

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

MINUTES OF JANUARY 24, 2019

John Strobel, M.D., President, called the meeting to order at 8:43 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
Victoria McCann, J.D., Secretary
Scott Green, M.D., Member
Michael Busk, M.D., Member
Rebecca Mueller, M.D., Member

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

Green/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

The Board voted to adopt the minutes of the December 6, 2018 meeting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Masten/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

ELECTION OF OFFICERS

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Green nominated Dr. Strobel to continue as President, Dr. Masten to continue as Vice President and Victoria McCann to continue as Secretary.

After discussion, the Board moved to keep current officers.

Green/Mueller, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

DISCUSSION

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Retirement/Surrender Requests

Rosemary Weir, M.D. – 01024326A - Retirement

Robin Rothrock, M.D. – 01060877A – Retirement

After discussion, the Board moved to APPROVE the REQUESTS for RETIREMENT for Dr. Weir and Dr. Rothrock.

Masten/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

HEA 1245 – Re-adoption of emergency rules regarding disqualifying crimes

Medical Licensing Board of Indiana, Re-adoption of LSA 18-454(E)
Physical Therapy Committee, Re-adoption of LSA 18-455(E)
Occupational Therapy Committee, Re-adoption of LSA 18-457(E)
Respiratory Care Practitioner Committee, Re-adoption of LSA 18-458(E)
Hearing Aid Dealer Committee, Re-adoption of LSA 18-456(E)
Midwifery Committee, Re-adoption of LSA 18-459(E)
Physician Assistant Committee, Re-adoption of LSA 18-453(E)

After discussion, the Board moved to READOPT the emergency rules.

Masten/Strobel, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Telehealth services provided by out-of-country providers

The Board had tabled the discussion regarding issuing licenses to out of country providers providing telehealth services to in-state hospitals in an ICU setting at the December 6, 2018 Board meeting, in order to see if a bill is introduced prohibiting telehealth services in an ICU setting.

The Director discussed that no new legislation regarding changing the current telemedicine rules has been presented during session.

After discussion, the Board agreed to not vote to issue the licenses and allow regular protocol of completed licensure to ensue. If out of country physicians who are applying for licensure in the State of Indiana meet requirements for licensure, they will be issued by medical licensing staff and not required to have the approval of licensure by the Board.

FULL BOARD APPLICATION REVIEW

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

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Choudhry is requesting a waiver of the approved medical school rule, due to receiving his degree from University of Medicine and Health in Basseterre, St. Kitts and Nevis. This foreign medical school is not currently listed on Indiana's or California's approved or disapproved foreign medical school lists.

Dr. Choudhry is currently a third year Internal Medicine Resident at Hackensack UMC Mountainside Hospital in Montclair, New Jersey. He has secured a position, post residency, at Good Samaritan Hospital in Vincennes, Indiana via Apogee Physicians.

Dr. Choudhry does not currently have a license in any state nor is he Board certified.

After discussion, the Board moved to schedule Dr. Choudhry for a personal appearance at the February 14, 2019 meeting.

McCann/Strobel, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Scott Brian Patterson, D.O. – Incomplete COMLEX but complete USMLE

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Patterson, an osteopathic physician, only completed Level one and Level 2-CE of the COMLEX. This would mean that he does not meet the requirements for licensure. However, he did pass all steps of the USMLE.

After discussion, the Board moved to APPROVE Dr. Patterson's LICENSE.

Masten/Strobel, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

PERSONAL APPEARANCES

Michael Johnson, M.D. – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Johnson answered yes to the following questions on his reinstatement application:

4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?
8. Have you ever had a malpractice judgment against you or settled any malpractice action?

The Michigan medical Board investigated a complaint filed by a patient and dismissed the complaint on March 15, 2017. The same complaint was also reviewed and dismissed by the Illinois Medical Board on February 21, 2018.

Dr. Johnson had his privileges suspended by Cheboygan Hospital in December of 2004. Dr. Johnson resigned from McLaren Northern Michigan Hospital in December of 2014.

