

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

MINUTES OF MARCH 22, 2018

John Strobel, M.D., President, called the meeting to order at 8:30 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: John Strobel, M.D., President
Kirk Masten, M.D., Vice President
Victoria McCann, J.D., Secretary
Bharat Barai, M.D., Member
Rebecca Mueller, M.D., Member (in at 8:57 a.m.)
Scott Green, M.D., Member
Michael Busk, M.D., Member

Staff Present: Darren R. Covington, J.D., Board Director
Professional Licensing Agency
Kimberly A. Letko, Assistant Board Director
Professional Licensing Agency
Gordon White, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Scott Green, M.D., Michael Busk, M.D.

Masten/Green, 6/0/0
Aye's: McCann, Masten, Strobel, Busk, Barai, Green
Motion carries

The Board voted to adopt the minutes of the February 22, 2018 meeting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Scott Green, M.D., Michael Busk, M.D.

Masten/Busk, 6/0/0
Aye's: McCann, Masten, Strobel, Busk, Barai, Green
Motion carries

FULL BOARD APPEARANCES

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Scott Green, M.D., Michael Busk, M.D.

Candace Backer, Physician Assistance Coordinator, Indiana State Medical Association, appeared before the Board to give an overview of the Indiana State Medical Association's Physician Assistance Program (ISMA PAP).

Ms. Backer stated that ISMA PAP has 13 district representatives around the state that meet quarterly. Sixty percent of the physicians that ISMA PAP sees are there due to substance abuse. The other forty percent are seen for other issues.

Ms. Backer explained the process ISMA PAP has for working with a physician. This process involves sending them for a comprehensive assessment at one of their approved programs throughout Indiana and neighboring states. An assessment includes, but not limited to, psychiatric evaluations, medical history and physical and collateral data. She mentioned that Positive Sobriety, Inc. in Chicago, Illinois is the closest program to Indiana that they utilize for comprehensive physician assessments who are being monitored for substance abuse. A contract is signed between ISMA PAP and the physician. The contract length is determined by ISMA PAP.

Ms. Backer stated that they have seen a rise in distressed physicians related to certain types of psychosis issues including, but not limited to, burnout or suicide issues and ISMA PAP closely works with psychiatrists to monitor this. Physicians who are being monitored for these types of issues typically have a work-side monitor or mentor to help with the program.

Ms. Backer also stated that ISMA PAP works with physicians who have been disciplined for having patient relations that are personal in nature, violating ethical boundaries. They have treatment programs that are specifically tailored to these types of physicians. Comprehensive teams of people are put together for these physician by ISMA PAP.

Ms. Backer also stated that ISMA PAP will also handle comprehensive assessments for physicians with alleged dementia issues.

Ms. Backer concluded with issues that may arise with a physician who is non-compliant with their ISMA PAP contract. If the physician fails to meet the terms of the contract, ISMA PAP will write a comprehensive letter summarizing why the Physician is non-compliant and submit it to the Board Director. The Board Director will then file a complaint with the Attorney General's office.

DISCUSSION

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Retirement/Surrender Requests

John Edward Raterman, M.D. - 01076228A – Retirement request

After discussion the Board moved to APPROVE Dr. Raterman's request for retirement of his Indiana Medical License.

Masten/McCann, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Approval of Acupuncture courses for Acupuncture Professional Licenses

The Board discussed whether to approve the acupuncture courses provided by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) for Indiana Acupuncture Professional licenses.

After discussion the Board moved to APPROVE the courses provided by the NCCAOM for Indiana Acupuncture Professional licenses.

Strobel/Masten, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

LICENSURE APPLICATION REVIEW

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Karam Al-Issa, M.D. – Unapproved Foreign Medical School

Dr. Al-Issa received his medical degree from Kalamoon University in Syria. Dr. Al-Issa completed elective rotations his last year of medical school at Thomas Jefferson University Hospital in Philadelphia, PA and University of Texas MD Anderson Cancer Center in Houston, Texas.

Dr. Al-Issa completed his post-graduate training at the Cleveland Clinic in Cleveland, Ohio and has recently accepted an invitation for a Hematology/Oncology fellowship program at Indiana University School of Medicine.

After discussion, the Board moved to APPROVE Dr. Al-Issa's application for LICENSURE in the State of Indiana.

Green/Barai, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Pamela Cruz Soriano, M.D. – Unapproved Foreign Medical School

Dr. Soriano received her medical degree from Ateneo School of Medicine and Public Health in the Philippines in 2013. She is a third year graduating pediatric resident in New York and has been recently matched to the Pediatric Emergency Fellowship Program at Indiana University School of Medicine.

Dr. Soriano submitted three (3) letters of recommendation to the Board for review.

After discussion, the Board moved to APPROVE Dr. Soriano's application for LICENSURE in the State of Indiana.

Barai/Green, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

St. Thomas Clinic, Franklin – Volunteer Registry Location

St. Thomas Clinic is an outreach ministry of St. Thomas Episcopal Church to the community of Johnson County, Indiana.

The clinic services are offered one day per week and one Saturday per month and is staffed by two part-time paid employees, volunteer medical providers and non-medical volunteers for administrative and general functions.

After discussion, the Board moved to APPROVE the St. Thomas Clinic to be added to the VOLUNTEER REGISTRY.

Masten/Barai, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

PERSONAL APPEARANCES

Israel Berger, M.D. – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Dr. Berger answered yes to the following questions on his application for licensure:

“Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?”

“Have you ever been denied a license, certificate, registration or permit to practice medicine, osteopathic medicine or any regulated health occupation in any state (*including Indiana*) or country, or surrendered your license?”

“Have you ever been the subject of an investigation by a regulatory agency concerning your license?”

“Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?”

Dr. Berger surrendered his license in Illinois due to malpractice issues. He is currently not licensed in any State and plans to do locum tenens.

Dr. Berger has a six (6) month probation period and a 25 case co-surgeon requirement following a surgical procedure at Rush North Medical Center in 2001.

Dr. Berger requested to withdraw his application for licensure.

After discussion, the Board moved to allow Dr. Berger to WITHDRAW his APPLICATION for LICENSURE in the State of Indiana.

Barai/Masten, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Dennis Min, D.O.– Initial Application – Positive Response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Dr. Min answered yes to the following questions on his application for licensure:

“Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?”

“Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?”

On October 27, 2017, Atrium Medical Center (AMC) issued a summary suspension of Dr. Min’s clinical privileges due to allegations of quality of care concerns. Dr. Min had clinical privileges with AMC for twelve (12) years. Dr. Min states that allegedly the administration became a hostile work environment and their poor insurance negotiations led to him resigning his privileges.

After discussion, the Board moved to GRANT Dr. Min MEDICAL LICENSURE in the State of Indiana.

Barai/Green, 6/0/1, Masten abstains
Aye’s: McCann, Mueller, Green, Strobel, Busk, Barai
Motion carries

ADMINISTRATIVE HEARINGS

The following hearings were continued:

Anandkumar Koyani, M.D., License No. 02004840A, Cause No. 2018 MLB 0014

Felix Brizuela, D.O., License No. 01079385A, Cause No. 2017 MLB 0039

Respondent failed to appear in person or with counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

The State presented to the Board that the Respondent was federally indicted for multiple counts of controlled substance distribution and kickbacks.

The State requests that the Board Summarily Suspend the Respondent's medical license for ninety (90) days.

State presented the following exhibits into evidence:

Exhibit A: Respondent's Indictment from The United State District Court for the Northern District of West Virginia

Exhibit B: Email from Respondent's counsel, Michael DeRiso

After discussion, the Board moved to SUMMARILY SUSPEND Respondent's LICENSE for NINETY (90) DAYS.

Barai/Busk, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Kansky J. Delisma, M.D., Cause No. 2018 MLB 0008

Respondent appeared in person but without counsel regarding an Appeal of Denied Application scheduled before the Board. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Respondent appeared before the Board to appeal the decision of the Board regarding the denial of his license application due to Florida Discipline of his medical license, Medicaid/Medicare exclusion, incarceration and home detention.

Respondent admitted the following exhibits into evidence:

Exhibit 1: Respondent's explanation of events via flowchart

Exhibit 2: Respondent's continued explanation of events

Exhibit 3: Extract of the Florida Board of Medicine Disciplinary Guidelines, Respondent's Final Order from the Florida Board of Medicine 12/19/16, Respondents Order of the Florida Board of Medicine 6/9/17

Exhibit 4: Extracts from Respondent's letters of reference

Exhibit 5: Certificate Award from Yale University, Certificate of Completion in Legal and Ethical Issues in Healthcare

Exhibit 6: Photos from Mission trips in Haiti

After discussion, the Board moved to ISSUE Respondent's license by October 25, 2018 pending the reinstatement of his full and unrestricted license in Florida and presenting proof to the Board that he has full, unrestricted licenses in Pennsylvania and Montana.

Green/Barai, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Gregory R. Doll, M.D., License No. 01038616A, Cause No. 2018 MLB 0001

Respondent appeared in person and with counsel, Barclay Wong, regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Roxanne Hilton, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Respondent failed to answer yes to question #5 on his renewal application, which asks: "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline – or have you resigned in lieu of discipline or termination?"

On September 25, 2015, Fayette Regional Health System (FRHS) provided Respondent notice of immediate and automatic suspension of medical staff privileges to admit patients or to perform elective procedures due to violations of their medical record completion policy. FRHS further informed Respondent that he needed to complete the unfinished patient charts within 7 days to avoid further action against his medical staff privileges at FRHS.

On December 21, 2015 FRHS sent Respondent a letter stating that uncompleted patient charts were at least (30) days overdue and provided Respondent a deadline of December 28, 2015, to contact the facility.

Respondent failed to complete ninety-two (92) patient charts from September 23, 2015, until January 2016.

Both parties agreed to a settlement agreement which would place Respondent's license on probation for nine (9) months with terms and conditions.

After discussion, the Board moved to REJECT Settlement Agreement

Barai/Masten, 6/0/1, McCann Abstained
Aye's: Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Dale W. Economan, D.O., License No. 02000601A, Cause No. 2015 MLB 0031

Respondent failed to appear in person or without counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Jessica Krug, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

The State requested an extension of Respondent's summary suspension for an additional 90 days due to Respondent's criminal trial, which is set for October of 2018.

After discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION for an additional (90) days

Barai/Masten, 7/0/0
Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Bryant King, M.D., License No. 01061402A, Cause No. 2018 MLB 0004

Respondent appeared in person and with counsel, Christopher Lang, regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Respondent failed to answer yes to a renewal question regarding employee discipline.

Both parties approved a settlement agreement which imposes a fine upon the Respondent.

Board moved to ACCEPT SETTLEMENT AGREEMENT.

Barai/Masten, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Board moved to ISSUE a FINE of FIVE HUNDRED (\$500.00) DOLLARS, PAYABLE WITH NINETY (90) DAYS.

Barai/Masten, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Mohammad Shah, M.D., License No. 01073709A, Cause No. 2014 MLB 0004

Respondent failed to appear in person or with counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

State requested a Notice of Proposed Dismissal due to Respondent's failure to appear or contact the State. Respondent no longer has an active license in the state of Indiana.

Board moved to issue a notice of proposed dismissal.

Barai/Masten, 7/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

Jamiere Yolande Smith, M.D., License No. 01041991A, Cause No. 2017 MLB 0030

Respondent appeared in person but without counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Robert Zach Watkins, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Bharat Barai, M.D., Michael Busk, M.D.

Respondent appeared before the Board to show cause as to why her license to practice medicine should not be summarily suspended, on an emergency basis, or whether

other disciplinary action should be imposed due to noncompliance with the probationary terms as set forth in the Board's Order of December 4, 2017.

Respondent failed to notify the Board of any further discipline in Illinois or any other state within ten (10) days of receiving notice of said proceedings.

Respondent admitted the following exhibits into evidence:

- Exhibit 1: Written statement from Respondent
- Exhibit 2: Letter from Respondent to Illinois Board of Medicine
- Exhibit 3: Letter from Respondent to Illinois Board of Medicine
- Exhibit 4: State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation Order, January 23, 2018
- Exhibit 5: State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation Respondent's Response to Department's Motion to Strike Respondent's Motion to Vacate Indefinite Suspension Order, January 23, 2018
- Exhibit 6: Email from respondent to Ronald Romano
- Exhibit 7: Affidavit of Ronald Romano, State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation.
- Exhibit 8: State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation., Respondent's Petition to Vacate
- Exhibit 9: Respondent

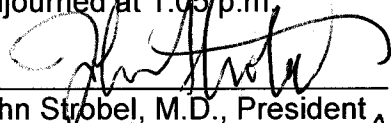
After discussion, the Board moved to find that Respondent violated her probationary order.

McCann/Masten 4/3/0
Nay: Green, Barai, Mueller,
Aye: McCann, Strobel, Masten, Busk

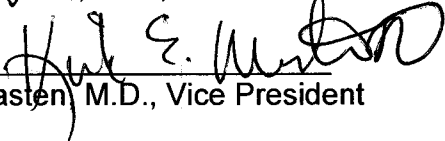
After further discussion, the Board moved to not impose additional discipline against Respondent due to her now complying with the terms and conditions on her Illinois license, and that she made an attempt to notify this Board in a timely manner of the status of her license in Illinois.

McCann/Barai, 7/0/0
Aye's: McCann, Masten, Green, Mueller, Strobel, Busk, Barai
Motion carries

There being no further business, the meeting adjourned at 1:05 p.m.



John Strobel, M.D., President



Kirk Masten, M.D., Vice President