

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

MINUTES OF FEBRUARY 14, 2019

John Strobel, M.D., President, called the meeting to order at 8:35 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
Bharat Barai, M.D., Member
Michael Busk, M.D., Member

Members Absent: Rebecca Mueller, M.D., Member
Victoria McCann, J.D., Secretary
Scott Green, 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., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Masten/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

The Board voted to adopt the minutes of the January 24, 2019 meeting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Masten/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

DISCUSSION

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Retirement/Surrender Requests

Hester Muller, M.D. – 01028288A - Retirement

After discussion, the Board moved to APPROVE the REQUEST for RETIREMENT for Dr. Muller.

Masten/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

FSMB Annual Meeting – designation of delegate

Dr. Busk volunteered to be this year's delegate at the Federation of State Medical Boards Annual Meeting in Ft. Worth Texas from April 25-27, 2019.

Patricia Henton - 31006356A – Occupational Therapist – Pro Bono Request

Ms. Henton requested that the Board approve her ability to provide pro bono occupational therapy services without the need for a referral.

After discussion, the Board moved to APPROVE Ms. Henton's REQUEST to PROVIDE PRO BONO OCCUPATIONAL THERAPY SERVICES WITHOUT A REFERRAL.

Masten/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

FULL BOARD APPEARANCES

Tabitha Arnett, Executive Director, Indiana Osteopathic Association (IOA) – Opioid CME Update

Tabitha Arnett, Executive Director, Indiana Osteopathic Association (IOA), appeared before the Board regarding an update of Opioid CME offered from 2017 through 2018.

Ms. Arnett presented a handout to the Board that showed the total opioid CME certificates issued for the Winter of 2017, Spring of 2018 and Winter of 2018 to be nine hundred and eighty-three (983).

The IOA is a state association affiliated with a Board approved national association and therefore the CMEs that they provide at the IOA are approved for the required Opioid CMEs for Indiana physicians.

The CMEs that the IOA provided over this period are listed below:

- Opioid Prescribing: Safe Practice, Changing Lives – 2.0 CME hours, Category 1-A
- Federal and State Law for Prescribing Controlled Substances: What You Need to Know – 1.0 CME hours, Category 1-A
- Opiate Abuse and Addiction in the US – A Story of Hell and Hope – 1.0 CME hours, Category 1-A
- Chronic Pain Management - 1.0 CME hours, Category 1-A
- Targeting the Opioid Epidemic - 1.0 CME hours, Category 1-A
- Use of INSPECT and Opioid Prescribing Resources - 1.0 CME hours, Category 1-A

Ms. Arnett stated that additional information regarding the Opioid CME offerings through the IOA can be found at their website, www.inosteo.org.

Jonas Rydberg, M.D. – License Status

Dr. Rydberg appeared via telephone and Dr. Shaw, IU, appeared in person on Dr. Rydberg's behalf.

Dr. Rydberg was issued a limited scope permit in 2000 by the MLB. This permit is good for 30 days and non-renewable. The MLB allowed Dr. Rydberg to renew this permit for 2 year cycles since 2000.

He is a full professor at IU Med School with special expertise in the area of radiology.

After discussion, the Board moved to ISSUE a full LICENSE to Dr. Rydberg.

Barai/Masten, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

FULL BOARD APPLICATION REVIEW

Samuel Chi Hei Lau, M.D. – Unapproved foreign medical school, Transcript waiver request

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Dr. Lau attended St. Theresa's Medical University in St. Kitts from September 2006 to August 2009 when the school closed and he transferred to Windsor University School of Medicine in St. Kitts and Nevis in August 2009. Dr. Lau received his degree from Windsor University School of Medicine in November of 2011. Neither of those foreign

medical schools are currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. Lau completed his psychiatric residency at West Virginia University/Charleston Area Medical Center in Charleston, West Virginia in June of 2017 and was Board certified by the American Psychiatry and Neurology (ABPN) in Psychiatry in September of 2017. He completed his Geriatric Psychiatry Fellowship and the University of Miami/Jackson Memorial Hospital in Miami, Florida in June of 2018 was Board certified by the ABPN in Geriatric Psychiatry in October of 2018.

Dr. Lau has unrestricted licenses in Florida and West Virginia.

Dr. Lau has recently accepted a Geriatric Psychiatrist position at St. Catherine Hospital/Community Healthcare System in Northwest Indiana.

