



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE DISCIPLINARY SUBCOMMITTEE JANUARY 28, 2009 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Medicine Disciplinary Subcommittee met in regular session on January 28, 2009, at the Ottawa Building, 611 West Ottawa Street, Conference Room 3 (Upper Level Conference Center), Lansing, Michigan.

CALL TO ORDER

Theresa Fraley, Public Member, Chairperson, called the meeting to order at 12:04 p.m.

ROLL CALL

Members Present:

Theresa Fraley, Public Member, Chairperson
David L. Dull, M.D. (left at 12:45 p.m.)
Jeffrey M. Jones, M.D.
Nathaniel Smith-Tyge, Public Member

Members Absent:

Oliver G. Cameron, M.D., Ph.D.
William Fenn, PA-C, Ph.D.

Staff Present:

Kiran Parag, Analyst, Enforcement Section
Michele Wagner-Gutkowski, Assistant Attorney General
Merry Rosenberg, Assistant Attorney General
Leo Friedman, Division Chief, Licensing and Regulation
Division, Office of Attorney General
Krista Sheroski, Analyst, Enforcement Section
Kanab Bhatheja, Extern, Office of Attorney General
Laurie VanBeelen, Board Secretary, Licensing Division

Others Present:

Richard E. Burney, M.D. (left at 12:11 p.m.)
Scot F. Goldberg, M.D., M.B.A. (left at 12:45 p.m.)
George Shade, Jr., M.D. (left at 12:13 p.m.)

APPROVAL OF MINUTES

MOTION by Dull, seconded by Jones, to approve the minutes of the November 12, 2008 meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Smith-Tyge, seconded by Dull, to approve the agenda with the following changes:

The order will be changed to reflect **5. REGULATORY CONSIDERATIONS** and **6. DSC MASTER RESOLUTION**; the addition of **7. ATTORNEY GENERAL UPDATE RE: WANDA VELEZ-RUIZ, M.D.**; and the remaining items to be re-numbered.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

MATTHEW JAY WISE, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Matthew Jay Wise, M.D.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Dull, Fraley

MOTION PREVAILED

BRUCE J. RELYEA, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Bruce J. Relyea, M.D.

A roll call vote was held: Yeas: Jones, Dull, Smith-Tyge, Fraley

MOTION PREVAILED

ALI SALIM MAKKI, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Dull, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Ali Salim Makki, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Dull, Fraley

MOTION PREVAILED

ELIZABETH BENNETT COX, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Elizabeth Bennett Cox, M.D.

A roll call vote was held: Yeas: Dull, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

CAROL LOUISE ARCHIE, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Dull, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Carol Louise Archie, M.D.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Dull, Fraley

MOTION PREVAILED

DIANA ALEXANDROVA DIMITROV, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Diana Alexandrova Dimitrov, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Dull, Jones, Fraley

MOTION PREVAILED

BRIAN W. FOX, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Brian W. Fox, M.D.

A roll call vote was held: Yeas: Jones, Dull, Smith-Tyge, Fraley

MOTION PREVAILED

RANO S. BOFILL, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Rano S. Bofill, M.D.

Discussion followed.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Dull, Fraley

MOTION PREVAILED

PAUL J. BROWNSON, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Paul J. Brownson, M.D.

Discussion followed.

A roll call vote was held: Yeas: Smith-Tyge, Jones, Dull, Fraley

MOTION PREVAILED

MATTHEW L. BURMAN, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Matthew L. Burman, M.D.

Discussion followed.

A roll call vote was held: Nays: Jones, Smith-Tyge, Dull, Fraley

MOTION FAILED

MOTION by Jones, seconded by Smith-Tyge, to deny the Consent Order and Stipulation in the matter of Matthew L. Burman, M.D., and submit a counter-offer as follows:

Respondent's license shall be suspended for 28 days. Respondent's license will be automatically reinstated to a limited license for a minimum period of one year upon written evidence to the Department that Respondent has successfully completed a minimum of three hours of continuing education in the area of ethics and boundaries. If Respondent's license remains suspended for more than six months, he must petition for reinstatement.

In the event Respondent's license is automatically reinstated, his license shall be limited so that when examining and/or treating female patients, Respondent must have a licensed health professional female chaperone present in the examination/treatment room at all times. Respondent shall immediately provide a copy of this Order and the 6/05/08 Administrative Complaint relating to this matter to the female chaperone, who shall be knowledgeable of Respondent's history and who shall immediately report any inappropriate interactions with female patients to the Department. Respondent may petition for reclassification of the limited license one year from the effective date of the Order. Respondent is placed on probation to run concurrent with the period of limitation.

Within 60 days of the effective date of the Order, Respondent shall undergo a psychiatric evaluation by an HPRP-approved or Board-approved psychiatrist, provide the Department with a copy of the evaluation, and comply with the evaluation recommendations. Respondent will be automatically discharged from probation upon reclassification of his limited license. Additionally, Respondent is fined the sum of \$5,000.00, which shall be paid within 60 days of the effective date of the Order.

IMDAD H. BUTT, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Imdad H. Butt, M.D.

Discussion followed.

A roll call vote was held: Yeas: Dull, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

JOHN HOWELL HICKS, III, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of John Howell Hicks, III, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Dull, Jones, Fraley

MOTION PREVAILED

EUGENE OH, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Eugene Oh, M.D.

A roll call vote was held: Yeas: Jones, Dull, Smith-Tyge, Fraley

MOTION PREVAILED

DAVID WILLIAM SCHROEDER, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of David William Schroeder, M.D.

Discussion followed.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Dull, Fraley

MOTION PREVAILED

PONGCHAYUT SURAPIPITH, M.D. – CONSENT ORDER AND STIPULATION

MOTION by Smith-Tyge, seconded by Jones, to accept the Consent Order and Stipulation in the matter of Pongchayut Surapipith, M.D.

A roll call vote was held: Yeas: Dull, Smith-Tyge, Dull, Fraley

MOTION PREVAILED

SEAN OWEN CASEY, M.D. – ORDER OF DISMISSAL

MOTION by Jones, seconded by Dull, to accept the recommendation and Order of Dismissal in the matter of Sean Owen Casey, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Dull, Jones, Fraley

MOTION PREVAILED

ALFREDO C. RAMIREZ, M.D. – ORDER OF DISMISSAL

MOTION by Jones, seconded by Smith-Tyge, to accept the recommendation and Order of Dismissal in the matter of Alfredo C. Ramirez, M.D.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

KAMAL KISHORE GARG, M.D. – PROPOSAL FOR DECISION

MOTION by Jones, seconded by Smith-Tyge, to accept the Proposal for Decision and grant Petitioner a full and unlimited license in the matter of Kamal Kishore Garg, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Jones, Fraley

MOTION PREVAILED

RICHARD PAYEA, M.D. – PROPOSAL FOR DECISION

MOTION by Jones, seconded by Smith-Tyge, to accept in part and reject in part the August 27, 2008 Proposal for Decision in the matter of Richard Payea, M.D.

Discussion followed.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

MOTION by Smith-Tyge, seconded by Jones, to table the matter of Richard Payea, M.D., for a rewrite.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

JIHAD IBRAHIM KASIM, M.D. – ADMINISTRATIVE COMPLAINT

MOTION by Jones, seconded by Smith-Tyge, to dissolve the summary suspension and suspend Respondent's license for six months and one day in the matter of Jihad Ibrahim Kasim, M.D. Prior to filing an application for reinstatement, Respondent must undergo a neuropsychiatric evaluation attesting to Respondent's competency to practice safely.

Discussion followed.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

CARLOS A. MARCANO, M.D. – ADMINISTRATIVE COMPLAINT

MOTION by Smith-Tyge, seconded by Jones, to dissolve the November 21, 2008 summary suspension and revoke Respondent's license for five years in the matter of Carlos A. Marcano, M.D.

A roll call vote was held: Yeas: Smith-Tyge, Jones, Fraley

MOTION PREVAILED

EDWIN T. PEARCE, JR., M.D. – ADMINISTRATIVE COMPLAINT

MOTION by Jones, seconded by Smith-Tyge, to dissolve the summary suspension and suspend Respondent's license for six months and one day in the matter of Edwin T. Pearce, Jr., M.D. Prior to filing an application for reinstatement, Respondent must undergo a chemical dependency and mental health evaluation to determine Respondent's competency to practice safely.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

WILLIAM CLAY SOKOLL, M.D. – ADMINISTRATIVE COMPLAINT

MOTION by Jones, seconded by Smith-Tyge, to dissolve the November 26, 2008 summary suspension and revoke Respondent's license for five years in the matter of William Clay Sokoll, M.D.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

DSC MASTER RESOLUTION

Fraley briefly reviewed the proposed Disciplinary Subcommittee Master Resolution with the Committee.

MOTION by Jones, seconded by Smith-Tyge, to adopt the Disciplinary Subcommittee Master Resolution as presented.

A roll call vote was held: Yeas: Jones, Smith-Tyge, Fraley

MOTION PREVAILED

ATTORNEY GENERAL UPDATE RE: WANDA VELEZ-RUIZ, M.D.

Assistant Attorney General Wagner-Gutkowski indicated that Dr. Velez-Ruiz filed an untimely motion for reconsideration and the Department advised her that her motion would not be considered. Dr. Velez-Ruiz then filed a motion for stay and motion for injunction with the Wayne County Circuit Court. The Attorney General's office filed a motion for summary disposition in response to same. The Court granted the motion for summary disposition and dismissed the claim as not having subject matter jurisdiction. Wagner-Gutkowski indicated that the only recourse Dr. Velez-Ruiz has is to file a claim of appeal with the Michigan Court of Appeals.

PUBLIC COMMENT

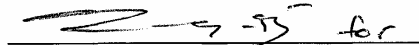
None

ANNOUNCEMENTS

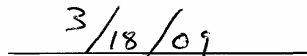
The next regularly scheduled meeting will be held on March 18, 2009, immediately following the full Board meeting, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT

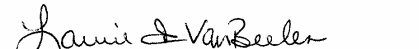
MOTION by Jones, seconded by Smith-Tyge, to adjourn the meeting at 1:17 p.m.



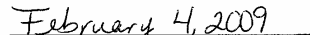
Theresa L. Fraley, Public Member,
Chairperson



Date Minutes Approved



Laurie A. VanBeelen, Board Secretary



Date Minutes Prepared