

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
302 WEST WASHINGTON STREET
CONFERENCE CENTER ROOM C
INDIANAPOLIS, INDIANA 46204**

MINUTES OF AUGUST 28, 2008

Stephen Huddleston, J.D., President called the meeting to order at 8:50 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Bharat Barai, M.D.
Robert Allen, M.D.
Thomas Akre, D.O., Secretary
Worthe Holt, Jr., M.D.
Donald Vennekotter, M.D.

Members Absent: Navin Barot, M.D., Vice -President

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

ADMINISTRATIVE HEARINGS

Elmer Manalo, M.D., License No. 01040595A, Cause No. 2007 MLB 0025
(Hearing was recessed at 4:35 p.m. and reconvened on Thursday August 28, 2008)

Respondent did appear in person and was represented by Mary Wunder regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Jason Tortorici, Special Agent with Alcohol, Tobacco and Firearms (AFT) was sworn in as a witness for the State of Indiana.

The Board heard Special Agent Tortorici's testimony.

Laurie Kaufmann, DEA Diversion Investigator was sworn in as a witness for the State of Indiana. Ms. Kaufmann has been a Diversion Investigator for 20 years and was the lead investigator for this case.

The Board heard Investigator Kaufmann's testimony.

The Board recessed for a break at 9:55 a.m. and reconvened at 10:05 a.m.

Theresa Ripperger, R.N. was sworn in as a witness for the State of Indiana. Ms. Ripperger has been a nurse in Dr. Manalo's office for the past nine and one-half (9 ½) years.

The Board heard Ms. Ripperger's testimony.

The Board recessed for lunch at 11:50 a.m. and reconvened at 1:30 p.m.

Dr. Manalo resumed the stand for further testimony.

The Board heard Dr. Manalo's testimony

The Board recessed for a break at 3:40 p.m. and reconvened to hear closing statements at 3:50 p.m.

The Board heard closing statements from both sides and closed the hearing for deliberation.

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration the Board agreed to vote on each count separately before coming to a decision on the penalty.

After discussing Count 1 the Board moved to find the Respondent guilty of the count 1 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 2 the Board moved to find the Respondent guilty of count 2 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 3 the Board moved to find the Respondent guilty of count 3 violation after the deletion of the following section in the last sentence... "and without procuring a urine drug screen which would have indicated that Yordy was not consuming the controlled substances Respondent was prescribing to her"

Mr. Huddleston called the vote: 6/0/0

After discussing Count 4 the Board moved to find the Respondent guilty of count 4 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 5 the Board moved to find the Respondent guilty of count 5 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 6 the Board moved to find the Respondent guilty of count 6 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 7 the Board moved to find the Respondent guilty of count 7 violation.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 8 the Board moved to find the Respondent guilty of count 8 violation after the following deletion: In the first sentence where it says "as evidenced by the Respondent's prescribing of controlled substances to individuals including Yordy, TFO1 etc....the Board requests that "Yordy" be deleted from the sentence.

Mr. Huddleston called the vote: 6/0/0

After discussing Count 9 the Board moved to find the Respondent guilty of count 9 violation after deleting "during normal office hours" at the end of that count.

Mr. Huddleston called the vote: 5/1/0, with Dr. Allen Objecting

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration in this matter the Board moved to permanently REVOKE the Respondent's medical license.

Holt/Huddleston, 6/0/0
Motion carries

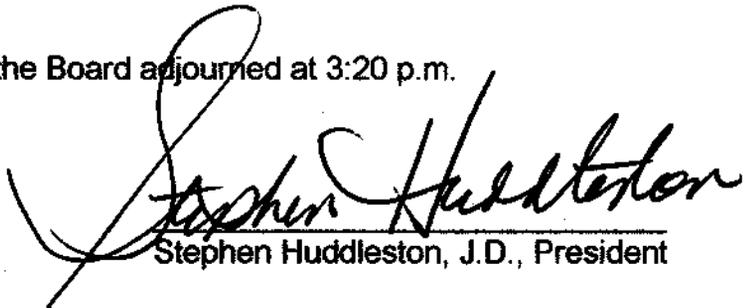
OLD BUSINESS/NEW BUSINESS

Flowchart regarding approval procedures for applicants from foreign medical schools – Ms. Kelley presented a flow chart of how the Board will handle applicants of foreign medical schools. Ms. Kelley stated that Ms. Edens prepared the chart for the Board. The Board thanked Ms. Edens for her excellent preparation of the flowchart.

Dennis Richmond, M.D. requesting retirement status – Dr. Richmond requested by letter that his license be placed on retired status due to his health issues. After discussion the Board moved to APPROVE this request.

CONSENSUS

There being no further business the Board adjourned at 3:20 p.m.



Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary