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

MINUTES OF FEBRUARY 22, 2007

Worthe Holt, Jr., M.D., President called the meeting to order at 8:40 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present:

Worthe Holt, Jr., M.D., President
N. Stacy Lankford, M.D.,
Navin Barot, M.D., Secretary
Thomas Akre, D.O.
Stephen Huddleston, J.D., Consumer Member
Bharat Barai, M.D.
(arrived at 9:30a.m.)
William Beeson, M.D., Vice 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/Barot, 6/0/0

The Board voted to adopt the minutes of the January 25, 2007 meeting.

Lankford/Barot, 6/0/0

PERSONAL APPEARANCES

INITIAL APPLICANTS

The Board approved the following Personal Appearance recommendations submitted by all attending Board members. Beeson/Huddleston, 7/0/0

Enrique Bursztyn, M.D.
Reginald Puckett, M.D.
James Schreiber, M.D.
Larry Strong, M.D.
Deborah Lubitz, M.D.
Paul Reszel, M.D.
Bryan Stegman, M.D.

The following appeared before the full Board for their scheduled personal appearance.

Robert Barber, M.D. – Dr. Barber appeared before the Board concerning his medical school education information listed on his initial application and represented by John Papageorge. Dr. Barber attended Saba University from 1998-1999. He then transferred and graduated from St. Matthews. He graduated May 2002 at that time St. Matthews was not on the approved, questionable, or disapproved list. In December 2002 St. Matthew's was placed on the disapproved list. He has passed all three (3) steps of the USMLE. After discussion the Board moved to APPROVE Dr. Barber for licensure.

Holt/Barai, 3/3/1 with Dr's Beeson, Lankford & Mr. Huddleston objecting and Dr. Akre abstaining
Tied vote therefore it did not pass

After further discussion, the Board moved to TABLE Dr. Barber's application so that Dr. Barber would have time to enter a fellowship program or obtain further evidence that shows exceptional circumstances.

Holt/Huddleston, 5/0/2, with Dr's. Akre and Barai abstaining

Richard RePass, M.D. – Dr. RePass appeared for his personal appearance regarding his positive response and Medical school information on his initial application and was not represented by counsel. Dr. RePass met with Dr. Lankford one on one. Dr. RePass requested a full Board personal appearance. His personal appearance will be rescheduled. This application was therefore TABLED until June 2007.

CONSENSUS

Samuel Thompson, M.D. – Dr. Thompson appeared for his personal appearance regarding his re-application for licensure and was not represented by

counsel. Dr. Thompson met one on one with Dr. Barai. Dr. Barai requested a full Board personal appearance due to the fact that Dr. Thompson hasn't practiced for the past six (6) years. Dr. Thompson choose not to have the full Board personal appearance and verbally requested that his application be withdrawn. The withdraw request was accepted.

CONSENSUS

The following did not appear for the scheduled personal appearance and will be rescheduled for the March meeting:

Kurt Guindon, M.D.

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Terri Lynn Savage, M.D., License No. 01059566A, Cause No. 2006 MLB 0039
Anthony Deluco, M.D., License No. 01043866A, Cause No. 2006 MLB 0013
Helmut Ahlert, M.D., License No. 01059114A, Cause No. 2005 MLB 0052

Kevin Burns, M.D., License No. 01043507A, Cause No. 2006 MLB 0035
Respondent did appear in person and was represented by Randall Fearnow, J.D., Kelly Green, R.N., J.D. and Travis Friend, J.D. regarding a Motion for Partial Summary Judgment and a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General. Ms. Keifner was assisted by Linda Lay, R.N., Medical Complaint Analyst with the Office of the Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Katherine George and Bethanne George were sworn in as witnesses for the Respondent.

The Board heard evidence and testimony by Katherine George on the Motion for Partial Summary. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to DENY the motion for Partial Summary Judgment on count three (3) of the complaint.

Beeson/Holt, 5/1/1, with Dr. Lankford objecting and Dr. Barai abstaining

The Board adjourned for lunch at 11:30a.m. and reconvened at 12:38p.m.

Katherine Burns testified that her family and Dr. Burns' family had been friends for approximately ten (10) years) and saw each other at the Lake House every summer. She had been sick for approximately two (2) weeks and still had a very bad cough and couldn't sleep. After obtaining the telephone number from Dr. Burns' brother she contacted Dr. Burns to see if he could examine her at the Lake that weekend and give her something to help her sleep. He agreed to see her that Friday night when he arrived.

Katherine and her Mother went to the Burns' resident when Dr. Burns arrived and he listened to her lungs and discussed what kind of medication she was taking. He stated that when she was ready for bed to let him know and he would come over and give her a shot.