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

Barai/Masten, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

Simran Brar, M.D. - Unapproved foreign medical school

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Dr. Brar received her degree from Windsor University School of Medicine in St. Kitts and Nevis in July of 2008. This foreign medical school is not currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. Brar completed her residency in Psychiatry from the Morehouse School of Medicine in Atlanta, Georgia on June of 2018.

Dr. Brar is Board certified by the American Board of Psychiatry and Neurology and has an active license in Georgia.

Dr. Brar has accepted a position as a Child and Adolescent Psychiatrist with Indiana University's Child and Adolescent Psychiatry Program.

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

Barai/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

PERSONAL APPEARANCES

Mahrokh Shayanpour, M.D. – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

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

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

Dr. Shayanpour is an Addiction Psychiatrist who started working for Denver Health Hospital and Outpatient Behavioral Health Services (OBHS) Clinic whilst completing her fellowship training at the University of Colorado.

In September of 2018, a patient of Dr. Shayanpour's was discharged without her knowledge and subsequently overdosed and died two (2) days after being discharged.

Dr. Shayanpour was terminated from Denver Health Hospital and OBHS on December 14, 2019, due to allegations that she did not meet expectations which included not attending a team meeting; not attending a faculty meeting; and leaving clinic early.

Dr. Shayanpour has accepted employment at Park Center, Inc., a mental health hospital and adult counseling center in Fort Wayne, Indiana.

After discussion the Board moved to APPROVE Dr. Shayanpour's application for LICENSURE in the State of Indiana.

Barai/Busk, 4/0/0

Aye's: Strobel, Masten, Busk, Barai

Motion carries

Shakeel Choudhry, M.D. – Unapproved foreign medical school

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Dr. Choudhry is requesting a waiver from the Board of the approved medical school rule.

Dr. Choudhry received his degree from the University of Medicine and Health Sciences in Basseterre, St. Kitts and Nevis, a school that is neither on Indiana or California's approved or disapproved list for foreign medical schools.

Dr. Choudhry is currently finishing his third year of post-graduate training at Hackensack UMC Mountainside Hospital in Montclair, New Jersey, an ACGME accredited training program.

Dr. Choudhry has secured employment at Good Samaritan Hospital in Vincennes, IN once his post-graduate training is completed.

Dr. Choudhry does not hold a medical license in any other state and is currently not Board certified.

After discussion the Board moved to APPROVE Dr. Choudhry's application for LICENSURE in the State of Indiana.

Barai/Busk, 4/0/0
Aye's: Strobel, Masten, Busk, Barai
Motion carries

ADMINISTRATIVE HEARINGS

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

Respondent failed to appear in person but was represented by counsel, Robert Saint, regarding a Complaint 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 Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Respondent was criminally charged with dealing controlled substances in Whitley County, Indiana.

Both parties have reached a settlement agreement that would revoke Respondent's license.

Respondent's Exhibit:

Exhibit 1: Respondent's sentencing order from the Whitley Circuit Court, County of Whitley, State of Indiana

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and REVOKE Respondent's LICENSE.

Barai/Masten, 4/0/0
Ayes: Busk, Barai, Strobel, Masten
Motion carries

Felix Brizuela, M.D., 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 Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

On January 9, 2018, Respondent was federally indicted in the United States District Court for the Northern District of West Virginia with twenty-one (21) counts of Distribution of Controlled Substances Outside the Bounds of Professional Medical Practice and one (1) count of Conspiracy to Distribute Controlled Substances Outside of the Bounds of Professional Medical Practice and sixteen (16) counts of Illegal Remuneration in Violation of the Federal Anti-Kickback Statute.

Respondent is still awaiting sentencing for the criminal trial in West Virginia.

The State admitted the following exhibits into evidence:

Exhibit C: West Virginia Board of Osteopathic Medicine Revocation Order for Respondent

Exhibit D: Respondent's West Virginia Verdict

The State requests that the Board extend Respondent's summary suspension for an additional ninety (90) days.

After discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION for and additional NINETY (90) DAYS.

Barai/Masten, 4/0/0
Ayes: Busk, Barai, Strobel, Masten
Motion carries

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

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 Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

The State stated that Respondent has been charged criminally in Adams County, Indiana with three (3) counts of Unlawful Possession or Use of a Legend Drug, level 6 Felony. These charges are still pending.

The State received correspondence from Respondent on November 27, 2018 stating that he declared himself guilty of the charges levied against him and he agreed to the suspension of his Indiana medical license. He stated that he had left the U.S. and had returned to Pakistan, his country of origin, due to the termination of his employment causing his qualified alien visa to be terminated.

