

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

MINUTES OF August 24, 2017

Kirk Masten, D.O., President, called the meeting to order at 8:36 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: Kirk Masten, M.D., President
Bharat Barai, M.D., Secretary
Scott Green, M.D., Member
Rebecca Mueller, M.D., Member (left at 11:15 a.m.)
Victoria McCann, J.D., Member (arrived at 10:15 a.m.)

Members Absent: John Strobel, M.D., Vice President

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, M.D., Scott Green, M.D., Bharat Barai, M.D., Rebecca Mueller, M.D.

Green/Barai, 4/0/0
Motion carries

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

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

Barai/Green, 4/0/0
Motion carries

DISCUSSION

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

Presentation

Deborah Frye, Executive Director of the Indiana Professional Licensing Agency (PLA) spoke with the Board regarding updating the audio/visual capabilities of the PLA Board room, W064. The PLA would like to add microphones and additional video monitoring to the board room. This would allow video of the meetings held in Room W064 to be available to the public for thirty (30) days after the date of the meeting and would also improve the audio quality for the public who attend the meetings.

Deborah stated that in order to have the funds to move forward with this audio/visual upgrade she will be approaching various Boards to share the cost of the equipment and installation needed with the PLA. She stated that she will be meeting with these various Boards in September and October of 2017 in order to hopefully start the installation by the beginning of 2018.

Deborah also stated that the Medical Board statute IC 25-22.5-2.8 has administrative language that allows funds to be appropriated by the PLA.

According to Deborah, the cost for the initial installation would be a total of sixty (\$60,000.00) thousand dollars. This cost would be shared fifty percent (50%) by PLA and fifty percent (50%) by various Boards. The amount that the PLA is requesting the Medical Licensing Board contribute would be five thousand dollars (\$5,000.00).

Deborah stated that this amount would be pulled from the Medical Licensing Board Compliance Fund. Currently, the Medical Licensing Board Compliance Fund has approximately twenty-two thousand dollars (\$22,000.00) in the fund.

After discussion, the Board moved to appropriate five thousand (\$5,000.00) dollars from the Medical Licensing Board Compliance Fund to be utilized by the IPLA for upgrading audio/visual equipment in the IPLA Board room, W064.

Barai/Green, 4/0/0, McCann out
Motion carries

Citations

After discussion, the Board moved to IMPOSE a CIVIL PENALTY of FIVE HUNDRED (\$500.00) DOLLARS to be PAID IN THIRTY (30) DAYS on the following Physicians for failing to answer "yes" to a question on their application:

Frederick Rescorla, M.D. 01031794A – Failure to disclose

William Kuhn, M.D. 01033760A – Failure to disclose

Thomas Bathrick, D.O. 02000736A – Failure to disclose

Marc Levin, M.D. 01023340A – Failure to disclose

Cary Guse, M.D. 01050949A – Failure to disclose

Gary Ulrich, D.O. 02001444A – Failure to disclose

Kathleen Coutinho, M.D. 01060347A – Failure to disclose

Marcel Rohana, M.D. 01030726A – Failure to disclose

Barai/Green, 4/0/0, McCann out
Motion carries

Eustace Fernandes, M.D., 01060794A – Death Certificate

One incident of delayed signing of death certificate.

After discussion, the Board moved NOT to IMPOSE a CIVIL PENALTY.

Green/Mueller, 4/0/0, McCann out
Motion carries

Don Dumont, M.D., 01033451A – Death Certificate

One incident of delayed signing of death certificate.

After discussion, the Board moved to IMPOSE a CIVIL PENALTY of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS to be PAID IN THIRTY (30) DAYS.

Green/Barai, 4/0/0, McCann out
Motion carries

Retirement/Surrender Requests

Mahendra Mahajan, M.D., 01036571A – Surrender Request

Respondent's license was placed in Indefinite Suspension on June 16, 2012 due to Board discipline in Ohio. Prior to petitioning for reinstatement, Respondent had to comply with terms and conditions, which mirrored the terms and conditions in his Ohio Medical Board Order, that were outlined in the Settlement Agreement approved by the Board.

Respondent voluntarily surrendered his license in Ohio in lieu of complying with the Consent Agreement that The Ohio Board and Respondent agreed to uphold.