Katherine stated that Dr. Burns did not write any notes on her examination nor did he ask if she was allergic to any medications. She received the shot and felt much better on Saturday. She spoke with Dr. Burn's on Sunday and he recommended that she stay and get one more good nights rest before returning to school.

That evening Katherine and her Mother went across the street to Dr. Burns' house where Katherine received another shot to help her sleep. Dr. Burns stated to them that he would be over later to check on her.

Later Dr. Burns visited the George's residence to check on Katherine. She was upstairs asleep in her Mother's bed. Dr. Burns went up by himself to examine Katherine. The Bedroom door was left open; Mrs. George was downstairs. Katherine said she was very groggy but remembers Dr. Burns administering two more shots; one in the arm and one in the buttock. She stated that she remember feeling very uncomfortable as Dr. Burn's had pulled her pants down further than was necessary to receive a shot in the buttock. She stated that she felt what she thought was his penis on her cheek and said she felt him spread her butt cheeks.

Eventually she went to the hospital emergency room where she discussed the incident with the medical staff. The blood tests indicated she still had Verced still in her system.

She also spoke to Detective Helmuth regarding the incident. She stated that no penetration took place therefore the hospital did not do a rape kit on her.

She told Detective Helmuth she couldn't remember seeing anything just remembered what she felt and that codeine made her hallucinate. She also stated that she had shadowed Dr. Burns the summer before and he never had made any kind of remarks or advances that made her feel uncomfortable.

Beth Ann George testified that she is Katherine's Mother and she was in the house during the examination Dr. Burns gave to Katie.

She stated that Dr. Burns was up with Katherine by himself for about 10-15 minutes then he came down to get Katherine's inhaler. He took it up but wasn't up there very long.

She stated that after Dr. Burns left, Katherine came down stairs upset and hyper saying that if Dr. Burns came back she didn't want him to come and see her alone. Beth Ann was very concerned with how Katherine was acting so she set her down and asked that she tell her what happened.

She wrote down everything that Katherine had told her. (Note submitted as State's Exhibit 6) She immediately called her Husband and once he and Katherine's boyfriend arrived at the lake house and discussed what happened Katherine decided to go to the hospital to report the incident.

After Detective Helmuth investigated the incident he gave Katherine the option of going forward with charges or not. She elected not to file charges. Beth Ann also testified that Dr. Burns had treated all of her family including her father while at the lake house over the past eight to ten (8-10) years and as far as she knew Dr. Burns never kept records of the treatments, examinations, or medications. It was a courteous evaluation/treatment and he was not their family physician.

The Board took a break at 3:42p.m. to address the Agenda. After discussion the Board moved to RECESS the Burns hearing until the conclusion of the personal appearances and the conclusion of the Emergency Suspension hearing for Dr. Singh.

Let the record reflect that Dr. Lankford left the meeting at 6:30p.m. after the conclusion of the personal appearances

CONSENSUS

After the completion of the personal appearances the Board reconvened the Burns hearing. An agreement between the Respondent, his counsel and the Office of the Attorney General was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included a CONTINUEANCE of this matter until the April 2007 meeting. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Riley Snook, M.D., License No. 01053264A, Cause No. 2006 MLB 0024
Respondent did appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The Respondent's counsel, James Voyles was in attendance earlier however he had to leave due to a previously

scheduled meeting. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

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 INDEFINITE PROBATION with the following terms:

- Stay compliant with his ISMA contract and complete his ISMA contract before requesting withdrawal.
- Keep the Board informed of place of employment and supervisors information and number of hours worked per week
- He must provide all employers with a copy of the order. They must sign and return a copy of the order to the Board within seven (7) days.
- Submit monthly reports from Supervisor.
- Keep the Board informed of his criminal case in writing.
- Quarterly personal appearances.
- Continue AA/NA meetings and send proof to the Board on a monthly basis.
- Shall continue to see Dr. Moe and Dr. Moe is to send monthly reports to the Board
- May not have access to any controlled substances in the workplace.
- Respondent agrees to pay for a transcript of this hearing to be placed in his litigation file.

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

Charles Canver, M.D., License No. 01060317A, Cause No. 2006 MLB 0040
Respondent did not appear in person and was not represented by counsel 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 Sherri Rutledge, with Andy Rutledge Reporting.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Huddleston/Beeson, 6/0/0

Jeffrey Michael Seizys, M.D., License No. 01043925A, Cause No. 2000 MLB 0021
Respondent did appear in person and was not represented by counsel regarding a Petition to Modify Probation scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Andy Rutledge Reporting.

