

MEDICAL LICENSING BOARD OF INDIANA

Met THROUGH VIDEO and AUDIO CONFERENCING

<https://IndianaEnhanced.Webex.com/join/PLAWebex>
(240) 454-0887 and entering meeting room # 610 915 440

MINUTES OF MAY 27, 2021

John Strobel, M.D., President, called the meeting to order at 8:03 a.m. and declared a quorum in accordance with IC 25-22.5, pursuant to public notice posted online at the Board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present: Bharat Barai, M.D., Member
Heidi Dunniway, M.D., Member (in at 8:44a.m.)
Michael Busk, M.D., Member
Rebecca Mueller, M.D, Member
John Strobel, M.D., President
Kirk Masten, D.O., Vice President
Victoria McCann, J.D., Secretary

Staff Present: Laura Turner, J.D., Board Director
Professional Licensing Agency
Christine Cowdin, Assistant Director
Jody Edens, Acting Assistant Director
Professional Licensing Agency
Adam Harvey, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted by roll call to adopt the agenda as amended.

Barai/Masten, 4/0/0
Motion carries

The following board members voted aye by roll call:
Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

The following Personal Appearance did not appear for the schedule appearance:

Jeffrey Berman, M.D., Initial Application – Positive Response

Barry Huang, M.D., Initial Application – Positive Response:

Dr. Huang appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Huang had an incident involving his daughter with his ex-wife. He entered into a deferral agreement and completed the anger management classes.

He also discussed an issue he has in residency where he was on six (6) months academic probation.

After discussion, the Board moved to APPROVE Dr. Huang's initial application.

Strobel/Masten, 5/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Omer Wali, M.D., Initial Application – Positive Response:

Dr. Wali appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Wali received a letter of warning from the Iowa Medical Board but didn't disclose this information when answering the questions on his Indiana application. The Board indicated he has falsified his Indiana application by not answering truthfully,

After discussion, Dr. Wali requested to withdraw his application.

After further discussion, the Board moved to APPROVE Dr. Wali's request to WITHDRAW his initial application.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Vaughan Cipperly, M.D., Initial Application – Positive Response:

Dr. Cipperly appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Back in 2010 Dr. Cipperly plead guilty to a misdemeanor pursuant to the Federal Drug and Cosmetic Act, conspiracy to introduce an unapproved drug into interstate commerce. May 29, 2014, he was sentenced to five (5) years unsupervised probation. While on unsupervised probation the defendant (Dr. Cipperly) shall not participate, directly or indirectly, in the importation, marketing, or manufacturing of any controlled substances, drugs, narcotics or human growth hormone.

The Iowa Board of medicine issued a letter of warning in 2014.

He has licenses in fifteen (15) states and three (3) countries.

He does oncology locums.

After discussion, the Board moved to APPROVE Dr. Cipperly's initial application.

Dunniway/Mueller, 5/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Syed Ather, M.D., Initial Application – Positive Response:

Dr. Ather appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Ather discussed his malpractice settlement of one (1) million dollars with the Board.

His indictment by the FBI was dismissed.

After discussion, the Board moved to APPROVE Dr. Ather's initial application.

Masten/Dunniway, 5/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Eduardo Gonzales, M.D., Initial Application – Positive Response:

Dr. Gonzales appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Gonzales indicated that he is currently unemployed. He last worked August 20, 2020,

in Kentucky doing general surgery.

He currently has no practice plans, and he discussed the seven (7) malpractice cases with the Board.

After discussion, Dr. Gonzales requested to withdraw his initial application.

After further discussion, the Board moved to APPROVE Dr. Gonzales's request to withdraw.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

George Samuel, M.D., Initial Application – No practice in last three (3) years:

Dr. Samuel appeared telephonically and was not represented by counsel regarding the fact that he hasn't practiced in the past three (3) years

Dr. Samuel stated that he last saw a patient in person back in 2017. He then moved to Texas to care for his grandchildren and didn't pursue a license in Texas.

