

**Minutes from the Meeting of the  
Medical Licensing Board of Indiana**

**May 25, 2023**

**Indiana Government Center – South Building  
Conference Center Room C  
302 West Washington Street  
Indianapolis, Indiana 46204**

Livestream available at <https://www.youtube.com/@StateOfIndianaProductions>

**I. Call to Order and Establishment of Quorum**

The Board was called to order and a quorum was established at 9:24 a.m.

**Board Members Present:**

John Strobel, MD  
Kirk Masten, DO  
Bharat Barai, MD  
Heidi Dunniway, MD  
Rebecca Moredock-Mueller, MD  
Victoria McCann, JD

**Board Member(s) Absent:** Frank Messina, MD

**PLA Staff:**

Alyssa Servies, JD, MPH, Board Director  
Evan Bartel, JD, Deputy Director, and General Counsel  
Douglas Boyle, Director of Legislative Affairs & Communications

**Advisory Counsel:**

Adam Harvey, JD

**II. Adoption of the Agenda**

A motion was made and seconded to adopt the agenda. Barai/Dunniway 6-0-0.

**III. Adoption of the Minutes**

**1. April 27, 2023**

A motion was made and seconded to adopt the minutes from April 27, 2023.  
Barai/Mueller 6-0-0.

**IV. Discussion Items**

1. OAG Report: The report was presented by Medical Licensing Section Chief, Amy Osborne.
2. Rule Readoptions: A motion was made and seconded to readopt the rules.  
Strobel/Barai 6-0-0.

3. Respiratory Care Rules: A motion was made and seconded to adopt the rules adopted by the respiratory care committee. Masten/Barai 6-0-0.

## V. Administrative Hearings

### 1. SARAH LYNLEY RADER, D.O., 02004221A

Cause No.: 2021 MLB 0027

Re: Proposed Settlement Agreement

Petitioner: Regan Perrodin

Respondent: Not present

Witness(es): None

Exhibit(s): None

A motion was made and seconded to approve the agreement and place the license on indefinite probation. Barai/McCann 6-0-0.

### 2. CAITLIN BERNARD, M.D., 01078719A

Cause No.: 2022 MLB 0024

Re: Administrative Complaint

Petitioner: Present through counsels, Christopher Bartolomucci, Cory Voight, and Carah Rochester

Respondent: Present with counsels, Alice Morical, John Hoover, and Clara Gutwein

Witness(es):

By Video Deposition:

Caseworker A

Shari Rudavsky, Reporter

Grant Callen, MD

In Person:

Caitlin Bernard, MD

Stephanie Shook, MSW, IUH Senior Social Worker

Cheryl Ramey-Hunt, MSW, IUH Social Work Director

Andrew Mahler, Petitioner's HIPAA Expert

Amy Caldwell, MD (testimony via read through of depositions)

Lauren Cislak, IUH VP of Corporate Communications

Paige Joyner, PhD, Respondent's HIPAA Expert

Peter Schwartz, MD, Respondent's HIPAA Expert

Exhibit(s):

Petitioner:

Exhibit 1: *Patients head to Indiana for abortion services as other states restrict care*, by Shari Rudavsky and Rachel Fradette, Indianapolis Star, July 1, 2022

Exhibit 2: Department of Child Services (DCS) Child Welfare Policy 3.01, Receiving Reports of Suspected Child Abuse and/or Neglect (Affidavit of Business Record admitted separately)

Exhibit 3: Termination of Pregnancy Report

Exhibit 4: *2022 Time100, Caitlin Bernard*, by Abigail Abrams, September 28, 2022

Exhibit 5: *"In the End We Will Win": The Faces of the Fight for Abortion Rights*, by Abigail Tracy and Erin Vanderhoof, Vanity Fair, October 12, 2022

Exhibit 6: DCS Child Welfare Policy 4.38, Assessment Initiation (Affidavit of Business Record admitted separately)  
Exhibit 28: Arraignment Transcript attached as exhibits 3 and 4 to Respondent's Response, State of Ohio v. Gerson Fuentes, Case no. 2022 CRA 010238  
Exhibit 30: Curriculum Vitae, Andrew W. Mahler  
Exhibit 31: *Arrest made in rape of Ohio girl that led to Indiana abortion drawing international attention*, by Bethany Bruner, Monroe Trombly, and Tony Cook, The Columbus Dispatch, July 13, 2022

Respondent:

Exhibit A: IU Health Child Abuse and Neglect Policy (current publication dated May 31, 2022)  
Exhibit B: IU Health press release dated July 15, 2022  
Exhibit C: IU Health Risk Assessment  
Exhibit D-1: *An Ohio 10-year-old crossed state lines for abortion care in Indiana. She isn't alone*, by Shari Rudavsky and Rachel Fradette, Indianapolis Star, July 2, 2022  
Exhibit F: Email to DCS from Dr. Bernard re ITPO report, July 2, 2022  
Exhibit G: Dr. Bernard's CV  
Exhibit H: IUH Response to Subpoena Records  
Exhibit I: American Medical Association's Principles of Medical Ethics  
Exhibit J: Code of Medical Ethics, Section 3.2.1 Confidentiality  
Exhibit M: Induced Abortions in Ohio, 2021 (September 2022)  
Exhibit Q: Dr. Peter Schwartz CV  
Exhibit R: Paige Joyner CV  
Exhibit S: Administrative Complaint  
Exhibit Y: Judge Welch's Order dated December 2, 2022  
Exhibit PP: Documents from Franklin County Children Services

Preliminary motions:

1. A motion was made and seconded to deny the Petitioner's motion to compel as moot. Masten/Strobel 6-0-0.
2. A motion was made and seconded to deny the Petitioner's motion to strike exhibits and defenses. Barai/Masten 6-0-0.
3. A motion was made and seconded to deny the Respondent's motion to exclude State's Exhibit 27. Strobel/Masten 6-0-0.

A motion was made and seconded to find that the Petitioner did meet its burden and to make a positive finding on count 1. Mueller/Masten 5-1-0.  
Bharat Barai opposed.

A motion was made and seconded to find that the Petitioner did meet its burden and to make a positive finding on count 2. Mueller/Dunniway 5-1-0.  
Bharat Barai opposed.

A motion was made and seconded to find that the Petitioner did meet its burden and to make a positive finding on count 3. Mueller/Masten 5-1-0.  
Bharat Barai opposed.

A motion was made and seconded to find that the Petitioner did not meet its burden and to make a negative finding on count 4. Mueller/Barai 6-0-0.

A motion was made and seconded to find that the Petitioner did not meet its burden and make a negative finding on count 5. Mueller/Barai 6-0-0.

A motion was made and seconded to issue a Letter of Reprimand and issue a fine of \$3,000 for the three positive findings.  
Strobel/Barai 6-0-0.

## **VI. Adjournment**

The Board adjourned at 11:34 p.m.

### **Upcoming Board**

#### **Dates**

**June 22, 2023**

**July 27, 2023**

**August 24, 2023**

**September 28, 2023**

**October 26, 2023**

**December 7, 2023**