Dr. Johnson currently has privileges in 7 different hospitals and currently works locum tenens for CompHealth in Illinois, North Dakota, Wisconsin, and Minnesota. Dr. Johnson has five (5) active, unrestricted licenses.

Dr. Johnson is looking to work at a level two (2) trauma center in Indiana through CompHealth.

After discussion, the Board moved to APPROVE Dr. Johnson's application for LICENSURE.

Masten/Green, 5/0/0, Busk recused (worked with Dr. Johnson's brother)
Aye's: Strobel, Masten, McCann, Green, Mueller
Motion carries

Michael Takashi Okumura, M.D.– Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Okumura answered yes to the following questions on his medical license application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
3. Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?

Michigan Board placed Dr. Okumura's license in probation in February of 2018. He has had addiction issues since 2005. Dr. Okumura relapsed in 2016 and is currently under a monitoring contract with Michigan Health Professional Recovery Program. He has been sober since October 31, 2016. Dr. Okumura has already made initial contact with ISMA.

Dr. Okumura's license in Michigan will continue on probation for another year. The terms are to maintain compliance with Michigan Health Professional Recovery Program, which includes attending group therapy meetings, seeing an addictionologist and submitting to random drug screens.

Dr. Okumura is seeking to continue to practice in addiction medicine in a group practice in Evansville. He currently prescribes suboxone at Skywood in Michigan.

After discussion, the Board moved to TABLE appearance until he has signed a monitoring contract with ISMA PAP.

Masten/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Maksym Dymek, M.D.– 01069778A – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Dymek appeared with counsel, Michael Gaerte.

Dr. Dymek answered yes to the following questions on his reinstatement application:

1. Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?
5. Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline – or have you resigned in lieu of discipline or termination?

Dr. Dymek's Colorado license was placed on five (5) years of probation with terms and conditions on September 13, 2018 due to substance abuse issues.

Dr. Dymek signed a monitoring contract with the Colorado Physician Health Program (CPHP) and voluntarily entered into an interim cessation of practice agreement with the Colorado Medical Board. CPHP recommended he undergo an inpatient treatment program as well as an outpatient aftercare program. Dr. Dymek has completed these programs, has maintained his sobriety, and CPHP has determined that he is "safe to practice".

As a result of the interim cessation of practice agreement, his privileges were suspended at the Lutheran Medical Center in Wheat Ridge, Colorado and he voluntarily resigned from his radiology group. He has not practiced radiology since May of 2017.

Dr. Dymek has sign a four year monitoring contract with the Indiana State Medical Association Physician Assistance Program (ISMA PAP).

Dr. Dymek admitted the following exhibits into evidence:
Exhibit A: Colorado Medical Board Stipulation and Final Agency Order
Exhibit B: ISMA PAP four (4) year monitoring contract with Dr. Dymek

Dr. Dymek would like to work for Lafayette Radiology in Lafayette, Indiana.

After discussion, the Board moved to REINSTATE LICENSE on INDEFINITE PROBATION with terms and conditions that include his ineligibility to petition for withdraw of his probation until he has successfully completed his contract with ISMA.

McCann/Masten, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Marc Keen, M.D.– 01034705A – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Dr. Keen answered yes to the following questions on his reinstatement application:

1. Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?
4. Since you last renewed, have you had a malpractice judgment against you or settled any malpractice action?

The Kentucky Board denied Dr. Keen's reregistration on December 13, 2018 after reviewing the Michigan Bureau of Professional Licensing administrative complaint, consent order and stipulation which included Dr. Keen's faulty autopsy that completely decapitated the decedent; failed to document the decapitation in the autopsy report; failed to reattach the head of the body; released the body to the funeral director without notifying him of the condition of the remains; failed to identify on the death certificate that the autopsy was "limited" when he identified the decedent's cause of death to be suicide by ligature strangulation due to hanging; and that a second autopsy concluded that the physician's "unusual autopsy technique... did not contribute to establish the cause of death.

