

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

MINUTES OF DECEMBER 6, 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 – left at 3:20 p.m.
Michael Busk, M.D., Member – arrived at 11:10 a.m.
Bharat Barai, M.D., Member
Rebecca Mueller, M.D., Member – arrived at 10:39 a.m.

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., Bharat Barai, M.D.

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

The Board voted to adopt the minutes of the October 25, 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.

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

DISCUSSION

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

Retirement/Surrender Requests

Lowell Becker, MD – 01019720B – Surrender

The Board agreed to forward Dr. Becker's request to surrender his Controlled Substance Registration to the Pharmacy Board for review.

Telehealth services provided by out-of-country providers

The Board tabled the discussion regarding issuing licenses to out of country providers providing telehealth services to in-state hospitals in an ICU setting. The Board will wait until January to see if a bill is introduced prohibiting telehealth services in an ICU setting.

FULL BOARD APPLICATION REVIEW

Asna Akhtar, M.D. – Post-grad training permit – Unapproved foreign medical school

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

Dr. Akhtar 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. Akhtar is applying for a post-graduate training permit to start a post-grad residency with Franciscan Health on December 1, 2018 to June 30, 2019. She will be practicing at the Dyer, Hammond, and Crown Point locations.

Dr. Akhtar has completed one year of post-graduate training at Weiss Memorial Hospital in Chicago, Illinois, from June of 2017 to July of 2018.

The Board discussed needing more information from the applicant regarding her Franciscan Health training program and whether it is a rotation based on her post-graduate program at Weiss in Chicago.

After discussion, the Board moved to APPROVE Dr. Akhtar's PERMIT PENDING REVIEW of ADDITIONAL EXPLANATION and INFORMATION.

Green/Barai, 5/0/0

Aye's: Strobel, Masten, McCann, Green, Barai
Motion carries

Vasavi Reddy, M.D. – Disapproved Foreign Medical School

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

Dr. Reddy received her medical degree from International University of Health Sciences (IUHS) in St. Kitts, West Indies.

IUHS was initially listed as an Indiana disapproved foreign medical school on December 5, 2002 and was reaffirmed as a disapproved foreign medical school on August 23, 2012, partially due to distant learning (online classes).

Dr. Reddy completed her post-graduate training at Advocate Christ Medical Center in Oak Lawn, Illinois from 2007 to 2010.

Dr. Reddy is Board certified by the American Board of Family Medicine and is actively licensed in Ohio and has inactive licenses in Illinois and Florida.

Dr. Reddy has recently signed a one year renewable employment contract with Indiana University Health Ball Memorial Physicians, Inc. She will be practicing at IU Health in Fort Wayne and the Indiana metropolitan area.

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

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

PERSONAL APPEARANCES

Johnny M. Erkins, M.D. – 01029888A – Positive response

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

Dr. Erkins answered yes to the following question on his reinstatement application:

"Since you last renewed, have you had a malpractice judgement against you or settled a malpractice action?"

Dr. Erkins failed to answer yes to the following question:

“Since you last renewed, Have you been denied a license, certificate, registration, or permit in any state.”

Dr. Erkins has three malpractice settlements from 1992, 2001 and 2011.

Dr. Erkins failed to appear before the Board at the September 27, 2001 meeting at their request regarding his 2001 renewal. Due to his failure to appear, the Board moved to deny his renewal. Dr. Erkins’ license has been expired since 2001.

After discussion, the Board moved to APPROVE Dr. Erkins’s application for REINSTATEMENT of LICENSURE.

Masten/Green, 5/0/0
Aye’s: Strobel, Masten, McCann, Green, Barai
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., Bharat Barai, M.D.

The Board reviewed Dr. Safi’s application and waiver request of the approved medical school rule at the October 25, 2018 Board meeting and requested that she be scheduled to appear before the Board.

Dr. Safi received 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 APPROVE Dr. Safi’s WAIVER for LICENSURE.

Barai/Green, 5/0/0
Aye’s: Strobel, Masten, McCann, Green, Barai
Motion carries

ADMINISTRATIVE HEARINGS

Felix Brizuela, D.O., License No. 02004840A, Cause No. 2018 MLB 0014

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

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

The State presented information showing that the Respondent was charged with 21 counts of distribution of controlled substance on January 9, 2018. Respondent's Federal trial is set for the beginning of January 2019.

The State request that the Board extend the summary suspension for an additional ninety (90) days.

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

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

Asad Imtiaz Cheema, M.D., License No. 01080747A, Cause No. 2018 MLB 0038

Respondent failed to appear in person or with counsel, regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

On or about October 30, 2018, Respondent was charged in Adams County with three (3) counts of Unlawful Possession or Use of a Legend Drug, Level 6 Felony. The charges remain pending.

On November 27, 2018 Respondent emailed Barbara Greene, a case analyst employed by the State, stating he declared himself guilty of the charges levied against him and that he agreed to the suspension of his Indiana Medical License. The email also stated

that he had left the United States and went back to his country of origin, as he could no longer legally stay in the United States due to the termination of his job and his H1 application.

The State admitted the following exhibit into evidence:

Exhibit 1: Adams County Memorial Hospital New Hire Form, Termination documents.

Exhibit 2: Adams Superior Court affidavit for probable cause and charges.

Exhibit 3: Email from Respondent to Barbara Greene on November 27, 2018.

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

After discussion, the Board moved to SUMMARILY SUSPEND Respondent's LICENSE for NINETY (90) DAYS.

Barai/Masten, 6/0/0

Ayes: Strobel, Masten, McCann, Barai, Mueller, Busk
Motion carries

Dale W. Economan, D.O., License No. 02000601A, Cause No. 2015 MLB 0031

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 Jessica Krug, Supervising Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

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

The State requests the Board extend Respondent's summary suspension for an additional ninety (90) days due to Criminal Trial set for February of 2019.

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

Barai/Masten, 5/0/0

Ayes: Strobel, Masten, Green, McCann, Barai
Motion carries

Vijayalakshmi Jayachandran, M.D., License No. 01041792A, Cause No. 2018 MLB 0017

Respondent appeared in person and with counsel, Trenton Gill, regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General. The court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

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

State presented that Respondent violated prescribing practices. Respondent's prescribing practice issue allegedly caused a patient to receive an incorrect prescription due to a documentation error.

Respondent admitted the following exhibits into evidence:

Exhibit F: Medical records of patient, F.L.

After discussion The Board found that Respondent violated 844 IAC 5-2-5, IC § 25-1-9-4(a)(3), and moved to NOT IMPOSE additional SANCTIONS.

Green/Masten, 7/0/0
Ayes: Strobel, Masten, Green, McCann, Busk, Barai, Mueller
Motion carries

Jay K. Joshi, M.D., License No. 01074818A, Cause No. 2018 MLB 0005

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 Zana Claire Dyer, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

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

Both parties have agreed to a settlement agreement to extend Respondent's summary suspension for an additional forty-nine (49) days due to criminal trial being set for beginning of January of 2019.

After discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION for an ADDITIONAL FORTY-NINE (49) DAYS.

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

Sheldon Allen Levine, D.O., License No. 02000346A, Cause No. 2018 MLB 0023

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 Natalie Stidd, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

State presented information that Respondent should be held in default.

After discussion, the Board moved to HOLD Respondent LICENSE in DEFAULT.

Masten/Barai, 6/0/0
Ayes: Masten, Barai, Strobel, McCann, Mueller, Busk
Motion carries

The State presented that Respondent's Illinois license was disciplined in 2016 for misdemeanor charges.

The State admitted the following exhibits:

Exhibit A: Respondent's Illinois Consent Order
Exhibit B: Illinois Compiled Statutes
Exhibit C: Respondent's Illinois Sentencing Order

State requests Board finds Respondent in Violation of IC 25-1-9-4 (a)(7) and revoke Respondent's license.

After further discussion, the Board moved to find Respondent in violation of IC 25-1-9-4(a)(7).

Barai/Masten, 6/0/0
Ayes: Masten, Barai, Strobel, McCann, Mueller, Busk
Motion carries

After final discussion, the Board moved to place Respondent's license on INDEFINITE SUSPENSION with terms and conditions in order to petition to withdraw the suspension in the future.

Barai/Masten, 6/0/0
Ayes: Strobel, Masten, McCann, Barai, Mueller, Busk
Motion carries

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

Respondent failed to appear in person but was represented by counsel, J. Richard Keifer, regarding an Extension of Summary Suspension 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 Cori Brickley with Circle City Reporting.

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

Due to Respondent's license being expired, the State is asking that the hearing be vacated and allow the summary suspension to expire. The State will be filing a complaint against the Respondent.

Both parties agree to vacating the hearing.

After discussion, the Board moved to VACATE Respondent's HEARING.

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

Stephen B. Mason, M.D., License No. 01071644A, Cause No. 2018 MLB 0010

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 Melinda Pickett, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

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

Respondent is located in a halfway house in Detroit Mich. Respondent's release date is January 28, 2019.

State requests Respondent's summary suspension be extended for an additional forty-nine (49) days.

After discussion, the Board moved to EXTEND SUMMARY SUSPENSION for FORTY-NINE (49) DAYS.

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

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

Respondent appeared in person and with counsel, Barclay Wong, regarding a Petition for Reinstatement 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 Cori Brickley with Circle City Reporting.

