of the Marion County Court.

Huddleston/Barot, 5/0/0
(Dr. Barai was not in attendance for this matter)

Xytos proposal for new procedure protocols – Dr. Beeson stated that instead of the Board reviewing protocols they should be approved by an Investigation Review Board such as the following nationally recognized organizations: AAAASF, AAAHC, JCAHO.

The Boards statute IC25.22.5-1-2.1(c) states in part "The Board shall develop protocols for treatments that are provided in a setting other than the inpatient or outpatient hospital setting specified in subsection (b)."

The Board instructed Michael Rinebold, Director, to inform Xytos that they have three options to consider in regards to their non-conventional cancer treatment. These options are:

1. Establish a relationship with a hospital investigation review board
2. Establish a relationship with an independent investigation review board
3. Have facility accredited by one of the following nationally recognized accreditation organizations:
    a. American Association for Accreditation of Ambulatory Surgery Facilities, Inc.
    b. Joint Commission on Accreditation of Healthcare Organizations
    c. Accreditation Association for Ambulatory Health Care, Inc.

The Board will consider adopting a rule to accompany this statue with to include the three terms mentioned above.

Office based Procedures, LSA Document 05-92 – Mr. Rinebold gave each Board member copies of responses from the interested parties and a sample of the revised rule to review. The next step will be to prepare a fiscal impact statement. Interested parties that appeared before the Board were Zack Cattell, ISMA and Elizabeth Cierzniak, Baker & Daniels representing ISA.

Mr. Cattell wanted to include a grandfather provision for those not Board Certified as previously required by the rule. Dr. Beeson stated that the Board Certification requirement should be removed altogether.

The Board thanked everyone for their comments.

There being no further business the meeting adjourned at 6:25 p.m.

Worthe Holt, Jr., M.D., Vice President

William Beeson, M.D., Secretary