

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 December 2, 2021

John Strobel, M.D., President, called the meeting to order at 8:13 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 – joined at 10:30 a.m.
Rebecca Mueller, MD

Board Members Absent:

Victoria McCann, JD
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.

Mueller/Dunniway 4-0-0
Motion carries

Personal Appearances

Olatilewa Awe, MD, Initial application – Positive response:

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

Dr. Awe discussed termination without cause that occurred in March 2021. Only reason given was “not a good fit for organization”.

Dr. Awe stated she has two pending medical malpractice cases currently within the last 18 months, states she is licensed in 10 other states, plans to do locum work in IN.

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After discussion the Board moved to TABLE Dr. Awe's application for: Case logs, verification of licenses from other states, recommendation letters from residency and other physician she works with, letter of employment for work in IN.

CONSENSUS
Motion carries

Taryn Fernandes, MD, Initial application – Positive response – Previously tabled:

Dr. Fernandes appeared telephonically and was represented by counsel, Laura Iosue, regarding failure to disclose on his initial application.

Dr. Fernandes had appeared before the Board previously, application was tabled for additional information regarding termination. Dr. Fernandes submitted detailed documents pertaining to an incident involving sexual harassment at previous employment, the case is still ongoing.

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

Dunniway/Strobel 3-1-0
Motion carries

Amy Han, MD, Initial application – Positive response:

Dr. Han did not appear for scheduled appearance before the Board.

Peter Kamilakis, MD, Initial application – Positive response:

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

Dr. Kamilakis has been in practice since 2004, since this issue happened, he has been granted licenses in CT, FL, and MI. Currently practicing in FL.

Dr. Kamilakis discussed an incident that took place in 2019, went to work for a rural hospital in VA, hospital did not have a good reputation locally. States he tried to move them more towards safe medical care.

Dr. Kamilakis had privileges suspended, CEO stated he was being "disruptive", and they needed to "hit pause"

Dr. Kamilakis has job offers from both Parkview and Community anesthesiology in Indiana

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After discussion the Board moved to TABLE Dr. Kamilakis's application for: Psychological evaluation that was conducted

Masten/Mueller, 4-0-0
Motion carries

Christopher Owens, M.D., Initial App – Waiver – Positive response:

Dr. Owens appeared telephonically and was represented by counsel, Sherry Fabina-Abney, regarding a positive response on initial application.

Dr. Owens discussed an incident that occurred in CA in 2016 involving alcohol and drug abuse that resulted in his CA license being revoked and the surrender of his DEA license.

Dr. Owens has relocated to IN, his kids and family are here. Currently working as a medical assistant at a clinic. He is not currently trying to undo the action on his CA license.

After discussion, Dr. Owens requests to WITHDRAW application.

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

CONSENSUS
Motion carries

James Varrell, MD, Initial application – Positive response:

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

Dr. Varrell discussed seven (7) medical malpractice claims that have been filed against him. Five cases were dismissed, two cases settled.

Dr. Varrell is a child psychiatrist in private practice who supervises doctors who work via telemedicine in IN. States his is currently licensed in 30 states.

After discussion, the Board moved to APPROVE a PROVISIONAL LICENSE for ONE YEAR with conditions: quarterly logs for any interactions/visits with Indiana patients

Masten/Strobel, 5-0-0
Motion carries

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Bernard Rerri, MD, License 01078105A - Renewal – Positive response:

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

Dr. Rerri stated he had a tax issue in IL, license was suspended in 2019 until he made payment, then license was reinstated.

Dr. Rerri is an orthopedic spine surgeon. Stated he has had 12-13 medical malpractice cases in the last 10 years. One settled, 9-10 still active.

After discussion, the Board moved to TABLE Dr. Rerri's renewal application for: Hospital procedure logs, letters of reference from hospital and co-workers, and a brief description of current medical malpractice cases.

Strobel/Masten, 4-0-0
Motion carries

Pranav Patel, MD, License 01083404A - Renewal – Positive response:

Dr. Patel did not appear telephonically but was represented by counsel, Elliot Pinkie, regarding a positive response on a renewal application.

