

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

MINUTES OF MAY 25, 2017

Kirk Masten, D.O., President, called the meeting to order at 8:35 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

Members Absent: 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., Rebecca Mueller, M.D.

Barai/Green, 5/0/0
Motion carries

The Board voted to adopt the minutes of the April 27, 2017 meeting.

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

Barai/Strobel, 5/0/0
Motion carries

EBAS PRESENTATION

Stacey Kjeldgaard, Executive Director Ethics and Boundaries Assessment Services LLC. (EBAS) presented information to the Board regarding the services that they offer.

Ms. Kjeldgaard stated that their services are used by physicians whose licenses have been unfavorably reviewed by State Boards or have come before a Board due to disciplinary issues and the Board has imposed restrictions that include professional assessments.

EBAS offers services for physicians who have been deemed by a Board to have issues with boundaries, unprofessional conduct, professional standards, fraud, and substance abuse.

EBAS conducts exams for a physician who is enrolled and the results of the exams are sent to physician as well as the Board or Agency requesting the exam. The examinees are presented with actual scenarios and asked to specifically address the issues pertaining to each scenario. The examinee is allotted one hour to complete each essay and the exam fee is one thousand and five hundred dollars (\$1,500.00) for five essays.

The EBAS exam is administered at Pearson Vue Testing Centers, 6 days a week.

PERSONAL APPEARANCES

Michael Farhi, 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.

Dr. Farhi answered yes to the following application questions:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
5. Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court,
 - 1) Have you ever been arrested?

12. Were any limitations or special requirements imposed on you because of academic performance, incompetence, disciplinary problems or any other reason during your medical education or post graduate training / residency program?

Dr. Farhi's Illinois Medical License is currently on probation due failing to appropriately prescribe controlled substances to several patients of his private practice.

According to the terms and conditions of his Illinois probation, Dr. Farhi is not allowed to engage in an independent solo practice of medicine; Dr. Farhi is not allowed to practice in a home care setting; prior to initiating and/or employment, Dr. Farhi shall obtain a written approval of the Department's Chief Medical Coordinator; Prior to accepting and/or changing scope of practice and/or employment, Dr. Farhi shall obtain a written approval of the Department's Chief Medical Coordinator; if Dr. Farhi seeks any new employment in Illinois, he would only practice in a group setting with two or more Illinois licensed physicians and/or Chiropractic Physicians who have their respective licenses in active, unencumbered status without history of any disciplinary actions by the Department or any other State/or Federal agencies responsible for the oversight of healthcare providers; If Dr. Farhi is to seek the new employment in another state, he would only practice in a group setting, but the other members of the group would not need to be licensed in Illinois; Dr. Farhi shall request his Department's Chairperson at Edward Hines Jr. VA Hospital and/or any supervising physician at other healthcare setting where Dr. Farhi may practice in the future to submit quarterly reports to the Department regarding Dr. Farhi's scope of practice, clinical performance and any issues arising out of Dr. Farhi's performance of his duties; while Dr. Farhi is on probation, he shall take and complete the following Category I Continuing Education hours/credits: (i) thirty (30) CMEs in the area of Controlled Substance prescribing; (ii) Twenty (20) CMEs in the area of addiction medicine; and (iii) Ten (10) CMEs in the area of psychiatric disorder; respondent shall take and pass all five topic areas of Ethics and Boundaries Post-Licensure (EBAS) Essay Examination within six (6) months of the effective date of the consent order.

In 2009 Dr. Farhi was arrested but not convicted of a DUI.

During Dr. Farhi's residency at Northwestern, he was placed on academic probation for six (6) months during his third year. He satisfied his preceptors and was returned to normal activity as well as graduating on time.

After discussion, the Board moved to APPROVE Dr. Farhi's license on INDEFINITE PROBATION with TERMS AND CONDITIONS that mirror the terms of the Illinois probationary order and also include an additional THIRTY (30) HOURS of CME within a year from the date of the order.

Strobel/Barai, 5/0/0
Motion carries

Mukesh Garg, M. – 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.

