

**MINUTES FROM THE MEETING OF THE
MEDICAL LICENSING BOARD OF INDIANA**

**THURSDAY, JANUARY 26, 2023
8:30 a.m.**

**Indiana Professional Licensing Agency
Room W064
402 West Washington Street
Indianapolis, Indiana 46204**

I. Call to Order and Establishment of Quorum

8:30 a.m.

The Board was called to order at 8:46 a.m.

Board Members Present for Voting (unless otherwise noted):

John Strobel, MD
Kirk Masten, DO
Victoria McMann, JD
Heidi Dunniway, MD
Frank Messina, MD
Rebecca Mueller, MD – left meeting at 4:00 p.m.
Bharat Barai, MD was present virtually

PLA Staff Present:

Alyssa Servies, JD, MPH
Evan Bartel, JD
Zharia Collins
Christine Cowdin
Douglas Boyle

Advisory Counsel:

Adam Harvey, JD

II. Election of Officers

The Board members voted by consent to keep officers the same.

John Strobel, MD – Board President
Kirk Masten, DO – Vice President and Board Liaison
Victoria McCann, JD – Secretary

III. Adoption of the Agenda

A motion was made and seconded to adopt the amended agenda.
Mueller/Masten 7-0-0.

IV. Adoption of the Minutes

1. May 26, 2022. A motion was made and seconded to adopt the minutes. Messina recused. Mueller/Masten 6-0-0.
2. December 1, 2022. A motion was made and seconded to adopt the minutes. Mueller/Masten 7-0-0.

V. Personal Appearances

1. Shweta Patel: Patel did not appear and will need to be rescheduled.
2. Traci French: French appeared on an initial application for positive responses. French disclosed she was dismissed from her employer in Texas after receiving poor customer service scores from patients. Her employer wanted her to write positive responses for herself, but she refused. French also disclosed that in August 2022, a complaint filed against her from Humana about the genetic testing she was doing for patients with cancer. The matter was investigated by the Texas Board investigated and found no issues with the testing. French currently works for a virtual primary care company out of Austin. She will be practicing primary care in Indiana. She's been in practice since 2001 and has 20 other active, unencumbered licenses. Masten/Messina 7-0-0.
3. Jonathan Thompson: Thompson was continued and will be rescheduled at a later date
4. Kingsley Ozoude: Ozoude requested a waiver related to examination attempts. The application was tabled for a later board appearance.
5. LynAriane Lucas: Lucas requested a waiver related to examination attempts. The application was tabled for a later board appearance. Has testing difficulties
6. Adnan Kiani: Kiana was continued and will be rescheduled at a later date.

VI. Discussion Items

1. OAG Report

The OAG Report was presented by Medical Licensing Section Chief, Mary Hutchison.

2. Director's Report

The Director's Report was presented by Board Director, Alyssa Servies.

3. FSMB Annual Meeting

Dr. Mueller will represent the MLB as a voting delegate at FSMB's annual meeting. She will attend virtually.

4. For Review: Proposed Rules of the Behavioral Analyst Committee

The Proposed Rules were presented by Cindy Vaught, Committee Director and Jessica Hartman, Committee Chair. A motion was made and seconded to approve the proposed rules. Mueller/Dunniway 7-0-0.

VII. Administrative Hearings

9:30 a.m.

A. Petitions To Withdraw or Modify Probation

1. **David E. Cook, M.D., 01083153A**

Cause No.: 2019 MLB 0043

Re: Probation Withdrawal

DAG: No DAG

Respondent: Present with counsel, Shelley Jackson

Witness(es): David E. Cook, MD

Exhibit(s):

Exhibit A: Order Granting Initial License on Probation

Exhibit B: Employer's Letter for Consideration

Exhibit C: Psychological Evaluation

Exhibit D: Quarterly Reports from his Clinical Mentor

Exhibit E: Notification of move to Utah

Exhibit F: Agreement with Illinois Medical Board

Exhibit G: Continuing Medical Education

A motion as made and seconded to withdraw the probation.

Barai/McCann 7-0-0.

2. **Perrin T. Dobyys, M.D., 01056477A**

Cause No.: 2013 MLB 0033

Re: Probation Modification

DAG: Alex James

Respondent: Present with counsel, Elliot Pinkie

Witness(es): Perrin Dobyys, MD

Exhibit(s):

Exhibits A through D: Admitted at previous hearing

Exhibit E: Physician Retraining and Reentry (PRR) Program Overview and Case Studies

A motion as made and seconded to modify the probationary order to remove the requirements related to the residency program and replace with board approved reentry program, which would allow him to enter a pathway to board certification eligibility. Masten/Dunniway 7-0-0.

3. **Jay K. Joshi, M.D., 01074818A**

Cause No.: 2018 MLB 0005

Re: Probation Withdrawal

DAG: Ryan Eldridge

Respondent: Present with counsel, Geoffrey Giorgi

Witness(es): Jay K. Joshi, MD

Exhibit(s):

Exhibit A: Neurological Testing Results

Exhibit B: Proctor Approval

Exhibit C: Monthly Reports

Exhibit C-1: Proctor Letters and Proctor Education Plan Completion

Exhibit D: Confirmation of Release from Probation/Supervised Release

State's Exhibit 1: IPLA Affidavit

A motion was made and seconded to withdraw the probation. Barai/Masten 7-0-0.