Dr. Patel could not attend as he is incarcerated at the federal prison in Terre Haute.

Dr. Patel's IL license is currently suspended.

Board advised withdrawing renewal is best option, Mr. Pinkie stated he needs to discuss withdrawal with his client.

After discussion, the Board moved to TABLE Dr. Patel's renewal application pending email from Mr. Pinkie regarding his client's answer regarding withdrawing application.

Strobel/Masten, 4-0-0
Motion carries

Charles Austgen, MD, License 01052402A – Renewal - Positive response:

Dr. Austgen appeared telephonically and was represented by counsel, Barclay Wong, regarding a positive response on a renewal application.

Dr. Austgen discussed an OWI received in 2019, this is his only arrest. Was not referred to AA or ISMA. Completed 12-hour alcohol / substance abuse education. Employer, IU health system is aware of the incident.

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

Masten/Mueller 4-0-0
Motion carries

John Norris, III, MD, License 01031964A – Renewal - Positive response:

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

Dr. Norris discussed medical malpractice case stemming from incident in 2015 involving a hypertensive patient who needed to deliver, ended up doing c-section, baby born with neurologic compromise.

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

Strobel/Masten 4-0-0
Motion carries

Mark Kimpel, MD, License 01035266A – Renewal - Positive response:

Dr. Kimpel appeared telephonically and was represented by counsel, Josh Lowrey, regarding a positive response on a renewal application.

Dr. Kimpel discussed incident that occurred in August of 2020 when he was involved in an altercation with his wife and ended up being charged with misdemeanor domestic battery.

Dr. Kimpel has not been charged with any other crimes. He entered a pre-trial diversion agreement under which the charges will be dismissed.

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

Strobel/Masten 4-0-0
Motion carries

Erik Richter, MD, License 01067017A – Renewal - Positive response:

Dr. Richter appeared telephonically and was represented by counsel, Howard Pikel, regarding a positive response on a renewal application.

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Dr. Richter previously appeared before the Board in Feb 2020 regarding the revocation of his Maryland license due to him not submitting fingerprints at the time of renewal. Once he submitted fingerprints license was reinstated. This action from Hawaii stems from original MD action.

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

Masten/Busk 5-0-0
Motion carries

Eugene Oh, MD, License 01057311A – Renewal - Positive response:

Dr. Oh appeared telephonically and was represented by counsel, Howard Pikel, regarding a positive response on a renewal application.

Dr. Oh discussed action that stemmed from the domino effect of IL mirroring previous state's action that originally stemmed from not completing enough CE hours in WV and receiving a fine, then failing to declare that incident on subsequent license renewals.

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

Masten/Busk 5-0-0
Motion carries

Francis Joseph, MD, License 01049736A – Renewal - Positive response:

Dr. Joseph continued scheduled appearance.

John Rademaker, MD, License 01046769A – Renewal - Positive response:

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

Dr. Rademaker discussed an incident that occurred 4.3.2020, he was involved in an altercation when he confronted a group of individuals he felt were in violation of the COVID protocols put in place by the KY governor. The incident was captured on video and posted on social media. He was eventually charged with a fourth degree misdemeanor offense. He entered an Alford plea.

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Dr. Rademaker voluntarily resigned privileges at a number of hospitals where he practiced due to threats on social media. He did not want to cause any damage to those facilities.

The KY Board reviewed and took no action against his license. He is currently practicing in New Albany, IN.

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

Strobel/Busk 5-0-0
Motion carries

William Turton, MD, License 01045086A – Renewal - Positive response:

Dr. Turton appeared telephonically and was represented by counsel, Richard Kiefer, regarding a positive response on a renewal application.

Dr. Turton discussed 7.18.2020 incident where he was charged with misdemeanor intimidation against his wife.

Dr. Turton completed a 26-week anger management course at Pro Active Resources in Carmel. Since the incident he has divorced and then remarried wife.

Dr. Turton is a career hospitalist for 30+ years. New hospital in Carmel is opening Feb 2022, he has been hired as the medical director.

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

Strobel/Busk 5-0-0
Motion carries

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

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

Dr. Ibrahim had previously appeared before the Board and now presents with a three-year contract with Marion Health. Will be doing outpatient primary care in Gas City clinic. This is an underserved area.