Dr. Keen has an active license that is on probation for two years in Michigan without ability to petition for withdrawal until he has complied with the Board's stipulations that he must complete a CPEP evaluation including completing additional continuing education courses in autopsies.

Dr. Keen does not plan to comply with CPEP's recommendation, as he does not plan to do autopsies anymore.

Dr. Keen plans to work in locum tenens in several states as a pathologist in the hospital setting.

After discussion, the Board moved to REINSTATE Dr. Keen's LICENSE on INDEFINITE PROBATION with terms and conditions that include not being able to do any type of

autopsy, and cannot seek withdraw of probation until Michigan probation has been completed.

Masten/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

ADMINISTRATIVE HEARINGS

Dale Economan, D.O., License No. 02000601A, Cause No. 2015 MLB 0031

Respondent failed to appear in person or with counsel, regarding the State's Motion to Vacate Extension of Summary Suspension & Respondent's Request to Retire License 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Respondent requested to retire his medical license.

After discussion, the Board moved to ACCEPT Respondent's REQUEST TO RETIRE LICENSE with the condition that Respondent cannot apply to reinstate Indiana license.

Busk/Masten, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Due to the Board accepting Respondent's request to retire his license, the State is requesting to vacate the extension of summary suspension.

After final discussion, the board moved to VACATE EXTENSION of SUMMARY SUSPENSION.

McCann/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Kendal T. Freeman, M.D., License No. 01078412A, Cause No. 2018 MLB 0029

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 Tina Mann, 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

State presented Michigan Board revoked Respondent's license and fined him \$50,000.00. There has been no response from Respondent.

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.

Masten/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Jay K. Joshi, M.D., License No. 01074818A, Cause No. 2018 MLB 0005

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 Claire Dyer, 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Both parties agree to a settlement agreement that extends Respondent's summary suspension for an additional ninety (90) days.

The State requests the Board extend Respondent's summary suspension for an additional ninety (90) days due to Federal court rescheduling Criminal Trial.

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

Green/Busk, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Stephen B. Mason, M.D., License No. 01071644A, Cause No. 2018 MLB 0010

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 Melinda Pickett, 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Both parties agree to a settlement agreement that extends Respondent's summary suspension until a final order is issued.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION until a final order is issued.

Busk/Masten, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Marios Papachristou, M.D., License No. 01076623A, Cause No. 2018 MLB 0031

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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

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

The State admitted the following exhibit into evidence:

Exhibit I: U.S. District Court, Pennsylvania Judgement in Criminal Case of Respondent

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

Masten/Busk, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Both parties have agreed to a Voluntary Summary Suspension Extension that would extend the summary suspension for an additional 60 days.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION for an ADDITIONAL SIXTY (60) DAYS.

McCann/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Timothy P. Deutscher, D.O., License No. 02003859A, Cause No. 2012 MLB 0055

Respondent appeared in person but without counsel, regarding a Petition for Reinstatement 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Respondent requests a continuance to be granted by the Board to allow him to retain counsel.

After discussion, the Board moved to GRANT a CONTINUANCE of Respondent's ADMINISTRATIVE HEARING.

Masten/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Kurt Froehlich, M.D., License No. 01044834A, Cause No. 2015 MLB 0049

Respondent appeared in person but without counsel, regarding a Petition for Reinstatement 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 was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Respondent's suspension ends September of 2019. Respondent has not practiced for four (4) years. Respondent is requesting early withdraw of suspension and reinstatement of license.

Respondent completed a KSTAR evaluation in Texas and an intake evaluation with Paul Ryan Moe, M.D.

The State called the following witness:
Darren Covington, Director of Medical Licensing Board of Indiana

After discussion, the Board moved to DENY Respondent's PETITION for REINSTATEMENT.

