

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

MINUTES OF OCTOBER 25, 2018

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

Members Present: John Strobel, M.D., President
Kirk Masten, D.O., Vice President
Victoria McCann, J.D., Secretary
Scott Green, M.D., Member
Michael Busk, M.D., Member

Members Absent: Bharat Barai, M.D., Member
Rebecca Mueller, M.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: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

The Board voted to adopt the minutes of the September 27, 2018 meeting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Green/Masten, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

DISCUSSION

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Citations

Rebecca Baker-Palmer, M.D., 01066377A – Failure to timely sign a death certificate

After discussion, the Board moved to IMPOSE a FINE of ONE THOUSAND and FIVE HUNDRED (\$1,500.00) DOLLARS to be PAID within THIRTY (30) DAYS.

McCann/Masten, 5/0/0

Aye's: Strobel, Masten, McCann, Green, Busk

Motion carries

Anthony Gentile, M.D., 01038177A – Failure to timely sign a death certificate

After discussion, the Board moved to IMPOSE a FINE Of FIVE HUNDRED (\$500.00) DOLLARS to be PAID within THIRTY (30) DAYS.

McCann/Masten, 5/0/0

Aye's: Strobel, Masten, McCann, Green, Busk

Motion carries

HEA 1245 Review

The Board reviewed the following Board's and Committee's decisions regarding the list of crimes for possible inclusion on a list of disqualifying crimes in an emergency rulemaking action pursuant to HEA 1245.

i. Physical Therapy Committee

After discussion the Board voted to adopt an emergency rule for this Committee, mirroring the Board's emergency rule.

Masten/McCann, 5/0/0

Ayes: Strobel, Masten, McCann, Busk, Green

Motion carries

ii. Occupational Therapy Committee

After discussion the Board voted to adopt an emergency rule for this Committee, mirroring the Board's emergency rule.

Masten/McCann, 5/0/0

Ayes: Strobel, Masten, McCann, Busk, Green

Motion carries

Rule Update – High Breast Density rule – “consult” definition

The Director informed the Board that the moratorium request for this proposal rule had been approved.

Kansky Delisma, M.D. – Appeal of denial – tabled from March 2018

Dr. Delisma submitted a letter for the Board to review regarding his reasons for not obtaining a full unrestricted license in Florida. As the Board stated at the March 2018 Board meeting, Dr. Delisma’s Indiana license issuance was contingent upon him showing proof of an unrestricted Florida license.

After discussion, the Board moved to DENY Dr. Delisma’s application for licensure.

Green/Masten, 5/0/0
Ayes: Masten, Green, McCann, Strobel, Busk
Motion carries

FULL BOARD APPLICATION REVIEW

Danny Akl, M.D. – Unapproved Foreign Medical School

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Akl is requesting a waiver of the approved medical school rule, due to receiving his degree from the All Saints University School of Medicine, in Roseau, Dominica. This foreign medical school is not currently listed on Indiana’s or California’s approved or disapproved foreign medical school lists.

Dr. Akl is Board certified by the American Board of Internal Medicine and attended Mercy Hospital & Medical Center in Chicago, Illinois for his post-graduate training in internal medicine. Dr. Akl hold an unrestricted license in Illinois.

Dr. Akl has accepted a position at Porter Regional Hospital in Valparaiso, Indiana as a medical director and an internal medicine hospitalist, signing a three year employment contract.

Dr. Akl submitted the following letters of recommendation to the Board for review:

1. Letter of recommendation from Sean Dardeau, CEO of Porter Regional Hospital
2. Letter of recommendation from Dr. Craig Rosenberg, Vice President of Schumacher Clinical Partners
3. Letter of recommendation from Dr. Sandeep Pulimi, Team Health Hospitalist Medical Director

4. Letter of recommendation from Dr. Joseph Abraham, Mercy Hospital Internal Medicine Residency Program Director

After discussion, the Board moved to APPROVE Dr. Akl's WAIVER.

Green/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Alia Safi, M.D. – Unapproved Foreign Medical School

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Safi is requesting a waiver of the approved medical school rule, due to receiving her degree from Windsor University School of Medicine in St. Kitts and Nevis. This foreign medical school is not currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. Safi completed her anesthesiology residency at the John H. Stroger, Jr. Hospital of Cook County in Chicago, Illinois, from 2014 through 2017 and completed eleven (11) months of a pediatric anesthesia medicine program at the Ann & Robert Lurie Children's Hospital of Chicago, from 2017 through 2018. Dr. Safi holds an unrestricted license in Connecticut and has accepted employment with American Anesthesiologists of Illinois, S.C. and will be working at Methodist Hospital, Northlake campus in Gary, Indiana and the Southlake campus, in Merrillville, Indiana.

