

## **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 MARCH 25, 2021**

John Strobel, M.D., President, called the meeting to order at 8:02 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: Victoria McCann, J.D., Secretary  
Bharat Barai, M.D., Member (in at 8:10a.m.)  
Heidi Dunniway, M.D., Member  
Michael Busk, M.D., Member  
Rebecca Mueller, M.D, Member  
John Strobel, M.D., President  
Kirk Masten, D.O., Vice President

Staff Present: Laura Turner, J.D., Board Director  
Professional Licensing Agency  
Jody Edens, 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.

Busk/Mueller, 6/0/0  
Motion carries

The following board members voted aye by roll call:  
Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel, Kirk  
Masten

The following board members objected: none  
The following board members abstained: none

The Board voted by roll call to adopt the minutes of September 24, 2020, as written.

Masten/Dunniway, 6/0/0  
Motion carries

The following board members voted aye by roll call:

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten

The following board members objected: none  
The following board members abstained: none

### **FULL BOARD APPEARANCES**

#### **Davoren Chick, M.D., FACP, CME Program Administrator, American College of Physicians – Opioid CE provider:**

Ms. Chick appeared telephonically before the Board regarding this matter.

She is requesting that the American College of Physicians (ACP) be added to the list of continuing medical education providers of education on opioid prescribing and opioid abuse.

ACP is a national provider, with Commendation, of CME, and offers activities to meet the educational needs of physicians. Their activities on chronic pain management meet the current CDC opioid guideline requirements.

In early April, ACP will launch a seven (7) module series which is comprehensive and free. The modules include the following:

- Pain Fundamentals – 1 CME
- Pain Assessment – 2.5 CME
- Pain Management Principles – 1 CME
- Non-Pharmacologic Therapy – 2 CME
- Non-Opioid Therapy – 2 CME
- Opioid Therapy – 4 CME

She also requested the Board to put this information on the Board's website.

After discussion, the Board moved to APPROVE ACP as a Opioid CE Provider.

Barai/Mueller, 7/0/0

Motion carries

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

#### **Warren Hauck, M.D., License No. 01026526A – Discuss reinstatement requirements:**

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

At the January 2021 meeting, Dr. Hauck submitted the following information to the Board:

Dr. Hauck informed the Board that he retired back in 2013, which was the last time he saw a patient. He wants to reinstate his license should he decide to practice again. He would like to do charity work and make himself available should he be needed.

The Board tabled Dr. Hauck's reinstatement renewal and to come back with a plan of at least six (6) months of training. The plan should be clear and specific in its outline to reenter the practice of medicine.

Dr. Hauck indicated to the Board that he conferred with his old group regarding working for 6 months with them. he indicated he has been unable to arrange this.

He reiterated that he is board certified in internal medicine and gastroenterology. He was in a clinical practice from 1981 to 2013 and was a volunteer clinical professor and IU School of Medicine in Fort Wayne for more than ten (10) years.

Dr. Hauck suggestion was a Board review course in internal and gastroenterology.

The Board indicated they wanted a demonstration of hand on competency. They suggested a Drexel course – to assist in renewing his clinical skills. They also stated he needed at least a three (3) month practical hands-on training.

Dr. Hauck requested to withdraw his reinstatement renewal.

After discussion, the Board moved to APPROVE Dr. Hauck's request to WITHDRAW his reinstatement renewal.

CONSENSUS  
Motion carries

Tory McCann, Heidi Dunningway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

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:

**Zachary Tucker, M.D., Initial Application – Positive Response**

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

**Omer Wali, M.D., Initial Application – Documentation Review of IA Warning Letter**

The following Personal Appearance(s) was continued:

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

**Donovan Thompson, M.D., Initial Application – Positive Response:**

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

In 2018, Maryland Board coded his license as revoked as he had not completed his criminal background check. Once he completed it everything was cleared on his license.

Unfortunately, this had a domino effect on his other licenses. But once his Maryland license was cleared all the other states also reinstated his licenses.

After discussion, the Board moved to APPROVE Dr. Thompson’s initial application.

Barai/Strobel, 7/0/0  
Motion carries

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Matthew Herbst, R.D., Initial Application – Positive Response:**

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

In 2016, his wife’s mother passed away and his wife just had a baby, she was in bad shape, mentally.

He used the facility EMR to obtain Ambien for his wife so she could continue her prescription as she wouldn’t leave the house to see her own physician. He later admitted this to his employer and was terminated.

He was arrested for this in 2017 and charged with sixty-four (64) counts of obtaining medicinal drugs by fraud.

This was in the state of Florida and through the Assistant States Attorney, Jonah Costin Farr, J.D. - he signed the court document that included the charges and the following:

- From the investigation which has been made, it is the opinion of the writer that this case is not suitable for prosecution.
- This action is taken to clear the records, and to release subject’s bond if any has been posted responsive to the charges. If in custody the defendant should be released.

March 2021, the Board received a letter from My Gene Team, specifically from Rachael Klein, Managing Director that stated “Please accept this correspondence as notification that during a comprehensive review of our employees’ genetic counselors license, on

February 26, 2021, we discovered that one of our per diem employees, Matthew Herbst, presented us with a fabricated genetic counseling license for the state of Indiana. After performing a thorough investigation, during which Mr. Herbst admitted to his misrepresentation and fraudulent activity, we determined that the license number provided, 74000256A, actually belongs to a Kayla Young who is licensed by your state. Mr. Herbst's employment was immediately terminated.

Mr. Herbst requested to withdraw his initial application.

After discussion, the Board moved to APPROVE Mr. Herbst's request to WITHDRAW his initial application.

CONSENSUS  
Motion carries

Tory McCann, Heidi Dunningway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Byron Butterfield, R.D., License No. 37001469A – Renewal Positive Response:**

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

Mr. Butterfield appeared before the Board at their February 25, 2021, meeting where he explained that while going through a bad divorce, he was drinking and received a DUI. He was placed on court probation and eventually he completed it after completing his community service.

His BAC was .015. He is with Hamilton Addiction Center.

The Board tabled Mr. Butterfield's renewal for him to obtain a letter from Hamilton Center regarding his compliance.

Mr. Butterfield's counselor submitted the following information in an email. His plan is as follows:

- Accomplish at least 3 tailored written assignments, geared to increase your knowledge in a variety of selected areas. One of course being substance use / abuse. One being Self-image, and the third more than likely will center around the impacts of your negative behavior upon others.
- You will also complete an extremely detailed recovery plan. Which will layout the specifics on how you are going to stay sober.
- You will be subject to random drug screens throughout the course of the program.
- You will be seen no less than 5 times individually, up to 45 minutes per session.
- And, you will attend at least 16 documented self-help (AA) meetings during the course of your treatment.

After discussion, the Board moved to RENEW Mr. Butterfield's license on INDEFINITE

PROBATION with terms and conditions.

Strobel/Barai, 7/0/0  
Motion carries

Tory McCann, Heidi Dunningway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Tracey Cavallaro, R.D., License No.37002159A – Renewal Positive Response**

Ms. Cavallaro appeared telephonically and was not represented by counsel regarding a positive response on his renewal application.

In July 2019, Ms. Cavallaro received a DUI. It is still pending with the courts currently. It has been postponed three (3) times. She has a hearing scheduled on June 8, 2021.

She was terminated from her employer July 5, 2019.

After discussion, the Board moved to APPROVE Ms. Cavallaro's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Strobel/Dunningway, 7/0/0  
Motion carries

Tory McCann, Heidi Dunningway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Mohammed Muqtadar, M.D., Initial Application – Waiver request for USMLE Ten (10) year rule:**

Dr. Muqtadar appeared telephonically and was not represented by counsel regarding a waiver request of the USMLE ten (10) year rule.

Dr. Muqtadar informed the Board that he is board certified in psychiatry. He has worked for the VA the last nine and one-half (9 1/2) years. He is an assistant professor of psychiatry at Rosalind Franklin University of Medicine and Surgery where he teaches residents.