Masten/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

E. Allen Griggs, M.D., License No. 01029070A, Cause No. 2018 MLB 0016

Respondent appeared in person and with counsel, Justin Bore, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Natalie Stidd, 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Respondent states that he has complied with all terms of the agreement.

Respondent admitted the following exhibits:
Exhibit A: Letter from Alfareria T. Ballew, MBA, Chief Deputy Coroner, Marion County

State called the following witness:
Anne Kelly, ISMA PAP, Case manager.

Ms. Kelley attested that Respondent has been 100% compliant with his monitoring contract.

After discussion, the Board moved to WITHDRAW Respondent's PROBATION.

Green/Masten, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Satyanarayana G. Raju, D.O., License No. 02002114A, Cause No. 2016 MLB 0043

Respondent appeared in person and with counsel, Michael Roth, 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 was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Respondent has been on probation since June of 2017 and is requesting withdrawal of probation five months earlier than when probation is set to be completed on June 7, 2019.

Respondent admitted the following exhibits:

Exhibit A: Letter to Respondent from Donna Moran, Litigation Specialist, IPLA, January 30, 2018

Exhibit B: Letter to Respondent from Donna Moran, Litigation Specialist, IPLA, February 28, 2018

After discussion, the Board moved to DENY Respondent's PETITION to WITHDRAW PROBATION.

Masten/McCann, 5/0/0
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

John Honnigford, M.D., License No. 01056668A, Cause No. 2019 MLB 0002

Respondent failed to appear in person or with counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Natalie Stidd, 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

On May 24, 2018, Respondent was indicted on one(1) count of violating Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2), Possession of Sexually Explicit Material Involving Minors, in the United States District Court, Southern District of Indiana, Evansville Division.

Respondent's trial is currently scheduled for April 1, 2019.

The State admitted the following exhibits:

- Exhibit 1: Indictment of Respondent by the U.S. Court, Southern District of Indiana, Evansville Division
- Exhibit 2: U.S. District Court Criminal Complaint for Respondent
- Exhibit 3: U.S. District Court Order Setting Conditions of Release
- Exhibit 4: Indiana Medical license details from IPLA website

The State requests that the Board summarily suspend Respondent's license for ninety (90) days.

After discussion, the Board moved to SUMMARILY SUSPEND Respondent's LICENSE for NINETY (90) DAYS.

Green/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Steven C. Marchino, M.D., License No. 01052937A, Cause No. 2019 MLB 0003

Respondent appeared in person and with counsel, Barclay Wong, regarding a Petition for Summary Suspension 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 was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

The State requests that the Board summarily suspend Respondent's license due to over prescribing opioids.

Respondent obtained approximately thirty (30) opioid prescriptions by misrepresenting the recipient and/or the prescriber.

Respondent stated that he has substance abuse issues. Respondent contacted Candace Backer on August 28, 2018 and completed an evaluation and a seven (7) week inpatient program at Positive Sobriety Inc. on August 29 through October 29, 2018. He signed a five year contract with ISMA on October 23, 2018.

State's Exhibits:

Exhibit A: Respondent's Plea Agreement, U.S. District Court, Southern District of Indiana, Indianapolis Division

Respondent's Exhibits:

Exhibit 1: Respondent's Order Setting Conditions of Release, U.S. District Court, Southern District of Indiana

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

Masten/Green, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Ernest DeBourbon, M.D., License No. 01073366A, Cause No. 2018 MLB 0036

Respondent appeared in person but without counsel regarding a Final Hearing 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

On July 13, 2016, Respondent's Ohio medical license was suspended for a period of no less than one (1) year. Additionally, respondent was permanently limited and restricted from performing any type of liposuction procedure including, but not limited to, traditional liposuction, VASER liposuction, and/or laser-assisted liposuction.

On November 8, 2017, Respondent appeared before the Ohio Board. At that time, he had completed the one year of required suspension. Respondent's application for reinstatement was approved and his license was reinstated by the Ohio Board subject to the permanent limitations and restrictions imposed on his license, and at least a one (1) year of probation.