B. Petitions for Summary Suspension

1. **Scott Mimms, M.D., 01068514A**

Cause No.: 2023 MLB 002

DAG: Amy Osborne and Brittany McMahan

Respondent: Present with counsels, David Jose, and Mary Watts

Witness(es): Kathryn Daggett, OAG Investigator

Jason Cacioppo, MD, Surgeon with Community Hospital

Carolyn Rowe, OAG Investigator

Vanessa Beck

Scott Mimms, MD

Exhibit(s):

Exhibit A: Response to Consumer Complaint

Exhibit B: Email Correspondence

Exhibit C: Additional Email Correspondence

Exhibit D: List of Ambulatory Surgical Centers

Exhibit E:

Exhibit F: Website of Renew Med Spa

Exhibit G: Transcript of Deposition

Exhibit H: Consumer Complaint filed by Vanessa Beck

Exhibit I: Medical Records from Community Health*

*Admitted over Objection from Respondent's counsel

- Exhibit 1: Testimonials from Patients
- Exhibit 2: Print out of Medical Malpractice Report from IDOI
- Exhibit 3: Website of Carmel Cosmetic & Plastic Surgeons
- Exhibit 4: Website of Gillian Institute

A motion was made and seconded to summarily suspend the license for a period of 90 days. Masten/Mueller 7-0-0.

2. William D. Moore, M.D., 01043323A

Cause No.: 2023 MLB 001

DAG: Carah Rochester and Certified Legal Intern Kathryn Daggett, supervised by Mary Hutchison

Respondent: Present with counsel, Ronald Mingus

Witness(es): Stephanie McKinley, RN

Shelby Haisley, LCSW

Megan Stroup, Therapist

Ashley Felver, HR Assistant for Blackford County

Courtney Clem

Suzette Morton, RN

Joshua Maller, Detective with the Indiana State Police

William Moore, MD, Respondent*

*Asserted his fifth amendment privilege against self-incrimination, except when spelling his name for the record. The State requested that the Board take a negative inference from his invocation.

Exhibit(s):

Exhibit A – Facebook Post made by Patient A

A motion was made and seconded to summarily suspend the license for a period of 90 days. McCann/Dunniway 6-0-0.

C. Final Hearings

1. James E. Jenison, M.D., 01035567A

Cause No.: 2021 MLB 0014

DAG: Sha'na Harris Terry and Mary Hutchison

Respondent: Present with counsel, Allyson Breeden

Witness(es): Cathy Raber, RN

Ashley Gates

Keli Williams Blair

Elizabeth Elpers

Brittany Snow, OAG Investigator

Terri Daugherty

Exhibit(s):

Exhibit A: Redacted Consumer Complaints

Exhibit B: Redacted Victim 1 Full Medical Documents

Exhibit B-1: Redacted Victim 2 June 12, 2019, Visit Records
Exhibit C: Redacted Victim 2 Full Meds Records
Exhibit C-1: Redacted Victim 2 March 20, 2019, and August 29 2018 Visit Records
Exhibit D: Redacted Victims 3 – 5 Full Medical Records
Exhibit D-1: Victim 3 May 19, 2019, Visit Records
Exhibit D-2: Victim 5 June 20, 2019, Medical Records
Exhibit E: Emergency Suspension Order
Exhibit F: CSR from MyLicense (Licensing Software)
Exhibit G: INSPECT Report
Exhibit H: Redacted St. Vincent Employment Records*
*Respondent's counsel objected to the admission of portions of the record because of hearsay and unavailability of witnesses. The board admitted the exhibit over the objection.
Exhibit I: Redacted Brown Statement with Signed Affidavit
Exhibit J: Redacted Police Reports
Exhibit K: October 18, 2019, Brian Turpin Email*
*Respondent's counsel objected to the admission of portions of the record because of hearsay and unavailability of witnesses. The board admitted the exhibit over the objection.
Exhibit L: Jenison Response
Exhibit M: 2019 PLA Renewal Applications
Exhibit N: Redacted Statement Ashley

Exhibit 1: Supplemental Case Report by Brian Turpin
Exhibit 3: Gates Letter
Exhibit 4: Gates AG Complaint
Exhibit 8: Affidavit of Lisa Rauscher
Exhibit 9: Affidavit of Kellie Snyder
Exhibit 10: Affidavit of Sheila Jordan
Exhibit 11: Affidavit of Keith Vonderahe
Exhibit 12: Brown Records
Exhibit 14: Elpers Records
Exhibit 15: Gates Records

Count 1: A motion was made and seconded for positive findings on the count and that the state met its burden.
McCann/Barai 5-0-0.

Count 2: A motion was made and seconded for positive findings on the count and that the state met its burden.
Strobel/McCann 5-0-0.

Count 3: A motion was made and seconded for positive findings on the count and that the state met its burden.
Barai/McCann 5-0-0.

Count 4: A motion was made and seconded for positive findings on the count and that the state met its burden.
Barai/McCann 5-0-0.

Count 5: A motion was made and seconded for positive findings on the count and that the state met its burden.

McCann/Barai 5-0-0.

Count 6: A motion was made and seconded for positive findings on the count and that the state met its burden.

Messina/Masten 5-0-0.

Count 7: A motion was made and seconded for positive findings on the count and that the state met its burden.

Barai/Messina 5-0-0.

A motion was made and seconded to revoke the license.

McCann/Masten 5-0-0.

Dr. Mueller and Dr. Dunniway recused

Evan Bartel, PLA General Counsel, served as Board Director

VIII. Adjournment

Upcoming Board Meeting Dates

February 23, 2023

March 23, 2023

April 27, 2023

May 25, 2023

June 22, 2023

July 27, 2023

August 24, 2023

September 28, 2023

October 26, 2023

December 7, 2023