He wants to do telehealth general medicine, wants to work independently.

After discussion, Dr. Samuel requested to withdraw his initial application.

After further discussion, the Board moved to APPROVE Dr. Samuel's request to withdraw.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Jordan Holt, A.A., Initial Application – Positive Response:

Mr. Holt appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

On October 3, 2020, a spill in the operating room led Mr. Holt to clean up the spill, then he sniffed the cloth he used to clean up the drug. He was reported to the Hospital.

He self-reported to the Oklahoma Board and he entered a monitoring program, that determined he does not have a substance related issue. He also completed a psychological evaluation.

He indicated he does not go to AA meetings but goes to Faith based meetings.

The Board indicated they want him to practice in Oklahoma for three (3) to six (6) months prior to obtaining a license in Indiana.

After discussion, Mr. Holt requested to withdraw his initial application.

After further discussion, the Board moved to APPROVE Mr. Holt's request to withdraw.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Wright Penniman, D.O., License No. 02002197A – Renewal Reinstatement:

Dr. Penniman appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Penniman has been a Medical Director for Humana in Florida for the past four (4) years.

In June 2019 he took an eighteen (18) month sabbatical. He has not had any direct patient care/contact since 2015. He is wanting to do telehealth for ADHD and prescribe medication for it.

After discussion, Dr. Penniman requested to withdraw his reinstatement renewal application.

After further discussion, the Board moved to APPROVE Dr. Penniman's request to withdraw.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Christopher Metter, M.D., Initial App – Waiver – USMLE Three Attempts Rule:

Dr. Metter appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Metter is licensed in both NY and TX.

He has submitted three (3) letters of reference.

He informed the Board that he has the possibility of a position with Indiana University and has other employment offers in the works.

He has not had any malpractice actions and is board certified.

After discussion the Board moved to TABLE Dr. Metter's application for employment offer in an underserved area.

CONSENSUS
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten
The following board members objected: none
The following board members abstained: none

Adrian Rawlinson, M.D., Initial App – Waiver – Two Years PG Training:

Dr. Rawlinson appeared telephonically and was not represented by counsel regarding a positive response on his initial application.

Dr. Rawlinson was a primary care physician in the U.K. and he also did some ortho and sports medicine. He came to the United States in 1996 to California. At that time California only required him to have one (1) year of postgraduate training.

In 2002, he joined an Orthopedics group in California and has practiced there since.

He also works part time doing e-consultations with other physicians.

He does not have any malpractice actions and is board certified in family medicine.

He also informed the Board that he did do a residency in the U.K.. He also submitted two (2) letters of reference.

After discussion, the Board moved to APPROVE the waiver for Dr. Rawlinson.

Barai/Masten 6/0/0
Motion carries

The following board members voted aye by roll call:
Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none

The following board members abstained: none

ADMINISTRATIVE HEARINGS

Darryl L. Henry, M.D., License No. 01063685A, Cause No. 2019 MLB 0039

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter, Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to EXTEND the Summary Suspension on Dr. Henry's license for ninety (90) days.

Barai/Masten, 6/0/0
Motion carries

Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none
The following board members abstained: none

Frank Spendal, M.D., License No. 01038576A, Cause No. 2020 MLB 0027

Respondent appeared telephonically and was represented by counsel, Joseph Etling regarding a Summary Suspension Extension and Complaint scheduled before the Board. The State of Indiana was represented by Amanda Elizondo-Cassidy, Deputy Attorney General and the court reporter sworn in for this matter, Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Barai/Dunniway, 6/0/0
Motion carries

Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none
The following board members abstained: none

Lisa Hanner-Robinson, M.D., License No. 01052568A, Cause No. 2020 MLB 0013

Respondent appeared in person and was represented by counsel, Drake Land regarding

a request 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, Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

Let the record reflect that John Strobel recused himself from this matter and left the meeting.