After discussion, the Board moved to APPROVED the waiver for Dr. Ibrahim's application.

Strobel/Masten 5-0-0
Motion carries

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Destiny Hooper, MD, Initial application – Appeal of application denial

Dr. Hooper appeared telephonically and represented by counsel, Erika Steuerwald, regarding an appeal of previous denial of initial application.

Dr. Hooper previously appeared before the Board at their September 2021 meeting where her initial application was denied.

Dr. Hooper discussed 2008 criminal misdemeanor charge that was dismissed and ultimately expunged in CA. Expungement in CA and IN are very different things. Believes wording on our application should be reconsidered. Dr. Hooper submitted expungement paperwork that the Board had previously requested, and which Dr. Hooper stated she did not want to take the time to get. Dr. Hooper stated that she has reflected on her previous appearance and is using it as a learning experience.

Dr. Hooper is a vascular neurology fellow at the University of Cincinnati which requires her to have an active license in OH, KY, and IN.

After discussion, the Board moved to GRANTS Appeal of License Denial and REVERSES their previous denial of Dr. Hooper's application.

Dunniway/Busk, 4-0-1
Motion carries
Masten abstained

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

Faizzuddin Shareef – Preceptor Candidate Review
Preceptor withdrew himself from consideration prior to meeting.

Citations

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

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1. John Pomponi, D.O., 02003900A – Failure to Disclose
2. Mark Tiritilli, M.D., 01043935A – Failure to Disclose
3. Bryan Perkins, M.D., 01039943A – Failure to Disclose
4. Scott Siegall, M.D., 01062416A – Failure to Disclose
5. Michael Hoover, M.D., 01028408A – Failure to Disclose
6. Brian Johnston, M.D., 01041286A – Failure to Disclose
7. Natalie Painter, D.O., 02001448A – Failure to Disclose
8. Mark Dixon, D.O., 02001376A – Failure to Disclose
9. Robert Shellmam, M.D., 01037555A – Failure to Disclose
10. Rana Berry, M.D., 01057818A – Failure to Disclose
11. Jennifer Saulnier, M.D., 01081534A – Failure to Disclose
12. Albert Solomito, M.D., 01052229A – Failure to Disclose
13. Raymundo Rosales, M.D., 01061216A – Failure to Disclose
14. Tuna Ozyurekoglu, M.D., 01060101A – Failure to Disclose
15. Yi Shuang Yang, M.D., 01052417A – Failure to Disclose
16. Craig Hanson, M.D., 01053849A – Failure to Disclose
17. Reena Patel, M.D., 01073538A – Failure to Disclose
18. Ayman Alzubi, M.D., 01082560A – Failure to Disclose
19. Joseph Pavlick, M.D., 01039308A – Failure to Disclose
20. Jennifer Zyromski, M.D., 01060524A – Failure to Disclose
21. Stephen O'Neil, M.D., 01054157A – Failure to Disclose
22. Robert Porter, M.D., 01071611A – Failure to Disclose
23. Gary Marcotte, D.O., 02000603A – Failure to Disclose
24. Scott Blickensderfer, D.O., 02001398A – Failure to Disclose
25. Thomas Van DenDriessche, M.D., 01028709A – Failure to Disclose
26. Robert Potter, M.D., 01035268A – Failure to Disclose
27. Shahaab Uddin, M.D., 01073189A – Failure to Disclose
28. Namita Sahgal, M.D., 01073246A – Failure to Disclose
29. Robert Severinac, M.D., 01043388A – Failure to Disclose
30. Julian Ungar Sargon, M.D., 01040129A – Failure to Disclose
31. Bradley Weber, M.D., 01044692A – Failure to Disclose

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

Strobel/Masten, 5-0-0
Motion carries

Administrative Hearings

The following administrative hearings have been CONTINUED

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

Lydia Ferrell, M.D., License No. 01056802A, Cause No. 2021 MLB 0011

Joseph Franzese, M.D., License No. 01080604A, Cause No. 2021 MLB 0022

Mahendra Sanapati, M.D., License No. 01055762A, Cause No. 2021 MLB 0012

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

Respondent appeared telephonically and was represented by counsel, Tracy Prewitt, regarding a Proposed Settlement Agreement and Administrative Complaint 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, 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 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 to ACCEPT the PROPOSED SETTLEMENT AGREEMENT.

