

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

MINUTES OF June 26, 2008

Stephen Huddleston, J.D., President called the meeting to order at 8:50 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.
Worthe Holt, Jr., M.D.
Donald Vennekotter, M.D.
Robert Allen, M.D.
Thomas Akre, D.O., Secretary

Staff Present: Kristen Kelley, 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., Bharat Barai, M.D., Donald Vennekotter, M.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O.

Barai/Barot, 6/0/0
Motion carries

The Board voted to adopt the minutes of the May 22, 2008 meeting.

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

Barot/Barai, 7/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following scheduled personal appearance was continued.

Shadi Ayyas, M.D., Initial application

The following did not appear before the Board for their scheduled personal appearance.

Walter McDonald, M.D. Re-application

The following appeared before the full Board for their scheduled personal appearance and were sworn in under oath.

Brian Babbin, M.D. – Dr. Babbin appeared before the Board regarding a positive response on his initial application and was represented by Brian Betner. Dr. Babbin has active licenses in Georgia and Florida. In July 2002 he was arrested and charged with a misdemeanor possession of marijuana in South Carolina. Dr. Babbin testified that the car in which the marijuana was found was not his; he had borrowed it from a friend. He stated he did not know anything about the marijuana that was found in the car. The charge of possession of marijuana of less than 1 oz was dismissed. He paid a \$1,000 fine and court costs.

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

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

Allen/Barot, 7/0/0
Motion carries

Peter Bertin, D.O. – Dr. Bertin appeared before the Board regarding a positive response on his initial application and was represented by Brian Jent. Dr. Bertin previously appeared before the Board and the Board requested letters from all three (3) of his residency program directors. The Board received the requested letters and reviewed and discussed the content of the letters.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,

Donald Vennekotter, M.D., Robert Allen, M.D., Bharat Barai, M.D., Navin Barot, M.D., Thomas Akre, D.O.

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

Barot/Holt, 7/0/0
Motion carries

Mahesh Goel, M.D. – Dr. Goel appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Dr. Goel appeared before the Board at the June 28, 2007 meeting. The Board issued him a residency permit to do a residency at IU with Dr. Lingeman as his supervisor. By mutual agreement between Dr. Lingeman and Dr. Goel his residency was terminated on March 31, 2008.

Appearing on behalf of Dr. Goel, were Dr. Pulkit Patel and Dr. Bharat Dave with Wabash Valley Urological Associates. Both Dr. Patel and Dr. Dave have agreed to become Dr. Goel's supervisors.

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

After discussion the Board moved to APPROVE Dr. Goel's license on INDEFINITE PROBATION with terms and conditions.

Barai/Akre, 4/3/0, with Mr. Huddleston, Dr. Allen and Dr. Holt objecting
Motion carries

Alton Parker, M.D. – Dr. Parker appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Dr. Parker stated he has been an active participant in the CPH monitoring program in New York since November 25, 2002. He currently has signed a 5 year contract with ISMA.

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

After discussion the Board moved to APPROVED Dr. Parker's application for licensure.

Akre/Vennekotter, 6/0/0

Motion carries

Nathaniel Patterson, M.D. – Dr. Patterson appeared before the Board regarding a positive response on his residency permit application and was not represented by counsel.

Dr. Patterson has had five (5) arrests since 1998 all involving alcohol. Dr. Patterson stated that he still drinks occasionally, but never to excess.

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

After discussion the Board moved to APPROVE Dr. Patterson's residency application following the submission of a favorable Addictionology Evaluation. If the addictionology evaluation is not favorable Dr. Patterson will need to make another personal appearance before the Board.

Barai/Akre, 7/0/0
Motion carries

Abdul Subhan, M.D. – Dr. Subhan appeared before the Board regarding a positive response on his initial application and was not represented by counsel.

Dr. Subhan was placed on probation during his residency with St. Lukes Family Practice.

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

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

Holt/Barai, 7/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Yongsoo Kwon, M.D., License No. 01035519A, Cause No. 2004 MLB 0044

Michael Person, M.D., License No. 01044171A, Cause No. 2008 MLB 0014

Respondent did appear in person and was represented by John Ittenbach regarding a Proposed Settlement Agreement 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION may not seek withdrawal for a period of thirty-six (36) month with terms and conditions.