Dr. Hanner-Robinson prescribed thirty (30) Phentermine capsules with one (1) refill. This should not have been prescribed to the patient as she had been diagnosed with abnormal weight gain at 131 lbs.

Dr. Hanner-Robinson completed Vanderbilt continuing education on prescribing of controlled substances in October 2020. She has completed all other probationary requirements.

She is board certified in family medicine.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the ORDER OF PROBATION on Dr. Hanner-Robinson's license.

Barai/Dunniway, 6/0/0
Motion carries

Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none
The following board members abstained: none

Yunus Muneer Shah, M.D., License No., 01067073A, Cause No. 2016 MLB 0001

Respondent appeared in person and was represented by counsel, Erin Shamashee regarding a request 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, Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

Dr. Shah has complied with his Kentucky probation and his Kentucky license is now free and clear.

He completed the CPEP course medical record keeping and has paid his \$500 fine.

He is board certified in anesthesiology and certified in interventional pain medicine.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the ORDER OF PROBATION on Dr. Shah's license.

Barai/Masten, 6/0/0
Motion carries

Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none
The following board members abstained: none

Carolyn Kochert, M.D., License No. 01031275A, Cause No. 2020 MLB 0030

Respondent did not appear in person and was represented by counsel, Myra Selby regarding a Complaint/Final Hearing scheduled before the Board. The State of Indiana was represented by Amanda Elizondo-Cassidy, Deputy Attorney General and the court reporter sworn in for this matter, Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included a LETTER OF REPRIMAND and a \$500 FINE.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Barai/Masten, 6/0/0
Motion carries

Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk Masten, Bharat Barai
The following board members objected: none
The following board members abstained: none

DISCUSSION

Dietetic Internships/Marshall University:

Kayla Booth, Dietetic Intern at Marshall University sent the following letter to the Board.

"I am a graduate student working as a Research Assistant for the Department of Dietetics as Marshall University in Huntington, WV. The Department houses a fully online Distance Dietetic Internship and an onsite Dietetic Internship. Upon successful completion of either program, students receive a Verification Statement which enables them to take the Registration Examination for Dietitians through the Commission on Dietetic Registration (CDR).

These programs are fully accredited by the Accreditation Council for Education in Nutrition and Dietetics. Marshall also participates in the State Authorization Reciprocity Agreement (SARA), which is an interstate reciprocity system with a single set of baseline standards and procedures that institutions in participating states must meet for their distance education programs. The reciprocity system ensures institutions can easily operate distance education programs in multiple states as long as they meet the regulatory requirements of their home state.

The Dietetic Internship programs are directed by: Mallory Mount, EdD, RDN, LD Marshall University Department of Dietetics One John Marshall Drive Huntington, WV 25755-9521

evans99@marshall.edu 304/696.2507 www.marshall.edu/dietetics

If a graduate successfully completes one of our internship programs, either distance or onsite, and meets requirements to sit for the Registration Examination for Registered Dietitians, **would they be eligible for licensure in your state?** Additionally, do you require the Department to engage in any type of agreement or notification system with your state licensing board? We are in the process of developing a comprehensive list of state licensing agencies and their requirements, and the courtesy of a reply would be most appreciated.

After discussion, the Board requested Ms. Turner to ask the Dietetic Association their opinion regarding this request.

Michael Yergler, M.D., License No. 01054829A, Cause No. 2020 MLB 0035

Ms. Turner received a request from Dr. Yergler's counsel, Jim Leeke to see if Dr. Yergler could substitute the following for what is indicated in his order.

Order states: Twelve (12) hours of continuing education; six (6) in safe injection practices and six (6) in safe compounding practices.

The course Dr. Yergler request to take is a two (2) day continuing education called Medication Safety Intensive.

The Board reviewed the information sent and determined they needed additional information on the class.

Once the additional information is received the information may be sent to one of the following members for review: Dr. Busk, Dr. Dunniway or Dr. Barai.

There being no further business the Board adjourned at 3:10 p.m.

John Strobel, M.D., President

Kirk Masten, M.D., Vice President