

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

MINUTES OF APRIL 19, 2018

John Strobel, M.D., President, called the meeting to order at 8:35 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, left at 11:45 a.m.
Rebecca Mueller, M.D., Member, arrived at 8:46 a.m.
Scott Green, M.D., Member
Michael Busk, M.D., Member

Members Absent: Bharat Barai, M.D., Member

Staff Present: Darren R. Covington, J.D., Board Director
Professional Licensing Agency
Kimberly A. Letko, Assistant Board Director
Professional Licensing Agency
James Schmidt, 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., Scott Green, M.D., Michael Busk, M.D.

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

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

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

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

FULL BOARD APPEARANCES

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

Meredith Lizza, Director of Communications and Legislative Affairs for the Indiana Professional Licensing Agency, appeared before the Board to update them on current 2018 legislation.

Meredith presented information to the Board on the following legislation:

SB221 - INSPECT Program - allows a dispenser of ephedrine, pseudoephedrine, or a controlled substance to transmit certain information to the INSPECT program by any electronic method that meets specifications prescribed by the state board of pharmacy (board). This impacts all Indiana Controlled Substance Registrations and will be effective on July 1, 2018 with rolling effective dates for mandatory query of a patient's INSPECT record. The roll out will start January 1, 2019.

SB223 – Information Provided by Health Practitioners - requires specified licensed health practitioners to provide certain information related to the practitioner's work, including the practitioner's work with Medicaid patients, when renewing the practitioner's professional license online. This impacts licensed physicians and will be effective July 1, 2018.

SB225 – Continuing Education Requirements - establishes continuing education requirements for licensed health care practitioners who apply for a controlled substances registration. Provides that the continuing education requirements expire July 1, 2025. This impacts all Indiana Controlled Substance Registrations and will be effective July 1, 2018 and expire July 1, 2025.

SB340 – Regulation of Abortion and Newborn Safety Devices - which makes various changes to the abortion law concerning abortion clinic license applications, abortion clinic inspections, abortion inducing drugs, abortion complications, the provision of information to a woman seeking an abortion, and the collection of data by the state department of health. Specifies under the safe haven law that it is a defense to a claim of neglect of a dependent if the individual left the child in a newborn safety device that is located at a fire department, including a volunteer fire department, that meets specified requirements. This impacts licensed physicians and will be effective July 1, 2018 with some rulemaking language for the Indiana State Department of Health effective upon passage.

HB1119 – Physician Order for Scope of Treatment and Consent – impacts licensed physicians and physician assistants and will be effective July 1, 2018.

HB1191 – Suspected Human Trafficking - removes the requirement that a licensed health practitioner report that an adult patient is a suspected victim of human trafficking to a local law enforcement agency. Requires a licensed health practitioner to provide information concerning available resources and services to a patient who is a suspected victim of human trafficking. Impacts the Medical Licensing Board and will be effective July 1, 2018.

HB1130 - Professional Licensing Agency Matters - provides that certain duties of the medical licensing board are now duties of the committee of hearing aid dealer examiners; Removes provisions that: (1) permit a student in medical school to take the medical licensure examination; and (2) concern grading examinations and how often the exam is administered. Changes a reference to a postgraduate training program that allows a permit to be issued to a foreign medical graduate. Requires a physician to make a personal appearance before the medical licensing board to establish the physician's work history if the physician has been inactive for more than three years. (Current law requires an appearance if the inactivity period is more than four years.) Impacts the Medical Licensing Board and will be effective July 1, 2018 with emergency rulemaking provisions for third party logistics providers.

HB1245 – Occupational Licensing - specifies the notice requirements for network health care providers that make referrals via telephone to out-of-network health care providers. Impacts Medical Licensing Board and became effective March 21, 2018.

John P. McGoff, M.D., President, Indiana State Medical Association and Michael Brady, Director of Advocacy, Indiana State Medical Association (ISMA)

Dr. McGoff presented a few highlights to the Board regarding additions to current ISMA programs. Dr. McGoff stated that ISMA recently received a grant from the Fairbanks Institution regarding physicians and opioid prescribing and how to help them navigate serving their patients who require opioid pain management.

Michael Brady presented information regarding the following bills that pertain to the Medical Board:

- HB 1143 – Prior Authorization
- HB 1235 – Non-competes
- HB1380 – Cigarette tax and age
- SB208 – Maintenance of certification
- SB221 – INSPECT program
- SB225 – Continuing Education Requirements
- HB 1153 – Interstate Medical Licensure Compact
- HB1302 – APRN – Independent Practice
- SB410 – APRN
- HB1384 – Chiropractors
- SB223 – License Renewal Surveys

DISCUSSION

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

Retirement/Surrender Requests

Jerry M. Jesseph, M.D. - 01030317A – Retirement request

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

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

Joseph W. Bremer, III, M.D. - 01036605A – Retirement request

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

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

Timothy D. Reeb, M.D. - 01025436A – Retirement request

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

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

Christi Houtz, D.C., L.A.c., 81000118A, Cause No. 2017 MLB 0002 – Vote on whether to reset or vacate Order to Show Cause

Board discussed vacating the Order to Show Cause due to the Indiana Board of Chiropractic Examiners not taking any action regarding the Respondent's license.

After discussion, the Board moved to VACATE Respondent's ORDER to SHOW CAUSE.

Green/McCann, 6/0/0

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

Designation of Administrative Law Judges for Pre-Hearing Conferences

The Board discussed allowing the Board's Vice President to preside as Administrative Law Judge for pre-hearing conferences if the Board's President is not available and the Board's Secretary to preside if the President and Vice president are not available.

Board moved to APPROVE the Board's Vice President to preside as Administrative Law Judge for pre-hearing conferences if the Board's President is not available and the Board's Secretary to preside if both the President and Vice president are not available.

Strobel/Busk, 6/0/0

Aye's: McCann, Masten, Green, Mueller, Strobel, Busk
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., Michael Busk, M.D.

Imran A. Osmani, M.D. – Unapproved Foreign Medical School

Dr. Osmani received his medical degree from Gulf Medical College Ajman in Ajman Ajman, United Arab Emirates. This school is not listed on the Indiana or California approved or disapproved foreign medical school list. Dr. Osmani has requested a waiver of the approved foreign medical school requirement.

Dr. Osmani completed his postgraduate training in Internal Medicine at the University of Alabama Hospital Program from July 1, 2012 through June 30, 2016.

Dr. Osmani is licensed in Illinois and is Board certified by the American Board of Internal Medicine in General Internal Medicine.

After discussion, the Board moved to request Dr. Osmani appear before the Board.

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

Talat Raja, M.D. – Unapproved Foreign Medical School

Dr. Raja received his medical degree from Xavier University School of Medicine in Oranjestad, Aruba. This school is not listed on the Indiana or California approved or disapproved foreign medical school list. Dr. Raja has requested a waiver of the approved foreign medical school requirement.

Dr. Raja completed his postgraduate training in Internal Medicine at the Medical College of Georgia Program from July 1, 2009 through June 30, 2012.

Dr. Raja is licensed in South Carolina and is Board certified by the American Board of Internal Medicine in General Internal Medicine.

After discussion, the Board moved to request that Dr. Raja appear before the Board.

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

Volunteers in Medicine of Dearborn, Ohio, and Switzerland Counties (VIMDOS), Lawrenceburg – Volunteer Registry Location

VIMDOS Clinic will offer health care services to underserved and uninsured patients from Dearborn, Ohio, and Switzerland counties in Indiana.

The services provided may include general primary care; treatment & monitoring of common illnesses and health problems; health education about nutrition, aging, safety, diabetes, hypertension, etc.; medication education and assistance; health assessment and screening; health care coordination and navigation with a goal to connect to community resources.

Services will not be provided for chronic pain management, obstetrical care, or primary treatment of mental health concerns. Prescriptions will not be provided for controlled substances.

The Board discussed that to be on the Indiana Volunteer Location Registry the facility type may not be any facility at which the primary purpose is to provide health care services, and since the VIMDOS Clinic's primary function is healthcare it did not meet the criteria to be added to the Indiana Volunteer Location Registry.

After discussion, the Board moved to DENY APPLICATION.

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

PERSONAL APPEARANCES

David E. Anderson, M.D. – 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., Michael Busk, M.D.

Dr. Anderson failed to answer yes to the following question on his application for licensure:

5. Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court,
 - A. Have you ever been arrested?
 - B. Have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state?
 - C. Have you ever been convicted of any offense, misdemeanor, or felony in any state?
 - D. Have you ever pled guilty to any offense, misdemeanor, or felony in any state?
 - E. Have you ever pled *nolo contendere* to any offense, misdemeanor, or felony in any state?

On May 4, 2017 Dr. Anderson was charged with a DUI in Thurston County, Washington. The State of Washington allowed Dr. Anderson to enter into a deferred prosecution which would allow the charge to be dismissed after he has completed five years of law-abiding behavior.

Dr. Anderson completed required alcohol counseling and treatment at Serenity Counseling in Fife, Washington.

After discussion, the Board decided to let application be abandoned on May 11, 2018 which would be one year from receiving the application on May 11, 2017.

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

Kumari Singh, M.D.– Initial Application – Unapproved foreign medical school

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. Singh is requesting a waiver of the approved foreign medical school requirement.

Dr. Singh received her medical degree from Windsor University School of Medicine in St. Kitts, Nevis. This foreign medical school is not listed on the approved or disapproved foreign medical school list for Indiana or California.

Dr. Singh is currently completing her postgraduate training at in Family Medicine at the University of North Dakota, Grand Forks, ND, where she has been in training since July 2015.

Charlie Smith, Physician Recruiter for Franciscan Health appeared before the Board with Dr. Singh. Dr. Singh plans to sign a three year contract with Franciscan Health.

Dr. Singh admitted the following documents for review by the Board:

- A: Letter from Jeff Hostetter, M.D., Program Director, UND Center for Family Medicine.
- B: Evaluation from Catherine Houle, MD
- C: Resident/Fellow Contract with University of North Dakota School of Medicine & Health Sciences

After discussion, the Board moved to GRANT Dr. Singh MEDICAL LICENSURE pending receipt of her current H-1B visa.

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

ADMINISTRATIVE HEARINGS

Dwayne C. Adrian, M.D., License No. 01034541A, Cause No. 2018 MLB 0002

Respondent appeared in person and with counsel, Barclay Wong, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Zanna Dyer, 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., Michael Busk, M.D.

In September of 2014, Respondent was initially referred to the Indiana State Medical Association Physician Assistance Program (ISMA PAP) by his then Department Chair at Ball Memorial Hospital due to concerns about impairment at the workplace.

Respondent signed a contract with ISMA PAP on November 12, 2014.

On or about July 2017, ISMA PAP closed Respondent's case and he was terminated from the program due to non-compliance issues throughout the time he was under contract.

Respondent returned to Positive Sobriety Institute (PSI) on March 5, 2018 for another evaluation and he followed the recommendations of the physicians at PSI and successfully completed treatment from March 5, 2018 until April 4, 2018.

Respondent signed a new contract with ISMA PAP on April 11, 2018 and is currently compliant with ISMA PAP.

Ann Kelley, ISMA Program Coordinator appeared before the Board to speak regarding the contract that the Respondent has signed and what it will entail.

Both parties have agreed to a settlement agreement which placed Respondent's license in Indefinite Probation for not less than two (2) years from the date of the final order with terms and conditions.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT.

Green/Masten, 5/1/0
Aye's: Masten, Green, Mueller, Strobel, Busk
Nay: McCann
Motion carries

Daniel Clayton, M.D., License No. 01076849A, Cause No. 2018 MLB 0018

Respondent failed to appear in person and without counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Timothy Weber, 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., Michael Busk, M.D.

On February 1, 2018, the State of Washington's Medical Quality Assurance Commission (Commission) ordered a summary suspension of Respondent's license to practice as a surgeon and physician due to a pattern of Respondent failing to submit urine drug screens while in monitoring programs for alcohol and opioid misuse,

falsifying records for submission to monitoring programs and not disclosing several material facts to the Commission during an investigation.

The State requests the Board place Respondent's license on summary suspension for ninety (90) days.

The State admitted the following exhibits into evidence:

Exhibit A: State of Washington Summary Action Order and Order Suspension

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

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

Van Evanoff, Jr., M.D., License No. 01053652A, Cause No. 2018 MLB 0012

Respondent failed to appear in person or with counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Laura Iosue, Supervising 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., Michael Busk, M.D.

Respondent has not signed a contract with Indiana Medical Association Physician Assistance Program per the stipulations of the renewal of his license on Probation, filed February 28, 2018.

State requests that the Board issue a Notice of Proposed Default.

After discussion, the Board moved to ISSUE a NOTICE of PROPOSED DEFAULT

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

Mikhail Galperin, M.D., License No. 01075196A, Cause No. 2018 MLB 0011

Respondent failed to appear in person or with 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.