The State requests the Board extend Respondent's summary suspension for an additional ninety (90) days pending the outcome of the criminal charges in Adams County. The final hearing date for the criminal charges is set in March of 2019.

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

Barai/Masten, 4/0/0
Ayes: Busk, Barai, Strobel, Masten
Motion carries

James E. Ranochak, M.D., License No. 01026732A, Cause No. 2017 MLB 0028

Respondent failed to appear in person but was represented by counsel, Robert Saint, regarding an Extension of 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 Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

The State stated that Respondent has a trial date set for March of 2019.

Both parties agree to a settlement agreement that extends Respondent's summary suspension until the conclusion of the criminal case.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION until the criminal case is concluded.

Busk/Masten, 4/0/0
Ayes: Busk, Barai, Strobel, Masten
Motion carries

Brett Wills, D.O., License No. 02004139A, Cause No. 2017 MLB 0023

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 Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

The State filed a Motion to Vacate the hearing since Respondent's license is already expired. The State plans to file an administrative complaint in March of 2019.

After discussion, the Board moved to VACATE the HEARING.

Masten/Busk, 4/0/0
Ayes: Busk, Barai, Strobel, Masten
Motion carries

Darrel R. Rinehart, M.D., License No. 01031165A, Cause No. 2019 MLB 0006

Respondent appeared in person and with counsel, Derek Peterson, regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Tina Mann, Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General. The court reporters sworn in for this matter were Sherry Rutledge with Rutledge Independent Reporting and Lindy Meyer with Accurate Reporting of Indiana.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., M.D., Michael Busk, M.D., Bharat Barai, M.D.

Respondent requested a motion to dismiss State's petition due to lack of notice and proof of service.

State presented that they gave notice to Respondent at Pharmacy Board hearing as well as mailing and emailing the Respondent. State requested to deny Respondent's motion to dismiss petition.

After discussion, the Board moved to DENY Respondent's Motion to Dismiss.

Strobel/Barai, 4/0/0
Ayes: Barai, Masten, Busk, Strobel
Motion carries

The State admitted the following exhibits into evidence:

Exhibit 1: State of Tennessee Final Order for Respondent

Respondent requested a motion for a directed verdict.

After discussion, the Board moved to DENY Respondent's Motion for a DIRECTED VERDICT.

Barai/Masten, 4/0/0
Aye: Barai, Masten, Busk, Strobel
Motion carries

The State presented the following witness:

Darren Covington, Board Director, IPLA

Respondent presented the following witness:

Andrew Stevens, Attorney General's Office, Case Analyst

Respondent's Exhibits:

Exhibit A: Office of the Indiana Attorney General Consumer Complaint; Email from Respondent to Darren Covington, Board Director, IPLA; State of Tennessee Medical Board Final Order

The hearing then recessed.

The State and Respondent then agreed to a Proposed Agreement in Lieu of Summary Suspension that includes the following terms and conditions: that the Respondent shall not practice medicine until fifteen (15) CME hours in the areas of Pharmacology, INSPECT, Records Keeping, Documentation and Patient Care, are completed and proof is provided to the State of Indiana and the Indiana Professional Licensing Agency (IPLA); that the Respondent shall provide the State of Indiana notice within ten (10) days of accepting employment as a physician with any employer and allow the State the opportunity to object; That upon gaining Board approved employment, Respondent's employer shall submit to the State of Indiana reports regarding Respondent's job title, responsibilities and performance every thirty (30) days; That if Respondent is engaged in the Practice of Medicine, it must be in a group or supervised setting and shall not be in home care; and that Respondent shall surrender his DEA number immediately.

After discussion, the Board moved to ACCEPT the settlement agreement.

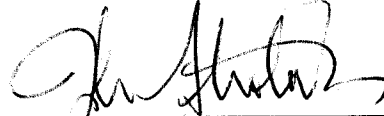
Barai/Masten, 4/0/0
Aye: Barai, Masten, Busk, Strobel
Motion carries

State requests to dismiss the petition for summary suspension.

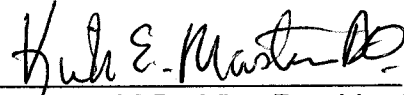
After discussion, the Board moved to DISMISS the PETITION for SUMMARY SUSPENSION.

Masten/Busk, 4/0/0
Aye: Barai, Masten, Busk, Strobel
Motion carries

There being no further business, the meeting adjourned at 2:30 p.m.



John Strobel, M.D., President



Kirk Masten, M.D., Vice President