Respondent asked that the Board accept his request to surrender his license in Indiana as well.

After discussion, the Board moved to DENY Respondent's REQUEST to SURRENDER his INDIANA PHYSICIAN LICENSE.

Barai/Masten, 5/0/0
Motion carries

Peter Wiersema, M.D. – 01030601A – 85 MLB 0014

Petition for Clarification of the Board's Order of July 30, 1993

Respondent is petitioning the Board due to issues with applying for a DEA permit.

Respondent's license was placed on Indefinite Probation in 1990. One of the terms of his probation was that he "shall not, and may never, apply for or hold a controlled substance registration or Drug Enforcement Administration (DEA) permit in the State of Indiana or in any other State".

In 1993, Respondent petitioned the Board to remove all restrictions on his medical license, due to compliance of all terms and conditions during his probationary period. This petition was granted.

Respondent applied for and was granted an Indiana Controlled Substance Registration on June 24, 2015.

On November 2016 the DEA submitted a complaint stating that the Board's stipulation on his probationary license in 1990 stated that Respondent "shall not, and may never, apply for or hold a controlled substance registration or Drug Enforcement Administration permit in the State of Indiana or in any other State".

Respondent is petitioning for clarification as the Board's Order of July 30, 1993 provides that "Petitioner's Petition to Remove Restriction is Granted", yet the DEA maintains that the wording of the Board's Order on May 2, 1990 takes precedence.

After discussion, the Board moved to NOTIFY the DRUG ENFORCEMENT AGENCY that Respondent's LICENSE has NO RESTRICTIONS.

Masten/Barai, 5/0/0

Motion carries

Healthcare Volunteer Registry Location Application Review

85 Hope, Wabash, IN

85 Hope is a free healthcare clinic located in the Friends Church in Wabash, IN. They provide free primary care services to Wabash County residents, ages 18 to 64, whose income falls below the poverty line and have no insurance.

After discussion, the Board moved to APPROVE the APPLICATION.

Barai/Green, 5/0/0

Motion carries

St. John the Apostle Catholic Hope Mobile, Bloomington, IN

The Hope Mobile will offer pregnancy testing as well as limited obstetric ultrasound examinations as well as administer prenatal vitamins. All services will be offered free of charge. The facility will operate in Monroe, Owen and Lawrence counties.

After discussion, the Board moved to APPROVE the APPLICATION.

Green/Barai, 5/0/0

Motion carries

PERSONAL APPEARANCES

The following personal appearances were rescheduled for the next Board meeting:

Ijaz Ahmad, M.D. - 01067511A

Ijeoma C. Azonobi, M.D. – Initial Application - Positive Response

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

Dr. Azonobi answered yes to the following application questions:

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?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Azonobi suffered an acute episode of a previously undiagnosed psychiatric condition and underwent a six (6) weeks of intensive outpatients therapy with a physician health program. Dr. Azonobi is managing condition with medical treatment, weekly support groups, therapy sessions every other week and psychiatrist appointments every quarter.

Dr. Azonobi was terminated from residency program one week before the end of her training year for miscommunication with director on being a floating resident. She still received her certification of completion of three (3) years of their program.

After discussion, the Board moved to APPROVE Dr. Azonobi LICENSE.

Green/Barai, 4/0/0
Motion carries

Daniel Hekman, M.D. – Initial Application - Positive Response

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

Dr. Hekman answered yes to the following application questions:

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?
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?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or

subjected to any restrictions, probation or other type of discipline or limitations?

7. Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?
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. Hekman is currently receiving alcohol counseling from Dr. James Craig, PhD, at Northern Light Christian Counseling in Carmel, Indiana.

On February 24, 2017, Dr. Hekman was arrested for operating a vehicle while intoxicated and related offenses and placed over night in Boone County Jail.

On April 17, 2017, Dr. Hekman pled guilty to Operating a Vehicle While Intoxicated and Endangering a Person, a Class A Misdemeanor, in Boone County, Indiana.

On December 2, 2014, Dr. Hekman was placed on academic probation by the Medical College of Wisconsin Affiliated Hospitals (MCWAH) Department of Dermatology after failing to meet the performance expectations for a resident at his level of training.

