

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 August 26, 2021

John Strobel, M.D., President, called the meeting to order at 8:06 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.

Board Members Present:

John Strobel, MD
Kirk Masten, DO
Michael Busk, MD
Rebecca Mueller, MD
Victoria McCann, JD

Board Members Absent:

Heidi Dunniway, MD
Bharat Barai, MD

PLA Staff:

Laura Turner, JD
Christine Cowdin

Advisory Counsel:

Adam Harvey, JD

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

CONSENSUS
Motion carries

Personal Appearances

David Franz, MD, Initial application – Positive response:

Dr. Franz appeared telephonically and was represented by Jeremy Rogers regarding a positive response on his initial application.

Dr. Franz is currently enrolled in an OH monitoring program in which he has to check in every day and is randomly tested. Dr. Franz has a sobriety date of 4.23.2027, has worked at Cincinnati Children's Hospital since 2017 and is currently licensed in OH and KY.

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Dr. Franz has already enrolled in ISMA, Anne Kelly spoke with OH this week, Dr. Franz is in complete compliance with them.

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

Strobel/Masten 5-0-0
Motion carries

Bryce Meck, MD, Initial application – Positive response:

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

Dr. Meck had an incident in the ER while working at Children's Mercy Hospital, Kansas City, MO where he had to repeat a clerkship/rotation due to not communicating well enough. His privileges were suspended in lieu of discipline. Dr. Meck went before the MO Board and was granted a full unrestricted medical license.

Dr. Meck started a new job 9.1.2021 at Good Samaritan Hospital in Knox County where he is in good standing.

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

Strobel/Busk, 5-0-0
Motion carries

David Reznick, MD, Initial application – Positive response:

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

Dr. Reznick was terminated by Lake Health in NE Ohio on 10.30.2019 due to inappropriate conversations with nurses.

Since his termination, Dr. Reznick realized behavior was immature and sought care with a psychiatrist, Dr. Levine. He also attended a Case Western course on inappropriate behaviors in the medical field.

Dr. Reznick now has a potential locum tenens position in Indiana. Last practiced 10.30.2019, has not been able to find work in Ohio. Finished his training in 2017 then fellowship in 2018.

After discussion, Dr. Reznick requests to WITHDRAW his application.

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

CONSENSUS
Motion carries

William Young, MD, Initial application – Positive response:

Dr. Young did not appear for scheduled appearance.

Luis Gomez, MD, Initial application – Positive response:

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

Dr. Gomez is licensed in VA and WI and is a Board certified vascular surgeon.

Dr. Gomez is currently working in TX, has a contract from a group in South Bend, IN, interviewed last week. Indiana job opportunity offers more support than current position.

Dr. Gomez discussed DUI incident in 2012 while working for the Dallas VA, was in recovery program 2013-2014.

After discussion the Board moved to TABLE Dr. Gomez's application for: proof of Board certification, proof of license in another state, letter from prospective employer, LOR from program director, documentation of mentor.

Strobel/Busk, 5-0-0
Motion carries

Harlan South, MD, Initial application – Failure to Disclose:

Dr. South appeared telephonically and was not represented by counsel regarding failure to disclose on his initial application.

Dr. South has current unrestricted licenses in CA and GA.

Dr. South discussed DUI incident in 2012 in San Diego, CA. Was advised by attorney that he did not have to disclose the incident on the application. Misdemeanor charges were dropped after he completed a substance abuse awareness course.

Dr. South currently lives in CA, works as a backup hospice medical director in GA. New position has become available to work as a backup hospice medical director in Indiana with the same employer.

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After discussion the Board moved to TABLE Dr. South's application for: letter from prospective employer, letter from attorney with reasoning for non-disclosure, and letters regarding hospice work history.

Masten/McCann 5-0-0
Motion carries

Rajeev Sharma, MD, Initial application – Failure to Disclose:

Dr. Sharma appeared telephonically and was not represented by counsel regarding failure to disclose on his initial application.

Dr. Sharma is currently PGY3 at IU Ball Memorial Hospital.

Dr. Sharma discussed 2008 public intoxication incident that occurred in CA. Received expungement in CA, had disclosed incident on postgrad license application. Did not believe he had to disclose again.

Dr. Sharma is currently interviewing with multiple IU Health organizations.

After discussion the Board moved to APPROVE Dr. Sharma's application.

Strobel/Masten, 5-0-0
Motion carries

Adam Cloud, MD, Initial application – Failure to Disclose:

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

Dr. Cloud is licensed in CT and NJ.

Dr. Cloud discussed charges from 30 years ago when he was 16 years old that had been dismissed. Had disclosed when originally licensed in CT and they said they did not need that info so he did not think he had to disclose on Indiana app.

Dr. Cloud also discussed a medical malpractice claim that has been filed against the hospital he works for and several other people, including him. Hospital attorney advised him not to talk about it at all, has not given deposition yet. Did not disclose on application.

After discussion the Board moved to APPROVE Dr. Cloud's application.

Masten/Mueller, 5-0-0
Motion carries

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Michael Maurer, MD, Initial application – Failure to Disclose:

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

Dr. Maurer is a general pediatrician licensed in FL, had training license in CA.

Dr. Maurer discussed minor consumption charge from 2009 when he was 20 years old. Case was dismissed after he completed a pretrial diversion program, he believed it has been expunged.

Dr. Maurer is currently working locum tenens at Reid Hospital in Richmond, IN.

After discussion the Board moved to APPROVE Dr. Maurer's application.

McCann/Busk, 5-0-0
Motion carries

Cyrus Tamboli, MD, Initial application – Failure to Disclose:

Dr. Tamboli appeared telephonically and was not represented by counsel regarding failure to disclose on his initial application.