Dr. Garg answered yes to the following application questions:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
3. Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner?
4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
5. Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court,
 - 1) Have you ever been arrested?
 - 2) Have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state?
 - 3) Have you ever been convicted of any offense, misdemeanor, or felony in any state?
 - 4) Have you ever pled guilty to any offense, misdemeanor, or felony in any state?
 - 5) Have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?

Dr. Garg was arrested and convicted of a DUI in March of 2012. As a result of this, his Missouri, Pennsylvania and Nebraska licenses have been placed on probation with monitoring contracts as part of their terms and conditions of probation.

Dr. Garg entered into a monitoring contract with ISMA for ten (10) years.

The following exhibits were admitted into evidence by Dr. Garg:

Exhibit 14: Letter from Anna Harrison, RN, BSN, Compliance Monitor Unit, Nebraska Department of Health and Human Services, May 17, 2017

Exhibit 15: Letter from Tabitha Carlson, Psy.D.ABPP, Licensed Clinical Psychologist, Family Resources og Greater Nebraska, P.C., May 15, 2017

Exhibit 16: Letter from Kevin Knipe, MSW, LSW, Program Manager, Professional Health Monitoring Programs, Pennsylvania Department of State, Bureau of Professional and Occupational Affairs, May 11, 2017

Exhibit 17: Letter from Charlene Sanders, CPHZ, MHA, VP of Quality, Mary Lanning Healthcare, May 19, 2017

Exhibit 18: Letter from Hosakote Nagaraj, M.D., Nebraska Heart Institute, May 19, 2017

Exhibit 19: Letter from Warren K. Reiss, M.D., Chief of Service, St. Joseph Health System, May 22, 2017

Exhibit 20: Letter from Mary Fahey, LCSW, Program Director, Missouri Physicians Health Program, May 23, 2017

Exhibit 21: Letter from Charles Sincox, M.D., Medical Director and Mary Fahey, Clinical Coordinator of the Missouri Physicians Health Program, April 7, 2017

After discussion, the Board moved to GRANT Dr. Garg a LICENSE on PROBATION with terms and conditions that follow the consent order of Nebraska, and will include compliance with ISMA and submitting quarterly reports.

Strobel/Green, 5/0/0
Motion Carries

Syed Kazmi, M.D. – Initial Application – Tabled from December 1, 2016

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

At the December 1, 2016 Board meeting, Dr. Kazmi presented an assessment that he completed at K-Star in Galveston, Texas. K-Star recommended that Dr. Kazmi acquire a preceptor, ACLS recertification, neurophysical evaluation, completion of continuing medical education course in pharmacotherapeutics and interview skills.

The Board GRANTED Dr. Kazmi, at the December meeting, a provisional license for six (6) months beginning with the start of his employment, provided that he return before the Board with documentation that he has complied with all of the K-Star recommendations.

Dr. Kazmi appeared before the Board to extend his provisional license for one year in order to do a clinical preceptorship in Indiana, and show the progress he has made regarding the Board's requested documentation of compliance of K-Star recommendations.

Dr. Kazmi admitted the following exhibits into evidence:

Exhibit 1: ACLS Provider Card

Exhibit 2: Psychological/Psychiatric Assessments from Donaldson Wellness Center and Texas Pain Physicians

Exhibit 3: CME Activity Trackers

Exhibit 4: KSTAR Pharmacology Curriculum

Exhibit 5: List of articles for self-directed review.

After discussion, the Board moved to EXTEND Dr. Kazmi's PROVISIONAL LICENSE for ONE (1) YEAR.

Dr. Kazmi's next personal appearance is to take place in May 2018.

Masten/Barai, 5/0/0
Motion carries

David W. Baxter, D.O. – Reinstatement – Inactive to Active Status

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

Dr. Baxter stated in a letter to the Board that he was requesting to renew his license to active status so that he may treat/prescribe for family and friends as well as volunteer as the opportunity arises. Dr. Baxter had been prescribing non-controlled substances to family and friends but the pharmacies in his area would not fill his prescriptions due to his license status showing that he was inactive. Dr. Baxter's work history showed that he had not practiced medicine in a clinical setting since October of 2014.

Dr. Baxter stated that he did not plan to reinstate a controlled substance registration and only wanted to be able to prescribe non-controlled refills for family and friends who already had received initial diagnosis and treatment from other physicians, thus negating the need to keep patient files and documentation.

After discussion, the Board moved to APPROVE Dr. Baxter's INACTIVE TO ACTIVE RENEWAL.

Strobel/Barai, 4/1/0 (Mueller opposed)
Motion carries

Jan C. Gromada, D.O. – Reinstatement – 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.

Dr. Gromada answered yes to the following reinstatement application question:

5. Since you last renewed have you been denied staff membership or privileges in any hospital or clinic or, have staff membership or privileges been revoked, suspended or subjected to any restriction, probation, or other type of discipline or limitations?

Around 2013, privileges for surgery and OBGYN were not renewed for Dr. Gromada at Genisys and Lapeer Regional Hospital due to tremor in right hand. Dr. Gromada currently works for Censeo Health as an independent contractor doing non-prescriptive, in-home, health risk assessments.

After discussion, the Board moved to GRANT Dr. Gromada a LICENSE on INDEFINITE PROBATION with the stipulations that he is restricted to only performing outpatient assessments and is not allowed to practice any invasive procedures.

Barai/Green, 5/0/0
Motion carries

Rebecca S. Aguirre, M.D. – Waiver – USMLE 10 Year Rule

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

Dr. Aguirre passed all USMLE steps within 11 years. She is currently undertaking a combined fellowship through Indiana University.

The following witness spoke on Respondent's behalf:
John Fuqua, M.D., Indiana University Fellowship Program Director

After discussion, the Board MOVED to APPROVE Dr. Aguirre's LICENSE WITHOUT WAIVER REQUIREMENTS.

Barai/Mueller, 5/0/0
Motion carries

Muhammad Chowdry, M.D. – Waiver – 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.

Dr. Chowdry received his degree from the American University of the Caribbean in June of 1984. The Board did not recognize the American University of the Caribbean as an approved foreign medical school until December 20, 1984.

Dr. Chowdry completed three years of post-graduate training at the University of Iowa and is Board Eligible in Psychiatry. He currently works for Mid-America Mental Health in Merrillville, Indiana. Dr Chowdry also is fully licensed in Iowa and Pennsylvania and has had no malpractice history.

After discussion, the Board moved to APPROVE Dr. Chowdry's LICENSE.

Barai/Green, 5/0/0
Motion carries

Oladele Oladapo, M.D. – Waiver – USMLE 3 Attempt Rule, 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.

Dr. Oladapo took four (4) attempts to pass step three of the USMLE. Dr. Oladapo also completed his medical school at Trinity School of Medicine in St. Vincent, West Indies. This school is not listed on the Indiana or California approved foreign medical school list.

Dr. Oladapo is scheduled with the American Board of Psychiatry and Neurology to sit for the General Psychiatry Certification Exam September 18-19, 2017. At this time Dr. Oladapo is Board Eligible.

Dr. Oladapo is currently finishing his fourth year of post-graduate training at Case Western Reserve University (MetroHealth) Psychiatry Residency Program, in good standing, and will graduate on June 30, 2017.

The following witnesses spoke on Dr. Oladapo's behalf:

1. Mr. G. Keith Crews, VP/Executive Director of Reid Health Physician Associates
2. L. Keith Hollers, Director of Student Services, Trinity School of Medicine

Dr. Oladapo admitted the following documents supporting his waiver request:

1. Reid Health Professional Service Agreement
2. Reid Health Employer Letter
3. Reid Health Employer Letter and Recruiter Letter
4. Letter of Recommendation, Linda Adkison, Dean of Trinity School of Medicine
5. Letter of Recommendation, Karen M. Collins, MSN, PMHNP-BC, WHNP-BC, MetroHealth
6. Letter of Recommendation, Adrian Gracia, M.D., MetroHealth
7. Letter of Recommendation, Mary Louise Miller, M.D., MetroHealth
8. Letter of Recommendation, Rajesh R. Tampi, M.D., MS, DFAPA, MetroHealth
9. Letter of Recommendation, Akbar Shinwari, M.D., Reid Psychiatric Associates

After discussion, the Board moved to ADD Trinity School of Medicine to the Indiana Approved Foreign Medical School list since it was accredited by CAAM-HP.