On January 20, 2015, Dr. Hekman reported inaccurate information to his program supervisors regarding his mental health treatment history.

On March 3, 2015 Dr. Hekman's probation was extended after his performance still did not meet the program's expectations for a resident at his stage of training.

On April 22, 2015, Dr. Hekman's employment was terminated based on a violation of an amendment to the MCWAH Training Agreement.

After discussion, the Board moved to TABLE Dr. Hekman's APPLICATION for licensure until the Board has received the evaluation results from Indiana State Medical Association Physician Assistance Program and to reschedule for September 28, 2017 meeting.

Green/Barai, 4/0/0
Motion carries

Sakib Khan, M.D., - Initial Application - Positive Response

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

Dr. Khan answered yes to the following application questions:

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?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?
9. Have you ever surrendered your DEA registration at any time or had any limitations placed on your DEA registration?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Khan was represented by counsel, Barclay Wong.

On October of 2015, Dr. Khan's contract with North American Partners in Anesthesia (NAPA) at MacNeal Hospital in Illinois, was terminated after testing positive for Fentanyl and diverting the drug from Pyxis automated dispensing system at the Hospital. The Illinois Board placed him on Indefinite Probation with terms and conditions for a minimum of five (5) years, starting on August 18, 2015.

Dr. Khan entered into a contract with the Illinois Professional Program in 2016. He presented a letter from Mary E. Fry, M.D., Addictionologist, stating that Dr. Khan had been under her care since he finished treatment for opiate use disorder in January of 2015 and that he is monitored through IPHP and meets with them weekly.

Dr. Khan also signed a contract with Indiana State Medical Association Physician Assistance Program (ISMA) for five (5) years.

After discussion, the Board moved to PLACE Dr. Khan's LICENSE on INDEFINITE PROBATION until he has complied with the Illinois Board consent order, his ISMA contract, and has a full, unrestricted license in Illinois.

Barai/Green, 4/0/0
Motion carries

Vijaya Samadi, M.D. – Initial Application - Positive Response

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

Dr. Samadi answered yes to the following questions:

7. Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Samadi's employment with the Department of Veterans Affairs, VA Hospital in Lexington Kentucky, was terminated for violation of VA policy regarding required Emergency Department coverage.

Dr. Samadi stated that she left the emergency room for one and a half hours to help a family member in crisis and verified before she left that the rapid response team agreed to cover until she returned.

After discussion, the Board moved to APPROVE Dr. Samadi for LICENSURE in the State of Indiana.

Green/Barai, 4/0/0
Motion carries

Zachary Charles G. Tucker, M.D. – Initial Residency Permit - Positive Response

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

Dr. Tucker appeared before the Board with counsel, Robert Saint.

Dr. Tucker answered yes to the following Residency Permit application questions:

2. Have you ever been denied a license, certificate, registration or permit to practice medicine, osteopathic medicine or any regulated health occupation in any state (including Indiana) or country, or surrendered your license?
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?

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. Tucker completed a "Fitness for Duty" evaluation that was requested by the Program Director of his residency program at Johns Hopkins Bayview Medical Center Internal Medicine Program in Baltimore, Maryland, through institution's Faculty and Students Assistance Program (FASAP). He was diagnosed with a Major Depressive Episode due to the death of an important person in his life. Dr. Tucker's second year of post-graduate training was not renewed.

Dr. Tucker was accepted into a second year post-graduate program, in June of 2016, at Baystate Medical Center in Springfield, Massachusetts. Dr. Tucker fully disclosed to the Massachusetts Board of Registration in Medicine (MBORIM) the issues that he had in Maryland, during his first year of post-graduate training, in his application for a Post-grad permit. As a result the MBORIM requested he appear at a committee hearing on August 3, 2016. Dr. Tucker was granted a 45 day license to allow his former program director at John's Hopkins Bayview Medical Center, Dr. Colleen Christmas, to redact her evaluation regarding the poor marks received on his clinical evaluation regarding "Character and Ethics" and "Cooperativeness/Ability to Work With Others" during his first year of Post-graduate training. Dr. Colleen Christmas did not feel comfortable with the requested redaction.

As a result of the low marks, Dr. Tucker received in his first year of post-grad regarding "Character and Ethics" and "Cooperativeness/Ability to Work With Others", the MBORIM decided on September 8, 2016, to deny extension of his training license. As a result of this decision, Dr. Tucker's eligibility to continue training in Massachusetts beyond September 17, 2016 was lost.

Dr. Tucker admitted the following documents to the Board for review:

1. Curriculum Vitae
2. Letter from Steven J. Scheinman, MD, The Commonwealth Medical College
3. Letter from Colleen Christmas, M.D., Johns Hopkins School of Medicine
4. Letter from Dwight C. Johnson, D.O., Penn Internal Medicine East Marshall
5. Letter from Samuel H. Borden, M.D., Baystate Health
6. Letter from Lewis M. Cohen, M.D., Baystate Medical Center
7. Letter from Rachelle Greist, M.D., St. Vincent Physician Services
8. Letter from Michael J. Rosenblum, M.D., Baystate Health Department of Medicine
9. Letter from Lannie D. Cation, M.D., F.A.C.P., Director, Internal Medicine Residency
10. Fitness for Duty Evaluation and Report from Tracy D. Gunter, M.D., Professor Clinical Psychiatry, Indiana University

Dr. Tucker has been accepted into a residency program at St. Vincent.

After discussion, the Board moved to APPROVE Dr. Tucker's POST-GRAD PERMIT in the State of Indiana.

Barai/Green, 4/0/0
Motion carries

Cunety Tegin, M.D. – unapproved foreign medical school- Waiver request

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

Dr. Tegin is requesting a waiver regarding the fact that he received his degree from a foreign medical school that is not on the approved foreign medical school list for Indiana or California.

Dr. Tegin received his degree from Pamukkale University in Denizli, Turkey on June 30, 2011.

Dr. Tegin completed his post-graduate training at the University of Louisville, Department of Psychiatry in Louisville, Kentucky, in June of 2017.

Dr. Tegin currently holds an inactive resident permit in Kentucky.

After discussion, the Board moved to TABLE Dr.Tegin's APPLICATION until he could produce proof that he has a full license in the State of Kentucky.

Green/Mueller, 4/0/0
Motion carries

Dr. Tegin was able to contact the Kentucky Board and submit proof that he has a full license in the State of Kentucky.

After discussion, the Board moved to APPROVE Dr. Tegin's LICENSURE in the State of Indiana.

Green/Barai, 4/0/0
Motion carries

Paul C. Madison. 01031628A – Renewal application -Positive Response

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

Dr. Madison was appeared before the Board with counsel, Guy DiMartino.

Dr. Madison answered yes to the following questions on the expired renewal application:

1. Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?
5. Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline – or have you resigned in lieu of discipline or termination?
7. Since you last renewed, have you surrendered your DEA registration at any time or had any limitations or discipline placed on your DEA registration?

Dr. Madison's license was originally summarily suspended due to the findings that should Respondent continue to prescribe controlled substances, there existed a clear and immediate danger to the public health and safety.

Dr. Madison surrendered all four (4) of his DEA registrations and longer hold the legal authority to prescribe controlled substances. An order terminating his summary suspension was filed on March 20, 2017.

Dr. Madison's license is still suspended in Illinois and all matters are still pending with the DEA.

After discussion, the Board moved to APPROVE Dr. Madison for LICENSURE in the State of Indiana and file a consumer complaint with the Indiana State Attorney General's Office.

Masten/Green, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was rescheduled for the next Board meeting:

Mohammad Shah, M.D., License No. 01073709A, Cause No. 2014 MLB 0004

Green/McCann, 4/0/0
Motion carries

Anthony V. Dallas, M.D., License No. 01065215A, Cause No. 2015 MLB 0009

Respondent appeared in person and without counsel regarding a Petition to Withdraw Probation 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

At the August 27, 2015 Board meeting, the parties presented a Proposed Settlement Agreement as a resolution to the Complaint filed against Respondent. The Complaint alleged that Respondent's Mississippi license was suspended in 2014 followed by probation. Subsequent discipline was taken in four other states. Mississippi found that Respondent dispensed, administered or prescribed controlled substances outside the course of a legitimate medical practice and engaged in dishonorable and unethical conduct. The Board moved to APPROVE the Proposed Settlement Agreement, placing Respondent's license on INDEFINITE PROBATION with terms and conditions, and imposed a \$1,000 FINE.