Dr. Tamboli discussed "Confidential letter of warning" from IA Board dated 7.15.2011 that was not disclosed on application.

Dr. Tamboli has a potential locum tenens position in Terre Haute, Indiana.

After discussion, Dr. Tamboli requests to WITHDRAW his application.

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

CONSENSUS
Motion carries

Jenna Pogorzelski, Dietician - Renewal application – Positive response:

Ms. Pogorzelski appeared telephonically and was represented by counsel, Josh Moudy, regarding a positive response on her renewal application.

Ms. Pogorzelski discussed an incident that happened in June 2021. She was arrested for trespassing when she cut through a construction site in downtown Indianapolis on her way home at 2am. No public intoxication charges.

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Ms. Pogorzelski is currently a dietician at Riley Children's Hospital.

After discussion, the Board moved to APPROVE Ms. Pogorzelski's renewal application.

Strobel/Busk, 5-0-0
Motion carries

James Sprecher, MD - Renewal application – Inactive to Active:

Dr. Sprecher appeared telephonically and was not represented by counsel regarding his Inactive to Active renewal.

Dr. Sprecher wants to renew his license into an Active status so he can prescribe to himself and his wife. Stated he had been doing it since he retired in 1997. Has not practiced in 24 years.

After discussion, the Board moved to DENY Dr. Sprecher to renew license to Active status, renewed as Inactive.

CONSENSUS
Motion carries

Zahid Saqib, M.D., Initial App – Waiver – Transcripts:

Dr. Saqib appeared telephonically and was not represented by counsel regarding a waiver request on his initial application.

Dr. Saqib graduated from medical school in Pakistan in 1973. He is unable to get transcripts unless he travels to Pakistan in person.

Dr. Saqib is currently licensed in IL, has worked there in general practice since 1979.

After discussion, the Board moved to APPROVE the waiver for Dr. Saqib pending receipt of 2-3 letters of recommendation and letter from good standing from Deaconess Hospital which will be reviewed by Dr. Strobel.

Strobel/Masten 5-0-0
Motion carries

Nagi Ibrahim, M.D., Initial App – Waiver – USMLE more than 3 attempts:

Dr. Ibrahim appeared telephonically and was not represented by counsel regarding a waiver request on his initial application.

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Dr. Ibrahim has been practicing in CA since 2001. Good friend is encouraging him to move to IN, wants him to join his group in the Ft. Wayne / Kokomo area

Dr. Ibrahim is requesting a waiver as it took him more than three (3) attempts to pass USMLE step 2.

After discussion, the Board moved to TABLE the waiver for Dr. Ibrahim until he can meet the waiver requirements: have contract in hand showing a minimum 3 year commitment in an underserved primary care area and a letter for representation from employer.

Strobel/Masten 5-0-0
Motion carries

Maria de las Mercedes Sayago, M.D., Initial App – Waiver – USMLE more than 3 attempts:

Dr. Sayago did not appear for scheduled appearance.

Robert Walker, M.D., Initial App – Waiver – USMLE more than 3 attempts:

Dr. Walker appeared telephonically and was not represented by counsel regarding a waiver request on his initial application.

Dr. Walker is currently a medical director for an insurance company.

Dr. Walker is requesting a waiver as it took him more than three (3) attempts to pass USMLE step 2.

After discussion, the Board moved to TABLE the waiver for Dr. Walker until he can provide: contract in hand showing a minimum 3 year commitment in an underserved primary care area, 2-3 letters of recommendation from current and past employers, and provides his CV to the Board.

Strobel/Masten 5-0-0
Motion carries

Discussion

OAG Report: The report was presented by a representative of the OAG.

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Director's Report: The report was presented by Board Director, Laura Turner

Thomas Sonne, MD, 01029124A

Cause No: 2021 MLB 0008

Dismissal due to his passing

A motion was made and seconded to approve the dismissal.

Strobel/McCann 5-0-0.

Motion carries

Electronic Meeting Policy

A motion was made and seconded to adopt the policy.

McCann/Busk 5-0-0

Motion carries

Administrative Hearings

Charles Cornett, M.D., License No. 01041557A, Cause No. 2021 MLB 0005

Respondent appeared telephonically and was represented by counsel, Michael McMains regarding an Amended Proposed Settlement Agreement 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, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

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

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

Busk/Mueller, 5-0-0

Motion carries

James Shoot, M.D., License No. 01027324A, Cause No. 2021 MLB 0013

Respondent appeared telephonically and was represented by counsel, Ronald Mingus regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Carah Rochester, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

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A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The amended proposed settlement included LETTER OF REPRIMAND and a FIVE HUNDRED DOLLAR (\$500.00) FINE.

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

Masten/Busk, 5-0-0
Motion carries

Vishal Verma, M.D., License No. 01062745A, Cause No. 2021 MLB 0016

Respondent appeared telephonically and was represented by counsel, Vincent Roth regarding a 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, Lindy Meyer 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 amended proposed settlement included LETTER OF REPRIMAND.

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

Strobel/Busk, 5-0-0
Motion carries

Scott Marsteller, M.D., License No. 01068656A, Cause No. 2020 MLB 0026

Respondent appeared telephonically and was not represented by counsel regarding a Petition 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, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Dr. Marsteller wrote a Phentermine prescription for C.P., a person who he had never personally examined and diagnosed and was therefore subject to disciplinary sanctions.

Dr. Marsteller completed sixteen (16) hours of continuing education units in the areas of professionalism, appropriate prescribing, controlled substances, and pharmacology.

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

Strobel/Mueller, 5-0-0
Motion carries

There being no further business the Board adjourned at 2:42 p.m.

Upcoming Board Dates

September 23, 2021

October 28, 2021

December 02, 2021