

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

Thursday, August 24, 2023

**Indiana Professional Licensing Agency
Room W064
402 West Washington Street
Indianapolis, Indiana 46204**

I. Call to Order and Establishment of Quorum

8:30 a.m.

The meeting was called to order at 8:35 a.m.

Board Members Present:

John Strobel, MD
Kirk Masten, DO
Frank Messina, MD
Heidi Dunniway, MD
Victoria McCann, JD

Board Members Absent:

Bharat Barai, MD
Rebecca Mueller, MD

PLA Staff:

Alyssa Servies, JD, MPH
Kiko Dixon

Advisory Counsel:

Adam Harvey, JD

II. Adoption of the Agenda

A motion was made and seconded to adopt the amended agenda.
McCann/Masten 5-0-0.

III. Adoption of the Minutes

1. June 22, 2023
2. July 27, 2023

The adoption of the minutes was tabled.

IV. Personal Appearances

1. Kelly Fields, D.O., M.D. (Initial)

Dr. Fields appeared for a positive response on an initial application. She was represented by counsel, Mary Watts. During her residency program, she had a corrective action with a written counseling due to scheduling conflicts between two clinical rotations. She received an extension to complete the full rotations, which resulted in her program director submitting the written counseling to ACGME. While in medical school, she was diagnosed with a mental health condition which is well managed through ISMA's physicians' assistance program. Dr. Fields decided to leave her residency program. She is interested in doing locums service or in urgent care to keep skills up while deciding whether to re-enter a residency program for either family medicine, emergency medicine, or internal medicine. A motion was made and seconded to approve the initial application and issue the license. Masten/Messina 5-0-0

2. Anis Mekhail, M.D.

Dr. Mekhail failed to appear.

3. Walter Rizzoni, M.D.

Dr. Rizzoni appeared on a positive response on an initial application. He is doing locums vascular surgery work in Indiana at Reid hospital and has been employed full time employed by the University of Pittsburgh. In a recent medical malpractice settlement from October 2022, he and 30 other providers were named stemming from a missed lung cancer diagnosis. A motion was made and seconded to approve the initial application and issue the license. Masten/Messina 5-0-0

4. Anna Smigielski, RD (Initial)

Smigielski appeared for a positive response on an initial application. She reported three OWIs and that she is on criminal probation in Kentucky for six more months. She recently moved to Indiana and got her third OWI in 2021. She was not officially charged until 2023 because the Indiana court was waiting on Kentucky charges. Smigielski reports that she has not had anything to drink since 2021. She is currently employed by ASC and just completed the registered dietician exam in Indiana. A motion was made and seconded to approve the application and issue the license on indefinite probation. In the next 90 days, she is to submit a substance use evaluation by an ISMA approved provider. After submitting the results of the evaluation, she is to make a personal appearance before the board to

determine whether to modify or withdraw the probation on the license. Strobel/Dunniway 5-0-0.

5. Pooria Bakheshi, PGT

Dr. Bakheshi appeared before the Board as a follow up to last month's appearance. Illinois issued a probationary order and his Illinois-PGT will be on probation for three years, which is the length of his residency program with Franciscan. A motion was made and seconded to issue his Indiana-PGT on indefinite probation. While on indefinite probation, Dr. Bakheshi must comply with terms of Illinois order and submit proof of compliance with the Illinois order. Masten/Dunniway 5-0-0.

6. Min Kim Choi, M.D., Renewal

Dr. Choi appeared before the Board for failing to disclose a malpractice action on a renewal application. She states she misunderstood the question since the malpractice action happened through the VA and she was not at the VA when the settlement happened. Dr. Choi reports that she has been retired for 2 years and renewed to inactive status. Dr. Choi admits that she made an error on the application; she should have disclosed the settlement. A motion was made and seconded to renew and not issue a civil penalty. Masten/Dunniway 5-0-0

7. Suresh Devnani, M.D., Renewal

Dr. Devnani appeared before the Board for failing to disclose a malpractice action on a renewal application. He submitted documentation after the personal appearance notice went out. He reported that he retired in June of last year and did not realize the hospital had settled the case. Dr. Devnani stated the hospital attorney added his name to the suit after they had a discussion on the case, but he did not get a notification from NPDB about the settlement. A motion was made and seconded to issue a \$250 civil penalty. Strobel/Dunniway 5-0-0.

8. Rajesh Dhamecha, M.D., Renewal

Dr. Dhamecha appeared before the board on August 24, 2023, for failing to disclose a medical malpractice settlement on his 2023 renewal. Dr. Dhamecha stated he did not answer the question in the affirmative because the documentation he received stated the case was "dismissed" and he did not understand that he was not one of the physicians included in the dismissal. Once he realized his error, he sent the corrected information. A motion was made and seconded to renew his license and not issue a civil penalty McCann/Dunniway 5-0-0.

9. Blaine Farley, M.D., Renewal

Dr. Farley appeared before the board on August 24, 2023, for failing to disclose a medical malpractice settlement on his 2023 renewal. Dr. Farley stated he is retired and did not get the notification from the database. He is currently living in Naples, Florida teaching emergency medicine. A motion was made and seconded to renew his license and to not issue a civil penalty. Masten/McCann 5-0-0.

10. William Fisher, D.O., Renewal

Dr. Fisher failed to appear.

11. George Fayez Labib Youssief Gad, M.D., Renewal

Dr. Gad failed to appear.

12. Saiful Kabir, M.D., Renewal

Dr. Kabir failed to appear.

13. Donald Walter Kucharzyk, D.O., Renewal

Dr. Kucharzyk appeared before the board on August 24, 2023, on his renewal application for failing to disclose a medical malpractice settlement. He stated he did not read the question all the way through. He also stated that he is still practicing but is working on the process of retiring. Dr. Kucharzyk was aware that there was settlement in 2022. A motion was made and seconded to renew the license and issue a civil penalty of \$250.00 Strobel/Dunniway 5-0-0.

14. Alexander Lakowsky, M.D., Renewal

Dr. Lakowsky failed to appear.

15. James Milligan II, M.D., Renewal

Dr. Milligan appeared before the board for failing to disclose a medical malpractice settlement on his renewal application. He believed he explained the lawsuit on his 2021 renewal. Dr. Milligan reported that he retired all his hospital privileges because he is no longer doing surgical work. He keeps his license active to work a free clinic in Westfield. Dr. Milligan reported that he did receive a notification in 2022 of the medical malpractice settlement. A motion was made and seconded to renew the license and issue a civil penalty of \$250.00. Strobel/Masten 5-0-0.

16. Christopher Nelson, D.O., Renewal

Dr. Nelson appeared before the board on August 24, 2023, on his renewal application for a positive response. His Kentucky license was placed on probation. He reported that he relapsed in the summer of 2022 and had one instance of drinking at work. Dr. Nelson put himself into a treatment program immediately following this incident. He contacted ISMA PAP and Kentucky's equivalent program and disclosed the relapse to the Indiana and Kentucky medical boards. Dr. Nelson has been sober for over a year and is currently involved in a five year contract with ISMA PAP. Dr. Nelson is currently working for St. Vincent in Evansville. ISMA PAP Coordinator Jennifer Jackson-Harr spoke to his compliance with his contract. She gave him a "5 star" rating. A motion was made and seconded to renew his license and refer the matter to the OAG. Strobel/Masten 4-0-0. Dr. Dunniway was recused from the matter.

17. William Spanenberg, M.D., Renewal

Dr. Spanenberg appeared with counsel, Michael Gaerte, before the board on August 24, 2023, for failing to disclose a medical malpractice settlement on his 2023 renewal. Dr. Spanenberg did not understand that since the suit went through federal court instead of the patient compensation fund that he still needed to answer the question in the affirmative. Dr. Spanenberg is currently employed by the VA and the chief of emergency medicine submitted a letter of recommendation for his appearance. Dr. Spanenberg stated he did not receive notice of the settlement or NPDB report and was only made aware when a credentialist at VA told him of the NPDB report. A motion was made and seconded to renew his license and not issue a civil penalty Strobel/Masten 5-0-0.