Respondent filed a Petition to Withdraw Probation and presented evidence that he has complied with all State Board Consent Orders and Agreements.

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

McCann/Green, 4/0/0
Motion carries

David A. Hall, M.D., License No. 01025672A, Cause No. 2016 MLB 0017

Respondent appeared in person and was represented by counsel, Paul Stephen Miller, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

An administrative complaint was filed against Respondent on April 17, 2017, alleging that while employed as the Clinical Medical Director at the Alcohol Abuse Deterrent Program (AADP), Respondent made available pre-printed, pre-signed prescriptions for staff members to give to patients.

On January 27, 2010, Respondent voluntarily surrendered his DEA Registration due to his use of pre-signed prescription pads while working at AADP.

As a result of Respondent's DEA registration surrender, his Controlled Substance Registration was suspended.

On or about June 24, 2011 Respondent completed his renewal application for his medical license and answered "no" to question number seven (7), which asks "since you last renewed, have you surrendered your DEA registration at any time or had any limitations or discipline placed on your DEA registration"?

From 2008 to current, Respondent has been practicing addiction medicine for Innovative Professional Services, LLC (IPS) and providing pre-signed prescriptions for legend and controlled substances to staff to give to patients without physical examinations, even though he has voluntarily surrendered his DEA registration on October 31, 2016 and his Controlled Substance Registration has been suspended since November 4, 2016.

The State and the Respondent agreed to a Settlement Agreement.

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

McCann/Barai, 4/0/0
Motion carries

The Board then discussed setting the terms for the Settlement Agreement.

After final discussion, the Board moved to INDEFINITELY SUSPEND Respondent's LICENSE for SIX (6) MONTHS and IMPOSE A FINE OF ONE THOUSAND AND FIVE HUNDRED (\$1,500) DOLLARS to be PAID IN NINETY (90) DAYS.

McCann/Green, 4/0/0
Motion carries

James F. Hanus, D.O., 02000545A, Cause No. 2017 MLB 0032

Respondent failed to appear in person, but was represented by counsel, Robert Saint, regarding a Petition for 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Victoria McCann, J.D.

On or about July 26, 2017, Respondent was charged in the Whitley County Circuit Court with four (4) counts of Dealing in a Schedule II Controlled Substance, a Class B Felony, and two (2) counts of Dealing in a Controlled Substance by a Practitioner, a Level 4 Felony. It is alleged that Respondent engaged in these activities during the course of his employment as a physician in the State of Indiana.

Respondent's criminal charges are still pending.

The State requests that the Board summarily suspend Respondent's license until resolution of criminal charges are resolved.

After discussion, the Board moved SUMMARILY SUSPEND Respondent's LICENSE UNTIL RESOLUTION OF CRIMINAL CHARGES.

Barai/McCann, 5/0/0
Motion carries

Jake Heiney, M.D., 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

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

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

Barai/Green, 4/0/0
Motion carries

Adam Hill, M.D., 01073304A, Cause No. 2014 MLB 0063

Respondent appeared in person and with counsel, Barclay Wong, regarding a Petition to Withdraw Probation 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

Respondent presented evidence that he has been in compliance with the Indiana State Medical Association Physician Assistance Program and has fulfilled all the terms and conditions of his probationary license.

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

Barai/McCann, 4/0/0
Motion carries

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

Respondent failed to appear in person or with counsel, regarding an Extension of Summary Suspension & 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Victoria McCann, J.D.

The parties have reached a Settlement Agreement which summarily suspends Respondent's license for an additional ninety (90) days.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION for an ADDITIONAL NINETY (90) DAYS.

Green/McCann, 5/0/0
Motion carries

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

Respondent appeared in person and with counsel, Christopher Riegler, regarding an Extension of Summary Suspension & Final 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Victoria McCann, J.D.