Dunniway/Busk, 5-0-0
Motion carries

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 Motion to Dismiss 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.

Dr. Henry's license has been expired since 10.31.2019.

Motion to Dismissed is based on the Elmer decision, we do not consider him a practitioner because his license is expired. Board has no jurisdiction over an expired license.

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

Strobel/Dunniway, 5-0-0
Motion carries

James Hartenbach, M.D., License No. 01069272A, Cause No. 2011 MLB 0011

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 Sha'na Harris Terry, Deputy Attorney General and the court

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reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Dr. Hartenbach is asking to have probation withdrawn from his license that was imposed by the Board in 3.22.2011.

One of the requirements of Dr. Hartenbach's probation is that he be employed at the Madison County Community Health Center. Dr. Hartenbach was terminated from his job at the Madison County Community Health Center in June 2012. Since that time he has not worked as a physician, was unable to find a sponsor willing to take on someone with a probationary license, has worked in sales.

Dr. Hartenbach would like probation removed from license so he can go back to practicing medicine.

Board states he needs to complete a SPEX examination, or complete CPEP or Drexel course then can petition for modification of probation.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved DENY the REQUEST TO WITHDRAW PROBATION.

Strobeli/Masten, 4-0-1
Motion carries
Dunniway abstained

Alfredo Martin Lopez, M.D., License No. 01046966A, Cause No. 2019 MLB 0019

Respondent appeared telephonically and was represented by counsel, Sherry Fabina-Abney, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Sha'na Harris Terry, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

In July 2019 Board approved agreement that resolved allegations of criminal misconduct, suspended license. In September of 2020 the Board lifted his suspension and placed license on probation. Dr. Lopez is now petitioning for removal of probation.

One of the requirements of Dr. Hartenbach's probation is that he be employed at the Madison County Community Health Center. Dr. Hartenbach was terminated from his job at the Madison County Community Health Center in June 2012. Since that time he has not worked as a physician, was unable to find a sponsor willing to take on someone with a probationary license, has worked in sales.

Dr. Lopez has met all the terms of probation placed on his license.

Petitioner's Exhibits:

- 1 A/B/C – Findings of Fact, Conclusions of Law, and Order dated 9.30.2020
- 2 A/B/C – Letter to Board and Quarterly reports

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After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved APPROVE the REQUEST TO WITHDRAW PROBATION.

Strobel/Masten, 4-0-1
Motion carries
Dunniway abstained

Anthony Nigliazzo, M.D., License No. 01070993A, Cause No. 2020 MLB 0021

Respondent appeared telephonically and was represented by counsel, Tyler Moorhead, regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Sha'na Harris Terry, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Anne Kelly, PAP coordinator, ISMA (PAP) was sworn in as a witness for the State.

Dr. Nigliazzo is enrolled in ISMA PAP, missed check in on 9.4.2021, was camping with children over the Labor Day weekend. As soon as he got the email regarding the missed check in he called his contacts in KY monitoring program. Was determined that is was an internet strength issue.

Anne Kelly testified that other than the missed check-in on 9.4.2020 Dr. Nigliazzo has been in compliance with the with the KY monitoring program and they feel there is no reason for concern.

Petitioner's Exhibits:

- 1 A/B/C – Dr. Tina Simpson Letter
- 2 A/B/C – Chad Elder Letter
- 3 A/B/C – Dr. Maynard Letter
- 4 A/B/C – KY Order Dissolving Emergency Suspension

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved DISMISS the ORDER TO SHOW CAUSE.

Strobel/Masten, 5-0-0
Motion carries

There being no further business the Board adjourned.

2022 Meeting Dates:

- **January 27**
- **February 24**

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- **March 24**
- **April 28**
- **May 26**
- **June 23**
- **July 28**
- **August 25**
- **September 22**
- **October 27**
- **December 01**