18. Ryan Thomas, D.O., Renewal

Dr. Thomas appeared before the board on August 24, 2023, on his renewal application for failing to disclose the suspension of his hospital privileges with St. Vincent. He was suspended for approximately one month, pending an investigation. He has been involved with the ISMA PAP for a little over a year, after spending time at the Positive Sobriety Institute in Chicago. ISMA PAP Coordinator Mollie Dagon spoke to his diagnoses and his compliance with his contract. She gave him a "5 star" rating. Dr. Thomas is still employed with St. Vincent. A motion was made and seconded to renew his license and refer the matter to the OAG. Strobel/Masten 5-0-0.

V. Discussion Items

1. OAG Report

The OAG Report was presented Amy Osborne, Section Chief of Medical Licensing.

2. IDOH Protocol and Standing Order

After review, the Board voted to approve the protocol and standing order. Messina/Dunniway 5-0-0.

VI. Administrative Hearings

11:00 a.m.

A. FINAL HEARINGS / PROPOSED SETTLEMENT AGREEMENTS

1. DAVID WILLIAM JOHNSON, M.D., 01035716A

Cause No.: 2020 MLB 0015

DAG: Ryan Eldridge

Respondent: Present through counsel, Shelley Jackson

Witness(es): None

Exhibit(s): None

A motion was made and seconded to accept the agreement and issue a letter of reprimand and a \$1,000 fine. Strobel/Masten 4-0-0.

Dr. Dunniway was recused from the matter.

2. SHYAM V. PATEL, D.O., 02005122A

Cause No.: 2023 MLB 0011

DAG: Britney McMahan

Respondent: Present with counsel, Michael Gaerte.

Witness(es): Shyam Patel, DO; Mollie Dagon, ISMA PAP Coordinator

Exhibit(s): Exhibit A: Residency Training and Experience

Exhibit B: MCAP Evaluation

Exhibit C: PBI Post-Course Participation Report

Exhibit D: Letter from ISMA PAP

A motion was made and seconded to accept the agreement and issue a letter of reprimand. Strobel/Messina 4-0-1

McCann voted no.

B. PETITION FOR PROBATION MODIFICATION / WITHDRAW

1. EDWARD EVERETT BELL, M.D., 01032992A

Cause No.: 2021 MLB 0010

Re: Probation Withdrawal

DAG: Carah Rochester with Certified Legal Intern, Carlos Montenegro

Respondent: Present through counsel, Chad Bradford

Witness(es): Edward Bell, MD; Alyssa Servies, Board Director

Exhibit(s): None

A motion was made and seconded to withdraw the probation.

Masten/Barai 5-0-0.

2. HELEN LOUISE FLIPPIN, M.D., 01085097

Cause No.: 2021 MLB 0002

Re: Probation Withdrawal

DAG: No DAG

Respondent: Present and comfortable proceeding without counsel.

Witness(es): Helen Flippin, MD; Robert Arthur, MD

Exhibit(s): None

A motion was made and seconded to deny the petition to withdraw the probationary status. Strobel/Masten 5-0-0.

A motion was made and seconded to modify the probationary order by modifying paragraph 4 of the order and removing paragraph 5 of the order. Specifically, Dr. Flippin should submit quarterly patient logs with initials, diagnoses, and practice setting. She should also identify board approved, IN licensed physicians as mentor(s) and cause those mentor(s) to submit quarterly reports to the board with a summary of patient volume and assessment of clinical decision-making skills. Strobel/Masten 5-0-0.

VII. Adjournment

The meeting was adjourned at 1:25 p.m.

Upcoming Board Dates

September 28, 2023

October 26, 2023

December 7, 2023

January 25, 2024

February 22, 2024

March 21, 2024

April 25, 2024

May 23, 2024

June 27, 2024

July 25, 2024

August 22, 2024

September 26, 2024

October 24, 2024

December 5, 2024