Dr. Seizys was placed on Probation in 2004 for substance abuse. He is in an active recovery program and goes to four (4) meetings per week. He continues to go to RUSH after program as he feels this is the best thing for him. He does not plan to do on-call nor will he work form than fifty (50) hours per week. He wished to re-take his Boards in Family Practice and will not be able to do so if he has a license that has work restrictions. He is requesting that the Board modify his order be modify by removing the night call section and removing the limitation of working fifty (50) hours per week.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved MODIFY his order by deleting the last sentence in paragraph (e) "shall not be on night call" and eliminating Paragraph (f) limiting him to fifty (50) hours of work in any week.

Beeson/Akre, 6/0/0

Arnoldo F. Trabucco, M.D., License No. 01057323A, Cause No. 2005 MLB 0030

Respondent did appear in person and was represented by Thomas Farlow, Esq. regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Let the record reflect that Dr. Holt recused himself from this hearing.

Dr. Trabucco informed the Board that he has closed his practice in Indiana and moved to New York to care for his Father who is in ill health. He stated that he is not going to seek renewal of his Indiana license when it expires June 30, 2007. He is requesting to have his probation lifted so he will not have to fulfill the terms while living and practicing in New York.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to MODIFY his terms of Probation by eliminating all reporting requirements and personal appearances. His license will continue on Probation until the time limit placed on it by the Board is up and then he can request to have the Probation lifted.

Beeson/Huddleston, 5/0/1, with Dr. Holt abstaining

Kirnjot Singh, M.D., License No. 01047531A, Cause No. 2007 MLB 0005

Respondent did appear in person and was represented by Peter Pogue, Esq. 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 Sherri Rutledge with Andy Rutledge Reporting.

Jamie Schultz and Deborah Miller were sworn in as witnesses for the State.

Ms. Schultz testified that she worked with Dr. Singh in the Operating room. In July 2004 an incident occurred where Dr. Singh was standing behind her and he put his hand inside her scrub shirt and began rubbing her shoulder. She pinched his hand until he removed his hand. She did report this incident but agreed to continue to work with him. In May 2006 Dr. Singh contacted her employment and informed them that he would no longer work with Ms. Schultz and for them to send someone else. She also indicated that Dr. Singh's demeanor was very erratic in that he would be fine and then suddenly be very upset. This is the only incident that occurred with Dr. Singh.

Deborah Miller testified that in October 2005 she was examined by Dr. Singh and in their conversation she informed him she was a massage therapist. He asked her to come back after his patient load was complete to discuss the possibility of referring patients to her for massage therapy. She agreed to meet him. He asked her to come to the back door and knock and he would let her in. When she returned for the meeting it looked like everyone was gone for the day. He took her to an examining room where he eventually proceeded to touch her inappropriately and exposed himself to her and asked her to do inappropriate things. She also stated that he ejaculated on her top during his exposure. She stated that after this incident he called her several times. She told the Board that she didn't leave right away because she thought she could reason with him.

Dr. Singh informed the Board that he is in a solo practice. He did not deny that he ejaculated on Ms. Miller in 2005. He indicated that he gave a taped statement to the Police regarding the incident. He also stated that he had a brief relationship with two (2) employees of a Hospital that he worked at but is now currently engaged to be married.

Respondent's attorney moved to dismiss the Summary Suspension charges as there is no evidence that the Respondent represents a clear and immediate danger to the health and safety of the public.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the Petition for Summary Suspension.

Holt/Barai, 5/0/1, with Dr. Barot abstaining

REVIEW OF INITIAL APPLICATIONS

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

Ana Bircher, M.D. Tiyonnoh Cash, M.D. Mohamed Dardari, M.D.
Nafiseh Farzin Nasab, M.D. Nabil Fayad, M.D. Francisco Ferraz, M.D.
David Hunter, M.D. John Krautmann, M.D.
Balasubramanyan Napa, M.D.
Eric Schreiber, M.D. David Tao, M.D. Mohammad Toor, M.D.

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

Joel Nunley, M.D. Andrew Rhodes, D.O.
Jeffrey Waesche, M.D. George Zoret, M.D.

DISCUSSION

Office Based Procedures Rule: A round table discussion was held with representatives from the following national accreditation groups: AAAHC, AAAASF, the Joint Commission, HFAP and other interested parties concerning the Office Based Procedures Rule. Each representative gave a brief overview of their accreditation program and answered questions from the Board and other interested parties.

Dr. Beeson gave a list of questions he would like each group to respond to.

The Board thanked everyone for their participation and information on all the different programs.

There being no further business the meeting adjourned at 9:50 p.m.

Worthe Holt, JR., M.D. President

Navin Barot, M.D., Secretary