Mueller/Green, 5/0/0
Motion carries

After further discussion, the Board moved to GRANT Dr. Odalapo a WAIVER and APPROVE his LICENSE.

Strobel/Masten, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Michael Cozzi, M.D., License No. 01045203A, Cause No. 2016 MLB 0013

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

Participating Board Members: Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.D., Rebecca Mueller, M.D.

Let the record reflect that Kirk Masten, D.O. recused himself from this matter.

The State requested an extension of Summary Suspension for an additional sixty (60) days, pursuant to an agreement.

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

Mueller/Barai, 4/0/0
Motion carries

Mariano Abaya Galang, M.D., 01037331A, Cause No. 2011 MLB 0018

Respondent appeared in person and with counsel, Zachary VanVactor, regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Patricia Gibson Deputy Attorney General, and Laura Iosue, Supervising Deputy Attorney General. 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., Rebecca Mueller, M.D.

Respondent requests that the suspension that was placed on his Indiana Medical License on June 29, 2011, be lifted although he does not intend to reactivate his Indiana license at this time, and asks that it be placed on inactive status, as it was prior to the suspension.

Respondent presented evidence that the terms of the Kentucky Board of Medical Licensing Agreed Order and the restrictions on his Kentucky license have been removed since July 15, 2014.

After discussion, the Board moved to REINSTATE the SUSPENSION of Respondent's license.

Green/Strobel, 5/0/0
Motion carries

Michael Love, M.D., License No. 01048505A, Cause No. 2016 MLB 0046

Respondent failed to appear in person or with counsel regarding an Extension of Summary Suspension and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Stacy Oliver, 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., John Strobel, M.D., Scott Green, M.D., Rebecca Mueller, M.D.

The State presented a Settlement Agreement to the Board.

Respondent's criminal trial is scheduled for November of 2017. The State requests that the Board accept the settlement agreement and extend the summary suspension for an additional ninety (90) days.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and an EXTENSION OF SUMMARY SUSPENSION FOR NINETY (90) DAYS.

Strobel/Green, 4/0/0
Motion carries

James McDonnel, M.D., License No. 01075236A, Cause No. 2017 MLB 0010

Respondent failed to appear in person or with counsel regarding an Extension of Summary Suspension and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Stacy Oliver, 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., Rebecca Mueller, M.D.

The State presented a Settlement Agreement to the Board.

The State requests that the Board accept the settlement agreement and extend the summary suspension for an additional ninety (90) days.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and an EXTENSION OF SUMMARY SUSPENSION FOR NINETY (90) DAYS.

Barai/Green, 5/0/0
Motion carries

Yvon J. Nazon, M.D., License No. 01021678A, Cause No. 2017 MLB 0014

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 Matthew Daly, Intern. 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., 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/Green, 5/0/0
Motion carries

Ardeshir F. Nia, M.D., License No. 01064510A, Cause No. 2015 MLB 0037

Respondent appeared in person and without counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Natalie Stidd, 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., Rebecca Mueller, M.D.

Respondent's Oklahoma Medical License was placed on probation on March 6, 2014. As a result of the findings regarding his probationary license in Oklahoma, the Board moved to place Respondent's Indiana medical license on indefinite probation for a minimum of two years. In order to petition to withdraw the Indiana Probation, Respondent's Oklahoma license must be off probationary status and be free of any other disciplinary action.

Respondent submitted proof to the Board that the probation in Oklahoma had ended on March 6, 2017, and that he was in full compliance during the probationary period. Respondent now holds an unrestricted license in Oklahoma.

Respondent admitted the following exhibit into evidence:

Exhibit 1: Letter from Gary Ricks, Compliance Coordinator for the State of Oklahoma Board of Medical Licensure and Supervision.

After discussion, the Board moved to WITHDRAW the PROBATIONARY TERMS from Respondent's Indiana Medical license.

