

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

MINUTES OF MARCH 27, 2008

Stephen Huddleston, J.D., President called the meeting to order at 8:45 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Navin Barot, M.D., Vice -President
Bharat Barai, M.D.
Thomas Akre, D.O., Secretary
Worthe Holt, Jr., M.D.

Members Absent: Donald Vennekotter, M.D.

Staff Present: Michael Rinebold, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,
Thomas Akre, D.O., Navin Barot, M.D.

Holt/Akre, 4/0/0

The Board voted to adopt the minutes of the February 28, 2008 meeting.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,
Thomas Akre, D.O., Navin Barot, M.D.

Holt/Akre, 4/0/0

RULE HEARING

Public Hearing on Rules concerning the number of attempts allowed and length of time permitted to pass USMLE: LSA Document #07-723: The Board held a public hearing for comments on the number of attempts allowed and the length of time permitted to pass the US Medical Licensing Examination; LSA Document #07-723.

The following addressed the Board with their comments and concerns:
Zack Cattell, ISMA

After discussion the Board moved to ADOPT the rule as it stands.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Worthe Holt, Jr., M.D.

Holt/Akre, 4/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following appeared before the full Board for their scheduled personal appearance.

Peter Bertin, D.O. – Dr. Bertin appeared before the Board concerning a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After discussion the Board moved to TABLE Dr. Bertin's application until the Board receives the documents they asked him to request from his residency programs.

Barai/Akre, 5/0/0
Motion carries

Peter Pick, M.D. – Dr. Pick appeared before the Board concerning a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After discussion the Board moved to APPROVE Dr. Pick's application for licensure.

Barai/Barot, 5/0/0
Motion carries

Robert Brian Barber, M.D. –Dr. Barber appeared before the Board concerning his medical school education information listed on his initial application and was not represented by counsel. Dr. Barber attended Saba University from 1998-1999. He then transferred and graduated from St. Matthews. He graduated May 2002 six months prior to St. Matthews being officially placed on the Board's disapproved school list.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Barber submitted the following additional information for the Board to consider when reviewing his application for a waiver of his medical school as meeting the "exceptional circumstances" requirement.

After discussion the Board moved to GRANT the WAIVER and issue Dr. Barber a full license based upon the following:

- Currently practices medicine in Sturgis, Michigan and through his employment by the hospital has treated residents of Howe, IN and has worked one (1) year under supervision provided by the hospital. Presented to the Board letters of recommendation from interested parties and supervisors.
- Has completed three (3) years and four (4) months of residency training at Mayo
- Has been presented an opportunity to work for Ortho of Mishawaka and provide services to the rural area which Dr. Barber described as being underserved.
- Is now commissioned in the Air Force and stationed at Grissom Air Force Base.

Barai/Huddleston, 2-1-2 (Dr. Barot objecting, Dr. Akre & Dr. Holt abstaining)
Motion fails due to not meeting the majority of the quorum to conduct business requirement.

After further discussion the above motion was modified by taking out the last statement concerning the underserved area.

Barai/Barot, 2/1/2, with Mr. Huddleston objecting and Dr's Holt and Akre abstaining

Motion fails

After further discussion a motion was made to TABLE this matter.

Barai/Huddleston, 4/1/0, with Dr. Barot objecting

ADMINISTRATIVE HEARINGS

Riley J. Snook, M.D., License No. 01053264A, Cause No. 2006 MLB 0024

Respondent did appear in person and was not represented by counsel regarding a Petition to Modify Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Michael Rinebold, Board Director was sworn in as a witness for the Respondent.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Worthe Holt, Jr., M.D.

Mr. Rinebold testified that Dr. Snook was in complete compliance with the terms of his probation order.

Dr. Snook is requesting that paragraph #6H be amended to allow Mr. Moe's reports to the Board to be submitted on a quarterly basis rather than on a monthly basis.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved APPROVE the requested modification.

Akre/Barot, 4/0/0
Motion carries

Jihad Ibrahim Kasim, M.D., License No. 01043459A, Cause No. 2008 MLB 0003

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After taking official notice of its file in this matter the Board moved issue a NOTICE OF PROPOSED DEFAULT.

Barai/Akre, 5/0/0
Motion carries

Alan H. Olefsky, M.D., License No. 01047699A, Cause No. 2007 MLB 0030

Respondent did appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Heather Kennedy, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

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

After having reviewed the agreement and taking its file into consideration the Board moved to APPROVE the agreement.

Barai/Huddleston, 4/0/1, with Dr. Holt abstaining
Motion carries

After further discussion the Board moved to APPROVE the Respondent's renewal application.

Holt/Akre, 5/0/0
Motion carries

Robert Louis Cirillo, M.D., Initial Application, Cause No. 2008 MLB 0011

Respondent did appear in person and was represented by Sherri Fabina-Abney regarding a Petition to Appeal the Denial of Initial Application scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

The Board reviewed and discussed all documentation submitted concerning the Florida Board incident as well as what followed in other States.

After having considered the evidence presented and taking its file into consideration the Board moved to GRANT Dr. Cirillo's appeal and approved that an initial license be issued.

Barai/Barot, 5/0/0
Motion carries

Elmer Manalo, M.D., License No. 01040595A, Cause No. 2007 MLB 0025

Respondent did not appear in person and was represented by Mary Ann Wunder regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

An agreement between the Attorney General's Office, the Respondent and his counsel was presented to the Board. The agreement includes an EXTENSION of SUMMARY SUSPENSION through the April 24, 2008 meeting.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Barai/Akre, 5/0/0
Motion carries

Adolfo P. Hernandez, M.D., License No. 01051677A, Cause No. 2008 MLB 0013

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Brian J. Meyer, Carmel City Police Department and Gary Whisenand, DEA Diversion Investigator were sworn in as witnesses for the State.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board agreed that the State proved the Respondent was an immediate danger to the health and safety of the public and moved to issue a SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Akre, 5/0/0
Motion Carries

Maria Javeed, M.D., License No. 01051760A, Cause No. 2008 MLB 0002

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION, Holt/Huddleston, no vote, Motion withdrawn, 2nd withdrawn.

After further discussion the Board moved to vote on Count 1 in the complaint. The Board found that the Respondent violated the practice act as documented in count 1.

Barai/Huddleston, 5/0/0
Motion carries

After further discussion the Board moved to mirror the Colorado order and if the Respondent applies for renewal of his license in Indiana she must show compliance with Colorado and have a Colorado active license.

Barot/Huddleston, 5/0/0

DISCUSSION

Letter from Michael Whitworth, M.D.: Dr. Whitworth submitted a letter to the Board requesting a single practice exception to the use of propofol as stated in the Office Based Procedures LSA Document #07-842.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After discussion the Dr. Barot moved to recall the rule.

Barot/no second
Motion fails

No further action was taken by the Board regarding this matter.

Cynthia Ellis, M.D., Probation License No. 01034480A, Cause No. 2007 MLB 0027: Dr. Ellis has relapsed and her contract with ISMA has been terminated. ISMA has stated that she must show a history of sobriety before they will allow her to sign a new contract. Her current probation order does not allow for her to practice medicine at this time. After discussion the Board moved to take no action since Dr. Ellis isn't allowed to practice through her probationary order.

CONSENSUS

Rodney Alan Dempsey, SHAD, License No. 40002279A, Cause No. 2007 MLB 0022: Mr. Dempsey has requested to modify rhetorical paragraph two (2) of his order. It currently states he has ninety (90) days to pay his fine and he wishes to have it amended to one hundred and eighty (180) days and to make payments verses a lump sum payment. After discussion the Board moved to APPROVE the modification.

Akre/Holt, 5/0/0

REVIEW OF INITIAL APPLICATIONS

Participating Board Members: Worthe Holt, Jr., M.D., Bharat Barai, M.D., Thomas Akre, D.O., Stephen Huddleston, J.D., Navin Barot, M.D.

The Board reviewed the positive response information on the following applicants and approved them for issuance: Holt/Barai, 5/0/0

Peter Delneky, M.D.
Calvin Hoo, M.D.
James Okoh, M.D.
Kenneth Reesor, M.D.
Matthew Scheidt, M.D.

Corinna Ferrandino, M.D.
Thomas Horiagon, M.D.
David Jackson, M.D.
Dennis Riston, M.D.
Iren Solomon, M.D.

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board: Holt/Akre, 5/0/0

Surender Dhiman, M.D.
Arthur Greenberg, M.D.
Steven Hilburn, M.D.
Sukhwinder Sandhu, M.D.
Joshua Yellin, M.D.

Karen Friday, M.D.
John Hammerstein, M.D.
Edward James, M.D.
Jinka Subramanya, M.D.

The Board reviewed the positive response information on the following applicant and DENIED the application: Holt/Huddleston, 5/0/0

Marvin Gibbs, M.D.

The Board reviewed the following Physician Assistant Prescriptive Authority applications and approved for issuance of prescriptive authority:
Holt/Huddleston, 5/0/0

Lawrence Bartel, 10000331A
Elizabeth Eaton, 10000464A
Casey Feher, 10000839A
Casey Gardner, 10000672A
Erin Hacker, 10000594A
Christa Heckman, 10000762A
Brian Laursen, 10000668A
Mary Pine, 10000729A
Christine Rullo, 10000246A
Karrie Thomson, 10000489A

Janine Boivin, 10000492A
Lanie Elam, 10000270A
Cindy Fordyce, 10000277A
Kimberly Goletz, 10000544A
Janet Hanff, 10000248A
Wendong Jiang, 10000481A
Jennifer Locklear, 10000897A
Amy Reynolds, 10000660A
Celia Stephens, 10000423A
Alvaro Vega, 10000632A

There being no further business the Board adjourned at 3:10 p.m.

Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary