

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 October 28, 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
Heidi Dunniway, MD
Michael Busk, MD
Victoria McCann, JD
Bharat Barai, MD
Rebecca Mueller, 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

Luis Gomez, MD, Initial application – Positive response – Previously tabled:

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

Dr. Gomez discussed an incident from 2012 when he had a cease and desist order against him by the Maryland Board while working at a MD clinic because medical assistants were dispensing meds.

Dr. Gomez presented letter from program director of vascular surgery fellowship program, Eric K Peden stating he is technically very competent and that he had discussed with one of his potential employers that he should operate with a partner as he begins practice.

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Dr. Gomez presented copies of his current licenses, a copy of his Board certification in vascular surgery, and his contract with Saint Joseph Regional Medical Center.

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

Barai/Dunniway 6-0-1
Motion carries

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

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 submitted a letter from his attorney explaining why he advised his not to disclose incident on application.

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. Submitted a letter from Tamekia Fuller from Guardian Angels explaining Dr. South's employment with the company and a letter of intent to hire. Dr. South submitted a letter showing his certification with the Hospice Medical Director Certification Board.

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

Strobel/Masten 7-0-0
Motion carries

Sarah Fisher, DO, Initial application – Failure to Disclose:

Dr. Fisher appeared telephonically and was not represented by counsel regarding a failure to disclose on an initial application.

Dr. Fisher discussed her remediation that occurred during her internal medicine residency. While she submitted the remediation explanation with her application, she answered "no" to the question on the application.

Dr. Fisher is currently licensed in CA, IL and MO

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

Barai/Busk 7-0-0
Motion carries

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Raj Chinnapan, MD, License 01082833A - Renewal – Positive response:

Dr. Chinnapan appeared telephonically and was not represented by counsel regarding a positive response on a renewal application.

Dr. Chinnapan discussed a medical malpractice claim from 2013 that was settled in the state of IL for \$1.9 million stemming from a failure to timely diagnose a C7 cervical spine fracture that resulted in paralysis.

After discussion, the Board moved to APPROVE Dr. Chinnapan's renewal application.

Strobel/Masten, 7-0-0
Motion carries

Mahesh Goel, MD, License 01065617A - Renewal – Positive response:

Dr. Goel appeared telephonically and was represented by counsel, Derek Peterson, regarding a positive response on a renewal application.

Dr. Goel had previously appeared before the Board in 2019 regarding the same issue. During a medical malpractice investigation, the MN Board found an x-ray with identifying information that Dr. Goel shared on a public website.

Dr. Goel has had no medical malpractice claims in IN. MN license received a letter of reprimand, license is current and unrestricted.

After discussion, the Board moved to APPROVE Dr. Goel's renewal application and refer to the OAG.

Barai/Masten, 7-0-0
Motion carries

Daniel Cozadd, DO, License 02005282A - Renewal – Positive response:

Dr. Cozadd appeared telephonically and was not represented by counsel regarding a positive response on a renewal application.

Dr. Cozadd discussed an incident from December 2018 while working in MI, had hospital privileges suspended due to alcohol abuse. He discussed with employer, went over options, felt termination was imminent. Started a treatment program, sobriety date of 1.29.2019

Dr. Cozadd is currently enrolled in ISMA PAP, IN is his only active license, did not renew MI or IL licenses. Attends 3 meetings per week (smart recovery), uses breathalyzer 4x per day, subject to random drug and alcohol screenings.

Anne Kelly from ISMA PAP testified that Dr. Cozadd is in compliance with his contract that was signed 1.21.2020

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After discussion, the Board moved to APPROVE Dr. Cozadd's renewal application.

Strobel/Dunniway, 7-0-0
Motion carries

Ryan Alexander, DO, License 02004819A - Renewal – Positive response:

Dr. Alexander appeared telephonically and was not represented by counsel regarding a positive response on a renewal application.

Dr. Alexander discussed an incident that took place on 4.17.2021 when he was arrested for suspected DUI, he contacted an attorney, Jim Bleeke, who advised him to contact Anne Kelly at ISMA.

Dr. Alexander contacted his employer, they are supportive.

Dr. Alexander is currently enrolled in ISMA PAP, Anne Kelly from ISMA PAP testified that Dr. Alexander is in compliance with his two-year contract signed 6.2.2021, doing extremely well.

After discussion, the Board moved to APPROVE Dr. Alexander's renewal application.

Strobel/Masten, 7-0-0
Motion carries

Randal Cieslak, DO, License 02004917A – Renewal - Positive response:

Dr. Cieslak appeared telephonically and was represented by counsel, Jacob Stewart (licensed to practice in FL not in IN), regarding a positive response on a renewal application.

Dr. Cieslak discussed incident of misdemeanor battery that that happened 1.7.2021 with former fiancé while on vacation in FL, case was ultimately dismissed.

After discussion, the Board moved to APPROVE Dr. Cieslak's renewal application.

Barai/Masten 7-0-0
Motion carries

Willis Peelle, III, MD, License 01024373A – Renewal - Positive response:

Dr. Peelle appeared telephonically and was not represented by counsel regarding a positive response on a renewal application.

Dr. Peelle discussed medical malpractice case stemming from incident in 2017. Medical review panel found that treatment recommended was within standard of care, but there was a question of informed consent. Jury awarded \$1.2 million in compensation.

After discussion, the Board moved to APPROVE Dr. Peelle's renewal application.

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Barai/Dunniway 6-0-1
Motion carries

Touchukwu Iloabuchi, MD, License 01068679A – Renewal - Positive response:

Dr. Iloabuchi appeared telephonically and was represented by counsel, Elliott Pinkie, regarding a positive response on a renewal application.

Dr. Iloabuchi discussed incident that occurred 9.24.2019 when he administered corporal punishment to his 8 year old son at his school and the school authorities reported the incident to law enforcement.

Dr. Iloabuchi came before the Board previously for the same incident, when charges were still pending, only thing that has changed since last appearance is that he has taken a plea.

Dr. Iloabuchi currently practices geriatrics at the VA hospital in Indianapolis. Anticipates completing 26 week anti-battery class, part of the plea deal, in November 2021

After discussion, the Board moved to APPROVE Dr. Iloabuchi's renewal application.

Strobel/Barai 7-0-0
Motion carries

Erinn Noeth, MD, License 01070402A – Renewal - Positive response:

Dr. Noeth did not appear for scheduled appearance.

Gopichand Naguboyina, MD, License 01082975A – Renewal - Positive response:

Dr. Naguboyina appeared telephonically and was not represented by counsel regarding a positive response on a renewal application.

Dr. Naguboyina discussed medical malpractice case that was settled for \$400k in IL and resulted in a reprimand by IL Board.

Dr. Naguboyina currently has active licenses without restrictions in IL, FL, and IN.

After discussion, the Board moved to APPROVE Dr. Naguboyina's renewal application.

Strobel/Busk 7-0-0
Motion carries

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Gary Thompson, MD, License 01042057A – Renewal - Positive response:

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

Dr. Thompson discussed termination from Franciscan Health Indianapolis for violating policy. Wrote prescriptions for colleague as a personal favor. Did not take history, or have him check in, did not document.

Dr. Thompson met with DEA 6.21.2021 and was asked to voluntarily surrender DEA license.

Dr. Thompson appeared before the Pharmacy Board at their September 2021 meeting. Pharmacy Board voted 5-1-0 to reinstate CSR.

After discussion, the Board moved to APPROVE Dr. Thompson's renewal application.

Strobel/Masten 7-0-0
Motion carries

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 had previously appeared before the Board, application was Tabled for additional information. Submitted LORs from Dr. Glen, Dr. Orr, his CV, and a letter of employment from Advanced Rehabilitation Care.

Dr. Walker is requesting a waiver as it took him more than three (3) attempts to pass USMLE step 2. Currently has active license in IL and inactive licenses in VA and WV.

Dr. Walker's plans in Indiana is to work in the Methodist hospital system in inpatient rehab.

After discussion, the Board moved to TABLE the waiver for Dr. Walker until he can provide: a letter from Methodist Hospital showing Advanced Rehab Care is under contract with Methodist Hospital (minimum of three-year commitment) or an appearance from hospital employer.

Strobel/Masten 7-0-0
Motion carries

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Georgia Bustamante, MD, Initial application –Waiver request

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

Dr. Bustamante took more than 3 attempts to pass portions of the USMLE.

Dr. Bustamante currently has licenses in CA and TX. Works for telehealth company, wants her to be licensed in 42 states.

Dr. Bustamante will not be physically practicing in IN, will be doing telemedicine only. Board advised that for a waiver they are looking for a three-year contract in an underserved area, not telehealth work.

After discussion, Dr. Bustamante requests to WITHDRAW application.

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

CONSENSUS
Motion carries

Discussion

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

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

Rules Readoption

Laura Turner, J.D., Board Director gave the Board copies of the following rules that need to be readopted **844 IAC 4-2-2; 844 IAC 4-3; 844 IAC 4-4.5; 844 IAC 4-6; 844 IAC 4-7; 844 IAC 5-8; 844 IAC 19-1-1; 844 IAC 19-1-2; 844 IAC 19-1-3; 844 IAC 19-1-4; 844 IAC 19-1-5; 844 IAC 19-2; 844 IAC 19-3; 844 IAC 19-4**. The Board considered the five (5) factors required before voting to adopt all the above listed rules. None of the rules impose costs or requirements on small businesses.

After discussion, the Board moved to RE-ADOPT all of the above listed rules as they are written.