After having reviewed the agreement and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Barai/Allen, 7/0/0
Motion carries

Anthony Alexander, M.D., License No. 01050375A, Cause No. 2008 MLB 0015

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 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

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

Barai/Holt, 7/0/0
Motion carries

Claude Hartman, M.D., License No. 01022761A, Cause No. 2008 MLB 0012

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

After having reviewed the agreement and taking official notice of its file in this matter the Board moved to TABLE the agreement. The Board requests that the Respondent appear in person for questions from the Board.

CONSENSUS
Motion carries

Lee S. Yosowitz, M.D., License No. 01027906A, Cause No. 2008 MLB 0009

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

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

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included a LETTER OF REPRIMAND and a \$250 FINE.

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

Holt/Barot, 5/0/2, with Dr's Holt and Allen abstaining
Motion carries

Michael A. Linton, M.D., License No. 01030912A, Cause No. 2004 MLB 0029

Respondent did appear in person and was represented by David Jensen regarding a Petition to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Michael Minglin, 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

Kristen Kelley, Medical Board Director was sworn in as a witness.

Ms. Kelley testified that Dr. Linton was in full compliance with his Probationary Order.

Dr. Linton testified that he hasn't delivered a baby since October 2005 and does not intend to do so in the future. He obtained a CPEP evaluation in 2006.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Barai/Holt, 7/0/0
Motion carries

Stephen Hannan, M.D., License No. 01033930A, Cause No. 2008 MLB 0023

Respondent did appear in person and was represented by John Ittenboch regarding a Final Hearing 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., Robert Allen, M.D., Donald Vennekotter, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board for review. The agreement included a LETTER OF REPRIMAND and CME'S in ETHICS.

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

Holt/Barot, 6/0/0
Motion carries

David Hanes, D.O., License No. 02002710A, Cause No. 2008 MLB 0022

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 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

An agreement between the Respondent and the Attorney General's Office was presented to the Board for review. The agreement requires that when/if the

Respondent tries to RENEW his Indiana license, he must make a personal appearance at which time his license will be placed on Probation with terms and conditions to be set by the Board.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Holt/Akre, 6/0/1, with Dr. Barai abstaining
Motion carries

Wrenda Gallien, M.D., License No. 01050187A, Cause No. 2008 MLB 0021

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 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., Robert Allen, M.D., Donald Vennekotter, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

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

Allen/Holt, 6/0/0
Motion carries

Karen Meighen, M.D., License No. 01036144A, Cause No. 2008 MLB 0037

Respondent did not appear in person but was represented by Belle Choate 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., Robert Allen, M.D., Donald Vennekotter, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

An agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board for review. The agreement included SUMMARY SUSPENSION for a period of ninety (90) days.

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

Holt/Allen, 6/0/0

Motion carries

Dwayne Wilson, M.D., License No. 01062905A, Cause No. 2008 MLB 0010

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 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., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

Dr. Wilson failed to report that his New York license was under investigation when he made application for an Indiana license. In August 2007, the New York Board of Medicine revoked Dr. Wilson's license for professional incompetence.

After having reviewed 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.

Barai/Allen, 6/0/1 with Dr. Barot abstaining
Motion carries

DISCUSSION

Public Rule Hearing: The Board held a public hearing for comments on LSA Document 07-843 deleting 844 IAC 10-4-3 concerning reinstatement of delinquent certificate. Sec.3(a) An occupational therapists or occupational therapy assistant who is less than three (3) years delinquent in renewing a license or registration shall be reinstated upon receipt of renewal application, penalty fee, and renewal fees. (b) If more than three (3) years have elapsed since the expiration of a certificate to practice as an occupational therapist or occupational therapy assistant, the applicant must take and pass an examination approved by the committee prior to reinstatement.

This is already covered in IC 25-1-8-6.

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

No public comments were made. Jeanette Roberts, Director of the Occupational Therapy Committee was present to answer questions from the Board.

After discussion the Board moved to APPROVE the deletion of 844 IAC 10-4-3.

Barai/Holt, 7/0/0
Motion carries

Correspondence from Paul Kwo, M.D., regarding Marco Lacerda, M.D.:

On August 24, 2006, Dr. Lacerda appeared before the Board concerning the requirement of two (2) years of post graduate training required for foreign trained physicians. Dr. Kwo is with the transplant center at IUSM and appeared on behalf of Dr. Lacerda. Dr. Kwo agreed to be Dr. Lacerda's supervisor and to send a report to the Board at the end of one year of practice. The license had been restricted to practicing at IUSM only under Dr. Kwo's supervision. The report received covers the period from August 2007 to July 2008 (Dr. Lacerda did not arrive at IUSM to practice until August 2007). In his report to the Board, Dr. Kwo states in part "Dr. Lacerda is performing admirably; He effectively provides outpatient consultative services; has demonstrated a high level of proficiency in caring for those with liver disease"

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

After reviewing Dr. Kwo's letter the Board moved to LIFT the restriction placed on Dr. Lacerda's license.

Akre/Allen, 7/0/0
Motion carries

Federation of State Medical Boards Presentation: Presenters included N. Stacy Lankford, M.D. former Board Member, David Watt, M.D., Ph.D., M.P.A. and David Johnson, M.A.

The Board thanked them for their presentation on the Federation.

In the matter of Elmer Manalo – Responses to Limitations upon Broadcasts:

Previously the Board requested that the Board Director contact all new media and request that they submit a response to the Limitations upon Boardcasts. The Board received a response from WISHTV.

The Board stated that the Board will provide the undercover agent witnesses the opportunity to protect their physical identity

1. Screens will be put in place around the undercover agent witnesses.
2. Views of the witnesses will be restricted from the media and public

3. Room should be in recess and cleared before bringing in the undercover agent witnesses.

The Board requested that this be reduced to writing and be submitted to the Attorney General's Office and all Media for a response within ten (10) days prior to the June 26, 2008 meeting.

This information was reduced to writing and distributed to all parties. No responses were received.

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

After discussion the Board moved to ACCEPT this as the Final Order.

Barai/Holt, 7/0/0
Motion passes

REVIEW OF INITIAL and RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Navin Barot, M.D., Worth Holt, Jr., M.D., Thomas Akre, D.O.

The Board reviewed the positive response information on the following applicants and approved them for issuance: Holt/Allen, 7/0/0

William Amos, M.D.
Patricia Barnes, M.D.
Donald Cally, M.D.
David Fakier, M.D.
Jean Park, M.D.
Ross Sutton, M.D.
Nasser Zakieh, M.D. Renewal

Todd Arsenault, M.D.
Leon Butler, M.D.
Damon Davis, M.D.
Carolyn Hopkins, M.D.
Harvey Sievers, M.D.
Justin Weiss, M.D.
Jennifer Shuherk, M.D. Renewal

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board: Akre/Allen, 7/0/0

Daniel Altman, M.D.
Katherine Podgorny, M.D.
Mark Traill, M.D.

Louis Moore, M.D.
Spiros Stamelos, M.D.
Matthew Wheeler, M.D.

The Board reviewed the positive response information on the following applicants and requested additional information: Huddleston/Barai, 7/0/0

Blair Boehmer, M.D. – Approved pending a favorable current addictionology evaluation by a Board Certified Addictionologist.

The Board reviewed the following Physician Assistant Prescriptive Authority applications and approved for issuance of prescriptive authority: Barai/Akre, 7/0/0

Kimberly Blackwell, 10000609A
Laura Buening, 10000665A
Kristin Hamilton, 10000992A
Anne Hines, 10000159A
Lacy Holloway, 10000502A
Richard Karn, 10000249A
Asmar Muhammad, 10000805A
Kandace Shaw, Initial Application
Albert Umbach, III, 10000261A

Rex Blunck, 10000288A
Roberta Craft, 10000229A
Sara Hannon, 10000570A
Jennifer Hockemeyer, 10000587A
Laura Howard, 10000707A
Gregory Mellinger, 10000940A
Erin Pope, 10000755A
Brian Tomlinson, 10000148A
Andrew Venditti, 10000519A

There being no further business the Board adjourned at 4:50 p.m.

Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary