

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

MINUTES OF DECEMBER 3, 2009

Stephen Huddleston, J.D., President called the meeting to order at 9:30 a.m. and declared a quorum in accordance with IC 25-22.5.

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

1 position is currently vacant

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

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Thomas Akre, D.O., Donald Vennekotter, M.D.

Barai/Allen, 4/0/0
Motion carries

The Board voted to adopt the minutes of the October 22, 2009 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Thomas Akre, D.O., Donald Vennekotter, M.D.

Allen/Barai, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Ravi K. Velisetti, M.D., License No. 01030498A, Cause No. 2009 MLB 0030

Gregory Carpenter, M.D., Cause No. 2009 MLB 0028

Respondent did not appear in person and was represented by counsel Brian Jent, regarding an Appeal of Denial of an Initial Application scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

The Respondent's first request is to have the Board reconsider his waiver request based upon the fact that the evidence presented stated he has not practiced for 10 years verses the 9 years that was put into record at his previous hearing.

After discussion the Board moved to DENY the Respondent's request for reconsideration of the Board's denial of his waiver request.

Allen/Akre, 5/0/0
Motion carries

The Respondent's second request is that if the denial of the waiver request is upheld would the Board consider deleting the second reason for denial that pertains to being physically and mentally fit to practice.

After discussion the Board moved to DENY the Respondent's request for a change in reasons for the licensure denial.

Akre/Allen, 5/0/0
Motion carries

Brion Bertsch, M.D., License No. 01031910A, Cause No. 2007 MLB 0006

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Candace Backer, Indiana State Medical Association Impaired Physicians Program was sworn in as a witness.

Respondent's contract with ISMA was closed due to a relapse with alcohol. His relapses occurred at home, he was never impaired while working.

Respondent admitted that he did not report his relapse to the Board.

Ms. Backer testified that the Respondent just signed a new ISMA contract on November 19, 2009 and that ISMA does support his return to work.

After having considered the evidence presented and taking official notice of its file in this matter, the Board found that the Respondent did violate the following items in his Probationary Order:

G. Respondent shall remain compliant with all terms of his contract with the Indiana State Medical Association's Physician Assistant Program

H. Respondent has a duty to notify the Board in writing within twenty-four (24) hours of any relapse.

The Board moved to reinstate his existing Indefinite Probationary Order and add the following requirements to the existing requirements:

1. Maintain contract with Psychotherapist.
2. Employment is restricted to current employer (Correctional Medical Services). Should he wish to change employment in the future he will need to request a hearing before the Board to modify his probationary order.

Akre/Barai, 6/0/0
Motion carries

Daniel Scott Dietrich, M.D., License No. 01053360A, Cause No. 2008 MLB 0042

Respondent did appear in person and was represented by counsel Barclay Wong and Jennifer Strange, regarding a Request to Reinstate scheduled before the Board. The State of Indiana was represented by Thomas McGee, 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Respondent's license in California was placed on probation, for 5 years, based on the action taken by the United States Air Force.

The Air Force gave him a reprimand and dismissed him. He lost all bonuses, and was incarcerated for thirty (30) days serving only twenty-four (24) for good behavior.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to reinstate the Respondent's license on INDEFINITE PROBATION and may not withdraw probation until the California probation has been withdrawn. He is also imposed with the following terms and conditions:

- Comply with his California probation order
- May not actively practice in Indiana. If he wishes to practice in Indiana, he must petition the Board for a hearing for the Board to determine what modifications to his Indiana probation would be appropriate.
- Cost of transcript, payment due within 3 months of notification
- Psychiatric report to be submitted to the Indiana Board upon completion
- Upon completing the ethics course required by his California probation, he needs to submit to Indiana a copy of the completion certificate.

Barai/Allen, 6/0/0
Motion carries

Perry (Perrin) Thomas Dobyys, M.D., License No. 01056477A, Cause No. 2009 MLB 0022

Respondent did appear in person and was not represented by counsel regarding a Request to Modify the Order of Probation. The State of Indiana was represented by Thomas McGee, 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Candace Backer, Indiana State Medical Association Impaired Physicians Program, was sworn in as a witness.

The Respondent's medical license is currently on Indefinite Probation. His order states:

- (a) He shall not practice medicine in Indiana until he has a favorable recommendation from the Indiana State Medical Association's Physician Assistant Program at which time he may petition the Board for modification of his probation that may allow him to resume practice.

- (b) If his probation is modified after a hearing on the petition described in paragraph a, the modification may include whatever terms and conditions the Board deems appropriate at the time to govern his practice of medicine in Indiana.

He is requesting modification of his probationary order in order to practice here in Indiana.

Ms. Backer testified that the Respondent went to Resurrection and signed a contract with ISMA on November 23, 2009. The contract is for 5 years.

Ms. Backer also stated that ISMA is in favor of his return to work. She also stated that in the last two (2) months he has had a negative hair screen and has had approximately four (4) negative urine drug screens.

He has completed 110 CME's since December of 2008.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter, the Board moved to MODIFY the Order of Probation as follows:

- Item (a) in his current order is deleted.
- He has been approved to practice in Indiana.
- Must remain compliant with his ISMA contract
- Report a relapse to the Board within twenty-four (24) hours
- Limited to a forty (40) hour work week
- Must practice in a double coverage situation
- Must pay for a copy of the transcript

Vennekotter/Holt, 6/0/0
Motion carries

Leonard Green, M.D., License No. 01027059A, Cause No. 2003 MLB 0032

Respondent did appear in person and was not represented by counsel regarding a request to Withdraw the Order of Probation. The State of Indiana was represented by Thomas McGee, 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Kristen Kelley, Board Director was sworn in as a witness.

Dr. Green informed the Board that he has been sober for six (6) years. He voluntarily signed an additional one (1) year monitoring contract with the Mississippi impaired program.

He is currently completing his third year in a family practice residency program.

His license in Wisconsin is active.

Ms. Kelley testified that he has complied with all terms of his probation order.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter, the Board moved to WITHDRAW the Order of Probation.

Allen/Holt, 6/0/0
Motion carries

James Kemper, D.O., License No. 02003436A, Cause No. 2008 MLB 0044

Respondent did appear in person and was represented by counsel Ken Smith, regarding a Request to Withdraw the Order of Probation. The State of Indiana was represented by Thomas McGee, Deputy Attorney 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Kristen Kelley, Board Director and Steven Hilpipre, Associate Vice President with Fayette Health Care, were sworn in as witnesses.

Mr. Hilpipre testified that the Respondent gets along with all staff and supervisors and he has not had any complaints against him. He has had no disciplinary action.

Ms. Kelley testified that the Respondent was current with his terms of probation with the exception of his November Controlled Substances log.

Dr. Kemper submitted his November log at this time. The Board reviewed the log and had concerns that he is still prescribing too many controlled substances.

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to WITHDRAW the Order of Probation.

Holt/Akre, 3/3/0, with Dr's Barai, Vennekotter and Allen objecting

Motion fails

After further discussion the Board moved to DENY the Respondent's request to Withdraw Order of Probation.

Akre/Barai, 4/2/0, with Dr. Holt and Mr. Huddleston opposing
Motion carries

Christopher Nelson, M.D., License No. 01050912A, Cause No. 2009 MLB 0049

Respondent did appear in person and was represented by counsel Robert Saint, regarding a Request to Reinstate his license. The State of Indiana was represented by Thomas McGee, 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Kristen Kelley, Board Director, Fred Frick, M.D., Medical Consultant for Indiana State Medical Association Impaired Physicians Program and Michael Mitcheff, M.D. were sworn in as witnesses.

Ms. Kelley testified that she spoke with Karin Parag at the Michigan Medical Board and he stated that Dr. Nelson's medical license was reinstated as a limited license for three (3) years and placed on one (1) year of probation. The official order will not be complete for a few weeks. As part of his limitations, he is restricted from practicing as an anesthesiologist.

Dr. Mitcheff testified that he wishes to employ Dr. Nelson. He stated that Dr. Nelson has done some recent shadowing at the Plainfield Correctional Facility and did an excellent job. He has completed 100 plus hours in Continuing Medical Education.

Dr. Frick testified that Dr. Nelson has more than six (6) months of compliance with his ISMA contract and they support his reinstatement and employment with Dr. Mitcheff.

The Respondent informed that Board that he has not had any malpractice actions. He stated he signed a five (5) year contract with ISMA and has been in compliance.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter, the Board moved to REINSTATE the

Respondent's license on INDEFINITE PROBATION with the following terms and conditions:

- Maintain compliance with his ISMA contract
- Quarterly reports from ISMA shall be submitted to the Board
- Shall not practice anesthesiology
- Maintain compliance with his Michigan probation order
- Submits copy of Michigan order before our order will take effect
- Submit quarterly supervisory reports
- He shall work in a correctional employment setting and his employment agreement must be approved by the Board through its designee, Board member Dr. Worthe Holt.
- Supervising physician must submit quarterly written reports to the Board
- May not practice until the Board designee approves employment and we obtain a copy of the Michigan order.
- Pay for cost of transcript

Allen/Barai, 6/0/0
Motion carries

**Richard Maxwell Sandefur, M.D., License No. 01030934A, Cause No. 2009
MLB 0014**

Respondent did appear in person and was represented by counsel David Miller, regarding a Disciplinary 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

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

- Must have employer submit reports addressing professional competence, sense of responsibility, work habits, mental attitude, ability to work with others and a chaperone log. First report is due within 30 days of the Board's order, then once a month for the next 6 months and quarterly thereafter.
- Respondent shall complete the CME course in professional boundaries through Professional Boundaries, Inc. in Atlanta, GA. He must submit proof of completion to the Board.
- Must continue to see a therapist until the therapist deems it not necessary.
- Pay for a copy of the transcript.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to ACCEPT the Settlement Agreement.

-Barai/Holt, 4/1/1, with Dr. Akre opposing and Dr. Vennekotter abstaining
Motion carries

Leslie Scholl, M.D., License No. 01037897A, Cause No. 2009 MLB 0002

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

The Respondent is currently in incarcerated in Chicago awaiting transfer to his final prison location.

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.

Akre/Barai, 6/0/0
Motion carries

The Board further moved to extend the SUMMARY SUSPENSION for an additional period of ninety (90) days.

Akre/Holt, 6/0/0
Motion carries

Andrew Zabiega, M.D., License No. 01058596A, Cause No. 2009 MLB 0033

Respondent did appear in person and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement included VOLUNTARY and PERMANENT SURRENDER of his Medical License.

After having reviewed the agreement and taking its file into consideration the Board moved to ACCEPT the settlement agreement.

Holt/Allen, 6/0/0
Motion carries

Phillip Delano Foley, M.D., License No. 01019413A, Cause No. 2009 MLB 0031

Respondent did not appear in person and was not represented by counsel regarding a Petition to Renew Summary Suspension scheduled before the Board. The State of Indiana was represented by Terry Richmond, Director, Medical Licensing Section, Attorney General's Office 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., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

After having considered the evidence presented and taking its file into consideration the Board moved to RENEW the SUMMARY SUSPENSION for an additional period of ninety (90) days.

Barai/Vennekotter, 6/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following did not appear for their scheduled personal appearance:

Faidherbe Ceus, M.D., Initial application
Jose Gabriel, M.D., Initial application

The following was continued:

F. Thomas Day, M.D., Initial application

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath.

Alan Kaiser, M.D. – Dr. Kaiser appeared before the Board regarding positive responses on his application for reinstatement and was not represented by counsel.

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

Dr. Kaiser's license renewal was denied by the Board in 2003.

Dr. Kaiser explained that he did not appear as he was incarcerated. He was sentenced to confinement for a period of thirty (30) years. He was ordered to serve six (6) years confinement and the remainder may be served on probation with conditions.

Dr. Kaiser's Georgia license was placed on indefinite suspension and his Federal court order stated that he could not practice medicine in the State of Georgia or the contiguous States.

During discussion the Board stated that Dr. Kaiser would need to get his Georgia license reinstated as well as have the criminal probation order revised indicating that he can practice in Georgia or the contiguous states.

The Respondent requested to withdraw his application to allow him ample time to complete the Board's requests.

After discussion the Board moved to GRANT the Respondent's request to WITHDRAW.

CONSENSUS
Motion carries

Evrett Smith, M.D. – Dr. Smith appeared before the Board regarding his work history in conjunction with his request for reinstatement of his license and was not represented by counsel.

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

Dr. Smith has not practiced since 2000. He wants to do volunteer work and must have an active license to do so.

During discussion the Board informed Dr. Smith that he would need to take the SPEX examination and do some kind of mini residency or be evaluated by one of

the Board accepted programs which include CPEP, PACE or Florida University Program.

Dr. Smith requested to table his application to give him time to obtain the evaluation and to take the SPEX examination.

After discussion the Board moved to TABLE Dr. Smith's application.

CONSENSUS
Motion carries

REVIEW OF INITIAL/RENEWAL APPLICATIONS

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

The Board reviewed the positive response information on the following applicant(s) and approved them for renewal/issuance: Allen/Holt, 6/0/0 Motion carries

Timothy Watkins, M.D.

Venkata Puppala, M.D.

The Board reviewed the positive response information on the following applicant(s) and requested a personal appearance: Allen/Barai, 6/0/0 Motion carries

Peter Coleman, M.D.
Raje Janho, M.D.

David Nebbeling, D.O.
Alok Gupta, M.D.

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Holt/Allen, 6/0/0 motion carries

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

Brandon Fultz, 10001066A
Thomas Moretti, 10001037A
Benjamin Sigwarth, 10001062A
Sarah Wilson, 10000903A
Kurt Kramer, 10000981A

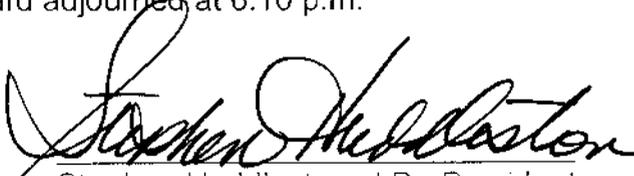
Kimberly Harvey, 10001047A
Jennifer Peck, 10001012A
Cassie Steck, 10001039A
Heather Sickafoose, 10000962A
Julie Gabet, 10001040A

DISCUSSION

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

DEA – proposed rule regarding Locum Tenens Registration – The Board reviewed the memo from the DEA and no comments were made.

There being no further business the Board adjourned at 6:10 p.m.



Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary