

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

**MINUTES OF APRIL 27, 2017**

Kirk Masten, D.O., President, called the meeting to order at 8:40 a.m. A quorum was declared in accordance with IC 25-22.5.

**Members Present:** Kirk Masten, D.O., President  
John Strobel, M.D., Vice President  
Bharat Barai, M.D., Secretary  
Scott Green, M.D., Member  
Rebecca Mueller, M.D., Member (arrived at 9:03 a.m.)  
Victoria McCann, J.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: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann

Barai/Strobel, 5/0/0  
Motion carries

The Board voted to adopt the minutes of the March 23, 2017 meeting.

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

Barai/Strobel, 5/0/0  
Motion carries

## **ISMA PRESENTATION**

Michael Brady, Director of Advocacy at ISMA presented information to the Board regarding the following bills that have passed during this session.

SB 226 – Prescribing and Dispensing of Opioids  
HB 1148 – Cannabidoil and Treatment Resistant Epilepsy  
SB 404 – Abortion, Child Abuse, Human Trafficking  
SB 408 – Inspect Program  
HB 1540 – Pharmacies and Pharmacists

## **PERSONAL APPEARANCES**

### **Tamberly McCoy, M.D. – Initial Application – Positive response**

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

Dr. McCoy originally appeared before the Board on May 26, 2016 regarding a disciplinary action that was taken against her Kentucky license by the Kentucky Medical Board for using inappropriate prescribing practices regarding controlled substances that she prescribed to seven of her patients.

Dr. McCoy entered into an amended agreed order with terms and conditions with the Commonwealth of Kentucky after completing initial requirements of the initial agreed order that stipulated she successfully complete a controlled substance course and HB1 course as well as pay investigation costs.

The Board requested, at the May 26, 2016 meeting, that her appearance be tabled until she completed the terms and conditions of her Kentucky Board order and had a full, non-restricted license.

Dr. McCoy presented the Order Terminating Amended Agreed Order from the Kentucky Medical Board to the Board to show that the Disciplinary issues in Kentucky have been resolved and that she now has a free and clear full license in the State of Kentucky.

After discussion, the Board moved to APPROVE her application for medical licensure in the State of Indiana.

McCann/Mueller, 6/0/0  
Motion carries

**David H. Marcowitz, D.O. – Initial Application – Positive Response**

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

Dr. Marcowitz appeared before the Board at the March 23, 2017 Board meeting. Dr. Marcowitz did not bring sufficient information regarding the Order by the Iowa Board of Medicine. The Board tabled his appearance for April 27, 2017, to give Dr. Marcowitz time to send in the Mental Health Evaluation, CPEP Competency Evaluation and PROBE Professional Ethics Program ordered by the Iowa Medical Board.

Dr. Marcowitz presented the Board with the items they requested at the last Board meeting.

After reviewing the items, the Board stated that they did not feel comfortable approving Dr. Marcowitz's application for licensure if he still has disciplinary issues in Iowa.

Dr. Marcowitz decided to withdraw his application for licensure in the State of Indiana.

**Vicki DeBolt, D.O. – Initial Application – Waiver Request**

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

Dr. DeBolt presented a re-entry plan to the Board at the December 1, 2016 meeting that had been developed with the assistance of David Bertoncini, M.D., who practices with the South Bend Clinic and also see patients at Memorial Hospital. Dr. DeBolt will see patients under his supervision provided that she is practicing under a provisional medical license. Dr. DeBolt will see twenty (20) patients, presenting each case to Dr. Bertoncini, who will then see each patient with her. Dr. Bertoncini would evaluate at the completion of the re-entry program and submit his evaluation to the Board for review.

The Board moved to grant a provisional license to Dr. DeBolt with the CONDITIONS that she completes 30 hours of category one (1) continuing medical education, and that she return on May 25, 2017 with the evaluation from the supervising physician as well as documentation of the patients that she has seen.

Dr. DeBolt appeared before the Board with the requested documentation showing proof that she complied with all of the conditions of her provisional license.

After discussion, the Board moved to APPROVE Dr. DeBolt's application for full licensure in the State of Indiana.

Green/Strobel, 6/0/0  
Motion carries

**Yousif S. Shareef, M.D. – Initial Application – Unapproved Foreign Medical School**

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

After initially reviewing Dr. Shareef's application at the March 2017 Board meeting, the Board requested Dr. Shareef appear before them regarding the fact that the foreign medical school that he attended is not on the approved or disapproved list in Indiana or California. Dr. Shareef is requesting a waiver.

Dr. Shareef received his medical degree from the University of Science and Technology, College of Medical Sciences in Jawlat Madbah, Yemen on August 2003. He completed his post-graduate training at Wright State University, Boonshoft School of Medicine in Dayton, Ohio in 2012.

Dr. Shareef has active licenses in Michigan and Ohio and is Board Certified with the American Board of Internal Medicine in General Medicine.

After discussion, the Board moved to APPROVE Dr. Shareef's application for full licensure in the State of Indiana.

Green/Barai, 6/0/0  
Motion carries

**ADMINISTRATIVE HEARINGS**

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

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.

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

The State presented evidence that the Respondent's criminal charges are still pending in Grant County. The State requested an extension of Summary Suspension for an additional ninety (90) days.

After discussion, the Board moved to APPROVE an EXTENSION of SUMMARY SUSPENSION for NINETY (90) DAYS.

Barai/Strobel, 6/0/0  
Motion carries

**Martin Fedko, M.D., License No. Pending, Cause No. 2017 MLB 0011**

Respondent appeared in person and with counsel, Richard Moore, regarding an Appeal of Denial of Initial Application scheduled before the Board. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

Respondent's application for full medical licensure was initially reviewed and denied by the Board at the February 23, 2017 Board meeting, due to failing to meet the minimum requirements for licensure. Dr. Fedko graduated from a disapproved medical school.

Respondent filed an Appeal of Denial of Initial Application with the Board.

Respondent plans to work in Munster, Indiana through EmCare as an Emergency Room Physician.

The following witness spoke on Respondent's behalf:  
Michael Leech, State Director for EmCare, offering an emergency position to Respondent at EmCare in Muenster, Indiana.

Respondent submitted the following exhibit into evidence:  
Exhibit 1: Martin Fedko Curriculum Vitae

After discussion the Board moved to APPROVE Respondent's application for licensure in the State of Indiana.

Green/Barai, 6/0/0  
Motion carries

**Jake Heiney, M.D., License No. 01075470A, Cause No. 2017 MLB 0006**

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing 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: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State requested that the Board issue the Respondent a Notice of Proposed Default.

After discussion, the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

McCann/Mueller, 6/0/0

Motion carries

**Christi Houtz, D.C., License No. 81000118A, Cause No. 2017 MLB 0002**

Respondent failed to appear in person but was represented by counsel, Michael Sacopulos, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

The State presented that the Respondent provided acupuncture at her place of business without a license.

The State and Respondent entered into a Settlement Agreement, which will include a letter of reprimand, complete eight (8) hours of community service, six (6) hours of continuing education in practice management, and within ninety (90) days Respondent needs to develop policies and procedures regarding proper vetting of new employees and employee training.

Chiropractic Board will oversee and monitor the Respondent's compliance with the terms of the settlement agreement.

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

McCann/Mueller, 6/0/0  
Motion carries

**Paul O'Brien, D.O., License No. 02002928A, Cause No. 2017 MLB 0012**

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

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

The State requested that the Board issue the Respondent a Notice of Proposed Default.

After discussion, the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/McCann, 6/0/0  
Motion carries

**Jose Antonio Ramos, M.D., License No. 01070974A, Cause No. 2016 MLB 0039**

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 Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

The State presented an agreement requesting an extension of Summary Suspension for an additional sixty (60) days.

After discussion, the Board moved to APPROVE an EXTENSION of SUMMARY SUSPENSION for SIXTY (60) DAYS.

Barai/Mueller, 6/0/0  
Motion carries

**Mark Jensen, M.D., License No. 01033557A, Cause No. 2017 MLB 0001**

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing 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: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D.

The State presented that the Respondent is currently in prison at the Newcastle correctional facility. Respondent pled guilty to two counts of Child Exploitation, a Class C felony. Respondent's projected release date is in 2018. The State requests that the Board hold Respondent in default.

After discussion, the Board moved to HOLD Respondent in DEFAULT.

Strobel/Green, 6/0/0  
Motion carries

The State admitted the following exhibits into evidence:

Exhibit A: Chronological Case Summary Criminal Docket from Fulton Superior Court

Exhibit B: Fulton Superior Court Plea Agreement

Exhibit C: Indiana Department of Correction website Offender Data

After further discussion, the Board moved to find Respondent in violation of Count I and II.

Barai/Green, 6/0/0  
Motion carries

After final discussion, The Board moved to REVOKE Respondent's license to practice medicine in the State of Indiana and ISSUE a FINE of ONE THOUSAND (\$1,000.00) DOLLARS, PAYABLE WITHIN NINETY (90) DAYS .

Barai/McCann, 6/0/0  
Motion carries

### **DISCUSSION**

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

### **Rule Updates**

Director Covington informed the Board that the Governor's office was still reviewing the changes to the High Breast Density Guidelines rule and Acupuncture Referral rule. He also explained changes in the telemedicine law by HB 1337, which includes a provision that allows physicians to prescribe controlled substances under certain circumstances.

The Board then began discussions regarding SB 226's mandate to define additional conditions that would exempt providers from the opioid prescribing limits of a 7 day supply for the first adult prescription and a 7 day supply for all child prescriptions.

The Board's consensus was that palliative care should be further defined and trauma care and postoperative care should be an exemption. A working group will be formed in accordance with SB 226's requirements.

### **Retirement/Surrender Requests**

#### **Francisco Baraona, M.D., License No. 01073884A/B, Surrender Request**

Dr. Baraona is requesting to surrender his license and controlled substance registration.

After discussion, the Board moved to DENY Dr. Baraona's request to surrender his license and controlled substance registration and further requested a complaint be filed against him due to a disciplinary action against his license in Washington.

Barai/Green, 6/0/0  
Motion carries



**Judith H. Sutton, M.D., License No. 01033248A/B, Retirement Request**

Dr. Sutton is requesting to place her license and controlled substance registration in retirement status.

After discussion, the Board moved to APPROVE Dr. Sutton's request to retire her Indiana Medical License.

McCann/Strobel, 6/0/0  
Motion carries

**Healthcare Volunteer Registry Location Application Review**

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

**Clinica Madre de Dios, Ft. Wayne, IN**

After review and discussion, The Board DENIED the APPLICATION.

Green/Barai, 6/0/0  
Motion carries

**Diabetic Youth Foundation of Indiana, Noblesville, IN**

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

After review and discussion, The Board APPROVED the APPLICATION.

Barai/McCann, 6/0/0  
Motion carries

**IDA – Mission of Mercy, Indianapolis, IN**

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

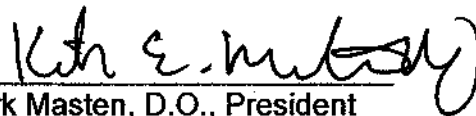
After review and discussion, The Board APPROVED the APPLICATION.

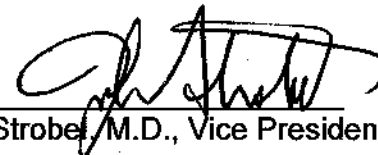
Barai/Green, 6/0/0  
Motion carries

**FSMB Annual Meeting Update**

Director Covington and Dr. Masten provided a report regarding their attendance at FSMB's annual meeting in April in Fort Worth.

There being no further business the meeting adjourned at 11:15 a.m.

  
Kirk Masten, D.O., President

  
John Strobel, M.D., Vice President