He has not had any malpractice actions and submitted letters of recommendation. He completed his residency in Kansas.

He does not have a job lined up at this time.

After discussion the Board moved to TABLE Dr. Muqtadar's initial application for him to

comp back with an employment offer/contract indicating he would be practicing in an underserved area in Indiana.

Strobel/Dunniway, 7/0/0  
Motion carries

Tory McCann, 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**

#### **Pramila Byahatti, M.D., License No. 01084581A, Cause No. 2021 MLB 0001**

Respondent did not appear telephonically and was not represented by counsel regarding an Administrative Complaint/Proposed Settlement Agreement 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The proposed settlement agreement included REVOCATION of her license.

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, 7/0/0  
Motion carries

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

#### **Jonathon Wade Cavins, M.D., License No. 01064975A, Cause No. 2019 MLB 0008**

Respondent did not appear telephonically and was represented by counsel, Jennifer Lukemeyer regarding an Administrative Complaint/Proposed Settlement Agreement 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent and the Attorney General's

Office was presented to the Board. The proposed settlement agreement included REVOCATION of his license.

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.

Dunniway/McCann, 7/0/0  
Motion carries

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Julie Chao, M.D., License No. 01041554A, Cause No. 2020 MLB 0028**

Respondent appeared telephonically and was represented by counsel, James Voyles regarding an Administrative Complaint/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Dereck Peterson, Deputy Director, Deputy Attorney General, and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The proposed settlement agreement included 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/Dunniway, 7/0/0  
Motion carries

Tory McCann, Heidi Dunniway, Michael Busk, Rebecca Mueller, John Strobel,  
Kirk Masten, Bharat Barai

The following board members objected: none  
The following board members abstained: none

**Robert J. Goulet, JR., M.D., License No. 01035324A, Cause No. 2020 MBL 0034**

Respondent appeared telephonically and was represented by counsel, Sherri Fabina-Abney regarding an Administrative Complaint 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, Margie Addington with Accurate Reporting Services also appeared telephonically.



Let the record reflect that Michael Busk recused himself from this matter and left the meeting.

Melissa Gustafson, Case Analyst with the Attorney General's Office was sworn in as a witness.

Dr. Goulet indicated that in an electronic record Dr. Goulet indicated it was the left Breast with issues, when in fact it was the right breast. This was an error in documentation only, not in the care for the patient.

Since the error in the electronic medical records was found the Dr's office notified everyone that he had forwarded the records to.

Ms. Fabina-Abney moved at this time to Dismiss this matter.

Dr. Strobel denied her request to dismiss indicating he wanted to hear the whole story and they would move forward with the rest of the hearing.

Dr. Goulet informed the Board he also has a license in New York, and is board certified with the American Board of Surgery.

His scheduled retirement date is June 30, 2022. He has been a Professor and Indiana University School of Medicine for the past twenty-four (24) years.

He also let the Board know that the original notes in the chart were right, it was the electronic medical records only that indicated the wrong breast. He saw this patient twice.

States Exhibit:

A – Collection of documents, including medical records of patient and the physician's response

Respondents Exhibit:

1 – Physician's CV

2 – Affidavit of Cindy Spann

After discussion, the Board found the Respondent to not be in violation of count 1.

Barai/Strobel, 4/2/0, with Dr.'s Dunningway and Mueller objecting  
Motion carries

Tory McCann, John Strobel, Kirk Masten, Bharat Barai  
The following board members objected: Heidi Dunningway & Rebecca Mueller  
The following board members abstained: none

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to DISMISS the Administrative Complaint on Dr. Goulet.

Barai/Strobel, 4/2/0, with Dr.'s Dunningway and Mueller objecting

Motion carries

Tory McCann, John Strobel, Kirk Masten, Bharat Barai

The following board members objected: Heidi Dunniway & Rebecca Mueller

The following board members abstained: none

There being no further business the Board adjourned at 2:19 p.m.