Dunniway/Barai, 7-0-0
Motion carries

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Citations

The following physicians failed to answer yes to a question on their renewal application:

Mark Stephen Gresla, M.D. – 01034460A – Failure to Disclose
Ashley Cobb, D.O. – 02003554A – Failure to Disclose
Kenneth Pherson, D.O. – 02003531A – Failure to Disclose
Raphael Villavicencio, M.D. – 01051969A – Failure to Disclose
Robert Mitrione, M.D. – 01058433A – Failure to Disclose
Richard Barnes, M.D. – 01075955A – Failure to Disclose
James Mark Esser, M.D. – 01041732A – Failure to Disclose
John Paul Cusack, M.D. – 01042414A – Failure to Disclose
Linda Callaghan, M.D. – 01062882A – Failure to Disclose
Stephen O'Connor, M.D. – 01038476A – Failure to Disclose
Ronald Suh, M.D. – 01060497A – Failure to Disclose
Michael Brown, M.D. – 01041266A – Failure to Disclose
Arvind Gandhi, M.D. – 01029887A – Failure to Disclose
Thomas Ricke, M.D. – 01064536A – Failure to Disclose
William Smith, M.D. – 01051461A – Failure to Disclose
Frances Madden, M.D. – 01045010A – Failure to Disclose
Louis Seele, M.D. – 01063282A – Failure to Disclose
Dhananjay Kuklarni, M.D. – 01075480A – Failure to Disclose
Srinivasan Rao, M.D. – 01061439A – Failure to Disclose
Janet Galanes, M.D. – 01042981A – Failure to Disclose
Mark Hubbard, M.D. – 01069215A – Failure to Disclose
George Wairiuko, M.D. – 01062421A – Failure to Disclose
Jitendra Patel, M.D. – 01038195A – Failure to Disclose
Syed Kazmi, M.D. – 01044505A – Failure to Disclose
Tiong Pouw, M.D. – 01039967A – Failure to Disclose
Susan Lottich, M.D. – 01037538A – Failure to Disclose
John Pritchard, M.D. – 01038267A – Failure to Disclose
Michael Flisak, D.O. – 02005248A – Failure to Disclose
Kendra Karner, D.O. – 02002621A – Failure to Disclose
David Oettel, D.O. – 02006060A – Failure to Disclose
Kelli Hall, M.D. – 01040811A – Failure to Disclose
Charles Peterson, M.D. – 01028400A – Failure to Disclose
Kierre Honore, M.D. – 01065452A – Failure to Disclose
Thomandram Sekar, M.D. – 01029963A – Failure to Disclose
Jacqueline West Denning, M.D. – 01078032A – Failure to Disclose
Bryan Stegman, M.D. – 01063281A – Failure to Disclose
Vannara Sakbun, M.D. – 01043923A – Failure to Disclose
Ketan Davae, M.D. – 01060069A – Failure to Disclose
Timothy Divens, M.D. – 01050545A – Failure to Disclose
Rajesh Dhamecha, M.D. – 01049025A – Failure to Disclose
Barbara Newman, M.D. – 01081115A – Failure to Disclose
Sahana Vyas, M.D. – 01071628A – Failure to Disclose
Jeffrey Kachmann, M.D. – 01045166A – Failure to Disclose

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After discussion, the Board moved to IMPOSE a CIVIL PENALTY of FIVE HUNDRED (\$500.00) DOLLARS.

Strobel/Masten, 7-0-0
Motion carries

Administrative Hearings

The following administrative hearings have been CONTINUED

Edward Bell, M.D., License No. 01032992A, Cause No. 2021 MLB 0010

Erik Aitken, M.D., License No. 01063349A, Cause No. 2021 MLB 0015

James E. Jenison, M.D., License No. 01035567A, Cause No. 2021 MLB 0014

John Mahan, M.D., License No. 01046539A, Cause No. 2021 MLB 0018

Matt Rutz, M.D., License No. 01072888A, Cause No. 2021 MLB 0021

Jamiere Smith, M.D., License No. 01041991A, Cause No. 2017 MLB 0030

Respondent appeared telephonically and was not represented by regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Rebekah Hammond, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Laura Turner, Professional Licensing Agency, Medical Board Director, keeper of the records, was sworn in as a witness for the State.

Dr. Smith is requesting to have probation withdrawn from license.

Director Turner testified that probation cannot be removed until IL license is unencumbered. Board has not received a signed order from IL showing IL probation has been withdrawn.

Respondent's Exhibits:

1 A/B/C – ABOG email 1

2 A/B/C – ABOG email 2

3 A/B/C – Email from Vladimir Lozovskiy, IL Dept of Financial and Professional Regulation

4 A/B/C – IL Unsigned Consent Order removing probation

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved GRANT the REQUEST TO WITHDRAW PROBATION on Dr. Smith's license, effective the day the IL Board Director signs the Order lifting IL probation

Barai/Strobel, 7-0-0
Motion carries

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Jeffrey Alan Campbell, M.D., License No. 01036153A, Cause No. 2017 MLB 0029

Respondent did not appear telephonically and was not represented by regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Abigail Smith, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Dr. Campbell's license has been expired since 2017.

Motion to Dismissed is based on the Elmer decision, we do not consider him a practitioner because his license is expired. Has never been charged administratively so we cannot put a hold on license.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to APPROVE the MOTION TO DISMISS.

Barai/Masten, 7-0-0
Motion carries

There being no further business the Board adjourned at 1:00 p.m.

Upcoming Board Dates

December 02, 2021