After discussion, the Board moved to request a personal appearance.

McCann/Strobel, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

PERSONAL APPEARANCES

Ellen Campbell, M.D. – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Campbell answered yes to the following questions on her licensure application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?

Dr. Campbell took a leave of absence to receive treatment for depression and subsequently signed a contract with Virginia Health Practitioners Monitoring Program (HPMP) in 2010. Part of the monitoring agreement prohibited her from prescribing or refilling prescriptions for her patients while in treatment.

Dr. Campbell was issued a reprimand and had terms and conditions placed on her Virginia license by the Commonwealth of Virginia Department of Health Professions on March 26, 2011, due to violating her monitoring agreement with the HPMP and being subsequently terminated from the program due to prescribing refills to patients while in the monitoring program and on leave of absence.

The Commonwealth of Virginia Department of Health Professions terminated the terms and conditions and restored her Virginia license without restrictions on March 7, 2012, due to Dr. Campbell's compliance.

After discussion, the Board moved to APPROVE Dr. Campbell's application for LICENSURE.

Green/Strobel, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Jerry Childs, D.O. – Unapproved foreign medical school

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Childs answered yes to the following question on his licensure application:

9. Have you ever surrendered your DEA registration at any time or had any limitations placed on your DEA registration?

Dr. Childs surrendered his DEA registration in May of 2006 and entered rehabilitation for addiction issues. Dr. Childs was in treatment until August of 2006. In December of 2006 Dr. Childs' DEA registration was restored. Dr. Child attended Oklahoma Health Professionals Program, Inc. (OHPP) and submitted to random drug screens for five (5) years. He completed program in July of 2011.

Dr. Childs currently practices correctional medicine in County jail in an Oklahoma county without any restrictions on his Oklahoma license. He also has an unrestricted license in Colorado. Plans to work locum tenens and various correctional facilities in Indiana, Oklahoma, South Dakota and Colorado.

After discussion, the Board moved to APPROVE Dr. Childs' application for LICENSURE.

Masten/Green, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Lee Laney, M.D. – Reinstatement – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Laney failed to appear before the Board at this meeting.

Dr. Laney applied to reinstate his Indiana medical license and answered "yes" to the following question:

1. Since you last renewed, has any health professional license, certificate, registration or permit you hold or have held been disciplined or are formal charges pending?

Dr. Laney surrendered his Ohio medical license in lieu of an investigation and formal disciplinary action regarding a complaint by a patient of alleged misconduct by Dr. Laney.

The Michigan Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Board of Medicine Disciplinary Subcommittee (Michigan Medical Board) filed an administrative complaint, on March 29, 2018, against Dr. Laney's Michigan medical license due to the permanent surrender of his Ohio license. On July 25, 2018, the Michigan Medical Board filed a Consent Order which placed Dr. Laney's license on probation with terms that included Dr. Laney completing a professional boundaries and ethics continuing education course and paying a fine of five thousand (\$5,000.00) dollars.

After discussion, the Board moved to DENY Dr. Laney's application for REINSTATEMENT.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Rupen Suresh Amin, M.D. – USMLE 3 Attempt rule

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Amin is requesting the Board waive the USMLE Three Attempt rule due to the fact that he passed the USMLE Step 1 on the fourth attempt.

Dr. Amin appeared before the Board with his direct supervisor, Dr. Mark Bustamante, Executive Medical Director at Oak Street Health.

Dr. Amin graduated from Ross University School of Medicine in Dominica, Wisconsin in 2007 and completed his post-graduate training at Bon Secours VCU St. Francis Family Medicine in Midlothian, Virginia in 2011.

Dr. Amin presented a letter of recommendation from Dr. Susan McDonald, Vice president of Medical Affairs at Sentara RMH Medical Center

Dr. Amin is currently Board certified by the American Board of Family Medicine and has signed a three year contract with Oak Street Health, located in Gary, Indiana. He will be working as a senior medical director for locations in Gary and Hammond, Indiana.

After discussion, the Board moved to APPROVE Dr. Amin's WAIVER.

McCann/Green, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Lucio Gordan, M.D. – Waiver of Primary source verified medical school transcripts

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Gordan failed to appear before the Board at this meeting.

Dr. Gordan is requesting the Board waive the primary source verified transcript requirement for licensure. Dr. Gordan stated that FCVS has made three attempts to contact the Universidade Estadual de Londrina to have transcripts submitted, but to no avail.

After discussion, the Board moved to reschedule Dr. Gordan's appearance.

Masten/Green, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Sumita Jain, M.D. – Unapproved foreign medical school

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Jain is requesting a waiver of the approved medical school rule, due to receiving her degree from the University of Medicine and Health Sciences in St. Kitts. This foreign medical school is not currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. Jain completed her residency at the William Beaumont Hospital in Grosse Point, Michigan in 2015 and is Board certified by the American Board of Family Medicine. Dr. Jain holds unrestricted licenses in South Carolina and Tennessee.

After discussion, the Board moved to APPROVE Dr. Jain's WAIVER.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Mahmud Mustafa Kara – USMLE 3 Attempt rule

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Kara failed to appear before the Board at September 27, 2018 Board meeting. The Board rescheduled Dr. Kara's appearance for this meeting.

Dr. Kara failed to appear before the Board at this meeting.

Dr. Kara is requesting a waiver of the USMLE 3 Attempt rule. Dr. Kara passed the USMLE Step three in seven (7) attempts.

Dr. Kara stated that the reason it took him so many attempts to pass the USMLE step three was due to a visual disability. The NBME issued an accommodation allowing Dr. Kara more time and a larger font size on the USMLE step three exam.

After discussion, the Board decided to reschedule Dr. Kara's personal appearance.

Larry McMann, M.D. – Unapproved Foreign Medical School

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. McCann is requesting a waiver of the approved medical school rule, due to receiving his degree from the University of Medicine and Health Sciences in St. Kitts. This foreign medical school is not currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. McCann is Board certified by the American Board of Internal Medicine and attended Wayne State University for his post-graduate training in internal medicine for three (3) years, and completed it in 2016. Dr. McCann holds unrestricted licenses in Michigan and Ohio.

Dr. McCann plans to practice locum tenens in Indiana.

After discussion, the Board moved to APPROVE Dr. McMann's WAIVER.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Linh Vi, M.D. – USMLE 3 Attempt rule

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Dr. Vi is requesting a waiver of the USMLE 3 Attempt rule. Dr. Kara passed the USMLE Step three in four (4) attempts.

David Grignon, M.D., Vice Chairman of Clinical Programs, appeared with Dr. Vi before the Board.

Dr. Vi received his medical degree from the Universite de Franche-Comte, Faculte de Medecine et de Pharmacie in Besancon, France in 1995 and completed three years of post-graduate training at Allegheny General Hospital in Pittsburgh, Pennsylvania and two years at West Virginia University Hospitals.

Dr. Vi is Board certified in Anatomical and Clinical Pathology by the American Board of Pathology and hold licenses in Utah, Michigan, and West Virginia.

Dr. Vi presented three letters of recommendation:

Dr. Benjamin R. Stockton, M.D.
Stephen L. Hempel, M.D.
Roy E. Winslow, MD

Dr. Vi has accepted a position with the Department of Pathology at IU Health Physicians along with the Department of Pathology and Laboratory Medicine at the Indiana University School of Medicine. His service coverage area will include IU Health-Arnett Hospital, IU White Memorial Hospital and IU Health-Frankfort Hospital.

After discussion, the Board moved to APPROVE Dr. Vi's WAIVER.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

ADMINISTRATIVE HEARINGS

Daniel Clayton, M.D., License No. 01030252A, Cause No. 2018 MLB 0018

Respondent failed to appear in person or with counsel, regarding a Proposed Settlement Agreement 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: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Both parties have agreed to a settlement agreement that allows Respondent to Voluntarily Surrender his license to practice medicine in the State of Indiana. Respondent may not petition for reinstatement of his Indiana license unless his medical license in Washington State is unencumbered.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT

Green/Masten, 5/0/0
Ayes: Masten, Strobel, McCann, Busk, Green
Motion carries

Kendal T. Freeman, M.D., License No. 01078412A, Cause No. 2018 MLB 0029

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

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

The State presented a settlement that would extend Respondent's Summary Suspension for an additional ninety (90) days.

After discussion, the Board moved to ACCEPT the Settlement Agreement and EXTEND the SUMMARY SUSPENSION for an additional NINETY (90) DAYS.

Green/Masten, 5/0/0
Ayes: Strobel, Masten, Green, McCann, Busk
Motion carries