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

Respondent was placed on suspension for one (1) year with terms and conditions due to prescribing issues and patient/professional boundary issues. Respondent stated that he has complied with all terms and conditions and is requesting of the Board that the suspension on his license be lifted and that his license be reinstated.

Respondent's admitted the following exhibit:

Exhibit A: CPEP-PROBE Assessment for Respondent

Respondent stated he has no plans to apply for reinstatement of his CSR or DEA registration.

Respondent currently has two more years on his ISMA PAP monitoring contract. Respondent does have a sponsor for AA with whom he meets with once a week.

After discussion, the board moved to REINSTATE Respondent's LICENSE on PROBATION with terms and conditions which includes Respondent's not being able to petition for withdrawal of probation until ISMA contract is completed.

Green/Barai, 6/0/0

Ayes: Strobel, Masten, Green, McCann, Mueller, Barai
Motion carries

Faizuddin Shareef, D.O., License No. 02003711A, Cause No. 2018 MLB 0026

Respondent appeared in person, but without counsel, regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Timothy Weber, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D. (Bharat Barai, M.D. recused)

Respondent surrendered his Indiana DEA registration.

State will not be requesting the Board extend the Summary Suspension. Summary suspension will expire January 23, 2019. State will be filing an administrative complaint.

State admitted the following exhibit:

Exhibit N: Voluntary Surrender of Indiana DEA Registration.

After discussion, the Board moved to VACATE Respondent's HEARING.

Masten/Green, 5/0/0, Barai recused

Ayes: Strobel, Masten, Green, McCann, Mueller
Motion carries

Respondent then requested the Board to vacate his summary suspension prior to its expiration.

After final discussion, the Board moved to VACATE Respondent's SUMMARY SUSPENSION effective upon issuance of order.

Masten/McCann, 5/0/0, Barai Recused
Ayes: Strobel, Masten, Green, McCann, Mueller
Motion carries

Elian M. Shepherd, M.D., License No. 01033705A, Cause No. 2018 MLB 0028

Respondent failed to appear in person, or without counsel, regarding an Extension of Summary Suspension 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 Cori Brickley with Circle City Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

The State requests Board dismiss the Complaint based on the renewal fraud charge.

After discussion, the Board moved to DISMISS the COMPLAINT.

Barai/Masten, 6/0/0
Ayes: Strobel, Masten, McCann, Barai, Mueller, Busk
Motion carries

Gregory Smith, M.D., License No. 01035910A, Cause No. 2015 MLB 0015

Respondent failed to appear in person, or without counsel, regarding a Notice of Proposed Default 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 Cori Brickley with Circle City Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Bharat Barai, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

The State requests that the Board hold Respondent in default.

After discussion, the Board moved to HOLD Respondent's LICENSE in DEFAULT.

McCann/Masten, 6/0/0

Ayes: Strobel, Masten, McCann, Barai, Mueller, Busk
Motion carries

The State called Candace Backer, Indiana State Medical Association Physician Assistance Coordinator to testify before the Board Regarding the Respondent's monitoring program..

Ms. Backer stated that the Indiana State Medical Association Physician Assistance Program (ISMA PAP) sent Respondent to a monitoring program in Arizona and he was currently non-compliant.

Respondent's license is expired at this time but the State would request that the Board place his license in Indefinite Suspension.

After discussion, the Board moved to PLACE Respondent's LICENSE on INDEFINITE SUSPENSION.

Masten/Busk, 6/0/0
Ayes: Strobel, Masten, McCann, Barai, Mueller, Busk
Motion carries

Maureen Ziboh, M.D., License No. 01045545A, Cause No. 2018 MLB 0019

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 Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Cori Brickley with Circle City Reporting.

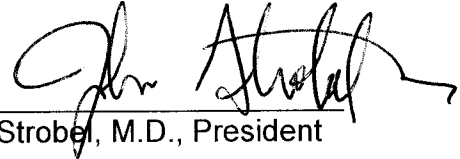
Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Bharat Barai, M.D.

Both parties have agreed to settlement agreement that would issue a letter of reprimand to Respondent due to issues with providing patient medical records when requested by patient in a timely manner and inaccuracies with patient documentation.

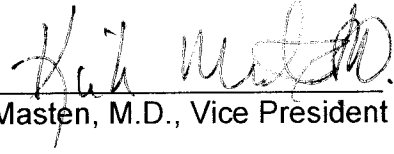
After discussion, the Board moved to ACCEPT the AGREEMENT and ISSUE a LETTER of REPRIMAND to the Respondent.

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

There being no further business, the meeting adjourned at 4:00 p.m.



John Strobel, M.D., President



Kirk Masten, M.D., Vice President