Pennsylvania indefinitely suspended license based on Ohio discipline, without the ability to withdraw probation until Ohio license summary suspension is removed.

Respondent's Ohio license probation has been completed but his license is still restricted in that he cannot perform liposuction surgery.

State's Exhibits:

Exhibit A: Letter to Respondent from Ohio Medical Board; Ohio Board Final Order; Ohio Board report and recommendation.

Respondent's Exhibits:

Exhibit 1: Ohio general provisions regarding anesthesia

Exhibit 2: Internet definition of the word tumescent.

Exhibit 5: Letter to Respondent from Angela Moore, Compliance Officer, Ohio State Medical Board

After discussion, the Board moved to find Respondent in violation of Ind. Code § 25-1-9-4(a)(7).

Masten/Strobel, 6/0/0

Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

After final discussion, the Board moved to PLACE Respondent's LICENSE on INDEFINITE PROBATION with terms and conditions, including a prohibition on performing any plastic or cosmetic surgery.

McCann/Mueller, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Ralf Hatch, M.D., License No. 01064924A, Cause No. 2018 MLB 0035

Respondent failed to appear in person or with counsel regarding a Final Hearing 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 was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Michael Busk, M.D.

Respondent sent a letter to the State saying that he would not be attending hearing.

The State asks for Notice of Proposed Default.

After discussion, the Board moved to ISSUE a NOTICE OF PROPOSED DEFAULT.

McCann/Green, 5/0/0, Mueller out
Aye's: Strobel, Masten, McCann, Green, Busk
Motion carries

Carey Vigor, M.D., License No. 01069925A, Cause No. 2018 MLB 0025

Respondent failed to appear in person or with counsel regarding a Final Hearing and 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., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

State requested that the hearing be continued and the summary suspension be extended for no less than (60) days, and until the next hearing date.

After discussion, the Board moved to APPROVE a CONTINUANCE of the HEARING and the EXTENSION of SUMMARY SUSPENSION until the next hearing date.

Masten/McCann, 6/0/0
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk
Motion carries

Eric Kammi Tchaptchet, M.D., License No. 01060475A, Cause No. 2017 MLB 0015

Respondent appeared in person and with counsel, Brian Pierce, regarding an Order to Show Cause 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 was Sherry Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Scott Green, M.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Respondent's Indiana license is currently on probation with terms and conditions. Respondent has failed to comply with the terms and conditions of the probation by not making required payments to the Illinois Department of Public Aid, and not providing proof of payments to the Board.

Witness for Respondent:

Lisa Scroggins, Quality Correctional Care, LLC

Respondent's exhibit:

Exhibit 1: Checks to State of Illinois for 2018; State of Illinois Rejection Notice Dated 08/21/2018; Letter to Indiana Medical Licensing Board dated 11/29/2018; Letter to Illinois Department of Public Aid dated 11/29/2018; DEA Renewal Application dated 12/19/2018; Indiana CSR dated 12/20/2018; Indiana CSR dated 12/20/2018; DEA controlled substance registration certificate.

Witness for State:

Darren Covington, Director for Medical Licensing Board of Indiana, IPLA

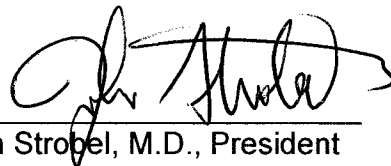
After discussion, the Board found that Respondent violated IC Code 25-1-9-4(a)(10) and fined Respondent \$2,000.00.

Green/Mueller, 6/0/0

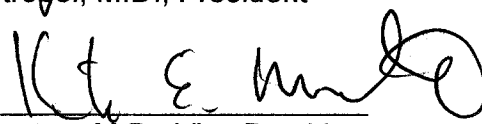
Aye's: Strobel, Masten, McCann, Green, Mueller, Busk

Motion carries

There being no further business, the meeting adjourned at 5:30 p.m.



John Strobel, M.D., President



Kirk Masten, M.D., Vice President