Barai/Green, 5/0/0
Motion carries

Dan Keith Nordmann, M.D., License No. 01036063A, Cause No. 2017 MLB 0019

Respondent appeared in person and with counsel, Christopher Riegler, regarding a Petition for Summary Suspension and a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Natalie Stidd 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., Rebecca Mueller, M.D.

The State filed petition for emergency suspension due to his contract being terminated by ISMA's PAP.

An agreement has been reached between State and Respondent.

The Board moved to ACCEPT AGREEMENT and PLACE Respondent's license on SUMMARY SUSPENSION.

Barai/Strobel, 5/0/0
Motion carries

Satyanarayana G. Raju, D.O., License No. 02002114A, Cause No. 2016 MLB 0043

Respondent appeared in person and with counsel, Kristi McMains, regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Stacy Oliver, 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., Rebecca Mueller, M.D.

Respondent's license was suspended in May of 2015 in Illinois. Suspension was for one year due to prescribing practices in Danville, Illinois at his pain clinic. A Summary

Suspension hearing will be held in Illinois in late June of 2017. Respondent's License is still suspended in Illinois. Respondent has closed his pain clinic.

The State presented a Settlement Agreement which included terms that the Respondent will be placed on Indefinite Probation for no less than 2 years; will not open any medical practice in Indiana during the probationary period; will not be allowed to renew his controlled substance registration in Indiana while on probation; will be restricted to only practicing medicine in at the VA Hospital in Danville, Illinois without prior Board approval; and must keep an accurate prescription log.

Respondent has agreed to the terms of settlement agreement and probationary terms.

The Board moved to ACCEPT AGREEMENT and place Respondent's license on INDEFINITE PROBATION.

Green/Strobel, 5/0/0
Motion carries

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

Respondent failed to appear in person but was represented by counsel, Joshua Burress regarding a Disciplinary Hearing and Proposed Settlement Agreement 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., Rebecca Mueller, M.D.

On March 29, 2017, Respondent pled guilty to one (1) count of Possession of a Narcotic Drug, a Level 6 Felony, and one (1) count of Criminal Recklessness, a Class B Misdemeanor, in the Delaware County Circuit Court. Respondent was sentenced to two (2) years of supervised probation. While on probation, Respondent will be required to complete two-hundred (200) hours of community service, and continue counseling.

The State and Respondent reached a settlement agreement which requests that the Respondent's Indiana Medical License be Surrendered. The agreement states that should the Respondent submit an application for an Indiana medical license in the future, Respondent must first appear before the Medical Licensing Board of Indiana at a hearing to consider whether or not Respondent is able to practice medicine with reasonable skill and safety to the public.

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

Barai/Strobel, 5/0/0
Motion carries

Betti H. Ressler, M.D., License No. Pending, Cause No. 2017 MLB 0017

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., Rebecca Mueller, M.D.

The Board reviewed Respondent's application for licensure at the March 23, 2017 Board meeting. The Board denied Respondent's application due to the fact that the American University of the Caribbean was an unapproved foreign medical school at the time Respondent attended and received her degree. Respondent received her degree on January 1, 1982. The school was added to the approved foreign medical school list on December 20, 1984.

Respondent holds unrestricted licenses in Florida, Maine, North Carolina and New York. Respondent is also a diplomate of the American Board of Pediatrics and has been successfully recertified four times since 1990. Respondent plans to provide pediatric medical services on a locum tenens basis in Indiana.

The following witness appeared before the Board on the Respondent's behalf:

Michael Davis, Locumtenens.com

After discussion, the Board moved to GRANT Respondent a WAIVER and ISSUE her a license..

Barai/Green, 5/0/0
Motion carries

Eric Kammi Tchaptchet, M.D., License No. 01060475A, Cause No. 2017 MLB 0015

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing 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: Kirk Masten, D.O., Bharat Barai, M.D., John Strobel, M.D., Scott Green, M.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/Strobel, 5/0/0
Motion carries

Anna Willard, M.D., License No. 01062895A, Cause No. 2017 MLB 0018

Respondent appeared in person and without counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacy Oliver Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General. 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., Rebecca Mueller, M.D.

The State requested that the Board place Respondent's license on Indefinite Suspension for ninety (90) days due to complaints filed with the Indiana State Medical Association Physician Assistance Program (ISMA PAP) regarding alleged mental and physical impairment on the job due to substance abuse.

The State admitted the following exhibits into evidence:
Exhibit A: Affidavit from Candace Backer, Physician Assistance Coordinator, ISMA PAP

The State called the following witness to testify:
Fred Frick, M.D., Medical Consultant, ISMA PAP

Respondent admitted the following exhibits into evidence:
Exhibit 1: Medical records of the Respondent
Exhibit 2: Medical records of the Respondent

After discussion, the Board moved to PLACE Respondent's LICENSE on SUMMARY SUSPENSION for NINETY (90) DAYS.

Strobel/Green, 5/0/0
Motion carries

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

Respondent failed to appear in person or with counsel regarding a Notice of Proposed Default 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., Rebecca Mueller, M.D.

A hearing was scheduled for Respondent on April 27, 2017 due to charges in the State of Ohio, in 2015, for two (2) counts of Gross Sexual Imposition, both 4th Degree Felonies, and one (1) count of Tampering with Records, a 1st degree Misdemeanor; and charges in Michigan, in 2016, of four (4) counts of Criminal Sexual Conduct, all as 4th Degree Misdemeanors.

Respondent was found guilty on all counts in Ohio and sentenced to one hundred and eighty (180) days in jail, to be followed by four (4) years of probation. Respondent was also found guilty in Michigan for two (2) counts of Criminal Sexual Conduct. He was sentenced to ninety (90) days in jail, to be followed by five (5) years of probation.

Respondent did not appear at the hearing and a Notice of Proposed Default was issued.

Respondent contacted the State in response to the Notice of Proposed Default and stated that he was unable to attend the Hearing due to being placed on probation in Michigan. He stated that he had filed appeals to his convictions. Respondent requested that he not be held in Default and that the hearing could be rescheduled after his appeals are complete.

After discussion, the Board moved to NOT HOLD the Respondent in DEFAULT and to reschedule his hearing for July 27, 2017.

Masten/Mueller, 5/0/0
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.

Rule Updates

Senate Bill 226 – Limits on Opioid Prescribing

The Board held further discussions regarding a proposed rule that would add exceptions to the opioid prescribing limits. Specifically, the Board discussed adding postsurgical care (instead of postoperative care), limited to cardiothoracic, orthopedic, cardiovascular, head & neck, abdominal, neurological and ob/gyn surgeries. This will be discussed further at the working group established for this rulemaking action.

High Breast Density Guidelines “consult” definition & Acupuncture referral rule

The Director advised that both rule changes were still under review with the Governor's office.

Telehealth

The Board advised the Director to send the proposed draft to ISMA for preliminary comments prior to voting on a working draft.

Agency Correction, LSA 17-XXX(AC), 844 IAC 5-2-8(a)

The Board moved to adopt an agency correction updating an incorrect statutory citation in 844 IAC 5-2-8(a).

Strobel/Barai, 5/0
Motion carries

Citations

The Board moved to issue Chittaranjan Patel, M.D., 01039547A a civil penalty of \$500 for failure to complete death certificates in a timely manner.

Green/Strobel, 5/0
Motion carries

Retirement/Surrender Requests

Mark Criswell, M.D., 01046367A - Retirement

Dr. Criswell is requesting to place his license in retirement status.

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

Barai/Green, 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.

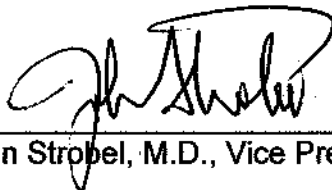
Muslim Association of Southern Indiana for Health Advancement, Inc. (MASIHA)

After review and discussion, the Board DENIED the APPLICATION after finding that the location, which was a leased space in a commercial office building, was predominantly used for providing healthcare services.

Strobel/Green, 5/0/0
Motion carries

There being no further business, the meeting adjourned at 4:10 p.m.


Kirk Masten, D.O., President


John Strobel, M.D., Vice President