The parties agreed to a final proposed settlement agreement which would place Respondent's license in Indefinite probation for a minimum of three (3) years and imposes a one thousand (\$100.00) dollar fine, payable within ninety (90) days.

The State presented evidence that the Respondent entered into an Indiana State Medical Association contract for the life of his medical career on August 17, 2017.

After review of the settlement agreement the Board modified the settlement agreement to include additional terms.

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

Masten/Barai, 5/0/0
Motion carries

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

Respondent appeared in person and with counsel, Barclay Wong, regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Aaron Milewski, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

In 2012 Respondent began a social relationship with a woman. He began prescribing controlled substances to this woman from 2012 through 2013 in exchange for sex.

Cook's INSPECT report showed that Respondent wrote approximately 40 prescriptions for controlled substances to the woman from July 18, 2012 through January 25, 2013.

The parties agreed to a settlement that would place Respondent's license on Indefinite Suspension for no less than one year and shall not apply to have his license reinstated until he has received an outcome of "unconditional pass" after taking the Probe: Ethics and Boundaries Program through the Center for Personalized Education for Physicians.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and IMPOSE a FINE of TWO THOUSAND (\$2,000) DOLLARS.

Green/Barai, 4/0/0
Motion carries

After further discussion, the Board moved to IMPOSE that RESPONDENT PAY the FINE WITHIN NINETY (90) DAYS.

Masten/Barai, 4/0/0
Motion carries

Stephen Rogers, M.D., 01054781A, Cause No. 2011 MLB 0021

Respondent appeared in person and with counsel, Barclay Wong, regarding a Petition to Withdraw Probation 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

Respondent presented evidence that he has complied with all terms and condition of his probationary license.

Respondent admitted the following exhibit into evidence:

Exhibit A: CPEP Education Plan and Summary Report from September 2015 through May 18, 2017 for Respondent.

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

Barai/Masten, 4/0/0
Motion carries

Frank Stirlacci, M.D., 01045547A, Cause No. 2017 MLB 0031

Respondent appeared in person and with counsel, Shelley Jackson and Justin Allen, regarding a Petition for 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, M.D., Scott Green, M.D., Bharat Barai, M.D., Victoria McCann, J.D.

On or about February 5, 2016, Respondent signed a voluntary agreement not to practice medicine in the Commonwealth of Massachusetts with the Board of Registration in Medicine due to alleged prescriptions being prescribed, through his office utilizing pre-signed prescription pads, while he was imprisoned in Kentucky for failing to pay child support.

Respondent failed to disclose the Massachusetts Medical Board decision on his Indiana Controlled Substance application.

Respondent was then indicted and pled not guilty to charges in the Commonwealth of Massachusetts that allege the filing of false health care claims, uttering false prescriptions, and improper prescriptions. These charges are still pending.

Respondent was issued an Indiana Controlled Substance Registration by the Indiana Board of Pharmacy.

The State requests that the Board summarily suspend Respondent's license for ninety (90) days.

The State admitted the following exhibits into evidence:

- Exhibit A: Voluntary Agreement Not To Practice Medicine, Commonwealth of Massachusetts
- Exhibit B: Physician Information, Commonwealth of Massachusetts
- Exhibit C: Indiana Application for Controlled Substance Registration
- Exhibit D: Respondent's Indictment, Commonwealth of Massachusetts

Respondent filed a Motion to Dismiss Pursuant to Res Judicata.

Respondent admitted the following exhibits into evidence:

- Exhibit 1: Affidavit of Sherry Oman, R.N.
- Exhibit 2: Affidavit of Rujuta Gandhi, M.D.
- Exhibit 3: Affidavit of Martin Lesser, D.O.
- Exhibit 4: Medical Licensing Board of Indiana Board Meeting Dates
- Exhibit 5: Consumer Complaint received by Office of the Attorney General, 3/10/17
- Exhibit 6: Consumer Complain received by Office of the Attorney General, 6/19/2017
- Exhibit 7: Definitions of "Clear" and "Immediate"
- Exhibit 8: Timeline of events for Respondent

After discussion, the Board moved to DENY Respondent's MOTION to DISMISS PURSUANT to RES JUDICATA.

Barai/McCann, 4/0/0
Motion carries