



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE MARCH 19, 2008 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Medicine met in regular session on March 19, 2008, at the Ottawa Building, 611 West Ottawa, Conference Room 3 (Upper Level Parking), Lansing, Michigan.

CALL TO ORDER

Scot F. Goldberg, M.D., M.B.A., Chairperson, called the meeting to order at 10:06 a.m.

ROLL CALL

Members Present: Scot F. Goldberg, M.D., M.B.A., Chairperson
Oliver G. Cameron, M.D., Ph.D., Vice Chairperson
Abd A. Alghanem, M.D.
David L. Dull, M.D.
William Fenn, PA-C, Ph.D.
Theresa L. Fraley, Public Member
Cheryl Graham Solomon, Public Member
Michael Helmer, Public Member
Jeffrey M. Jones, M.D.
Frank Raines, III, Public Member (left at 11:36 p.m.)
Leticia J. San Diego, Ph.D., Public Member

Members Absent: Lynn Larson, Public Member
Vivian W. Leung, Public Member
George Shade, Jr., M.D.
Nathaniel Smith-Tyge, Public Member
Ernest J. Sorini, M.D.
David S. Weingarden, M.D.

Staff Present: Rae Ramsdell, Director, Licensing Division
Ray Garza, Director, Health Regulatory Division
Kiran Parag, Analyst, Enforcement Section
Tim Andrews, Manager, Licensing Division
Michele Wagner-Gutkowski, Assistant Attorney General
Leo Friedman, Assistant Attorney General
Laurie VanBeelen, Secretary, Licensing Division

Others Present: None

APPROVAL OF MINUTES

MOTION by San Diego, seconded by Fraley, to approve the minutes of the January 16, 2008 meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Fenn, seconded by Helmer, to approve the agenda with the following amendments:

Number **6. FSMB PRESENTATION** will not be held;

Under **NEW BUSINESS** the following should be added: F. Internet Prescriptions and G. Resolutions.

MOTION PREVAILED

INTRODUCTIONS

Goldberg asked Assistant Attorney General Leo Friedman to introduce himself.

COMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

San Diego reported that the committee reviewed 23 cases for the month of January, with 12 being authorized, and 7 closed.

For the month of February, 28 cases were reviewed, with 13 being authorized, 1 returned for additional information, and 14 closed.

For the month of March, 17 cases were reviewed, with 10 being authorized, 2 returned for additional information, and 5 closed.

San Diego reported that the number of cases being reviewed have decreased. Garza indicated that the reason for the decrease was due to the Board's decision to allow the Department discretion to allow for dismissal of an allegation at the recommendation of the Department's nurse and physician consultants, with the final decision to dismiss resting on the Department.

Garza also advised that the Allegation Section of the Department has recently lost four staff which has slowed the processing of allegations. However, two temporary staff members have been hired and the Section is catching up well.

OPERATIONS COMMITTEE

No report.

DISCIPLINARY SUBCOMMITTEE

Fraley reported that at last month's meeting, the DSC considered 12 regulatory matters: 6 consent order and stipulations, with 1 matter being re-tabled; 2 orders of dismissal; 2 requests for reconsideration; and 1 petition for reclassification. At today's meeting they will consider 11 regulatory matters.

CHAIRPERSON'S REPORT

No report.

OLD BUSINESS

None

NEW BUSINESS

CE WAIVER REQUEST OF DR. MARTIN P. LEVINSON

Goldberg recused himself and Cameron assumed the role of Chairperson.

Tim Andrews of the Department explained Dr. Levinson's situation to the Board, explaining that Dr. Levinson was asking for a waiver of 50 CE credits for his current renewal period due to a medical impairment. Discussion was held.

Motion by Fenn, seconded by Jones, to approve Dr. Levinson's waiver request, but change the hours being waived to 26.5 hours. By 3/31/08, Dr. Levinson will need to complete 20 hours of CE.

A roll call vote was held: Yeas: Alghanem, Dull, Fenn, Fraley, Helmer, Jones,
Raines, San Diego, Cameron

Nay: Graham Solomon

MOTION PREVAILED

Goldberg resumed position of Chairperson.

CE WAIVER REQUEST OF DR. MOHAMMED TABBAA

Andrews explained to the Board that Dr. Tabbaa was requesting 56.75 CE hours due to the fact that he is out of the country. Discussion was held.

Motion by Dull, seconded by Fenn, to deny Dr. Tabbaa's waiver request.

Further discussion was held.

A roll call vote was held: Yeas: Dull, Fenn, Fraley, Helmer, Jones, Raines,
San Diego, Cameron, Goldberg

Nay: Alghanem, Graham Solomon

MOTION PREVAILED

REAPPOINTMENT OF DR. NIVEN TO HPRC

Garza indicated that this was placed on the Agenda prematurely and the Board will not be voting on this issue at today's meeting.

Motion by Raines, seconded by Cameron to table the Reappointment of Dr. Niven to the HPRC.

MOTION PREVAILED

BOARD RESOLUTIONS REGARDING DISCIPLINARY MATTERS

Garza referred the Board to the memorandum and attached information concerning board resolutions regarding disciplinary matters they were previously provided. He stated that the Department is seeking the Board's direction in creating up-to-date resolutions. Goldberg suggested that the Operations Subcommittee discuss the needed changes, and asked Fraley, as Chairperson of the DSC, and Garza to be involved with those discussions.

FSMB (FEDERATION OF STATE MEDICAL BOARDS) HOUSE OF DELEGATES' RESOLUTIONS AND PROPOSED AMENDMENTS

Ramsdell advised that San Diego will be the voting delegate at the upcoming FSMB annual meeting in May. She indicated to the Board that they were being provided with the Resolutions so that the Board could give San Diego direction with respect to voting. The Board agreed that there was no opposition to any of the Resolutions or Reports, with the exception of Resolution 08-2, which the Board is opposing.

Helmer indicated that he has been nominated to be part of the FSMB's finance committee and asked for the Board's support.

Motion by Graham Solomon, seconded by Fenn, to support Helmer in his nomination to the FSMB's finance committee.

MOTION PREVAILED

San Diego advised that she received a letter from Dr. W. Scott Wilkinson, President of the Michigan Society of Eye Physicians and Surgeons, urging her to support the candidacy of Tully C. Patrowicz for another three year term on the FSMB Board of Directors. Dr. Wilkinson indicates in his letter that the Michigan Society of Eye Physicians and Surgeons represents the interests of all physicians and patients when it comes to patient safety issues. The Board agreed to support Dr. Patrowicz for another three year term.

INTERNET PRESCRIPTIONS

Goldberg discussed the problem of physicians creating websites in order to be able to prescribe to multiple patients without establishing a doctor/patient relationship. He asked the Board to follow FSBM practice in this area and indicated that he would like to see policy language the Board can refer to regarding internet prescribing practices.

Discussion was held.

It was decided that Ramsdell would forward the FSMB and AMA guidelines regarding the use of the internet and internet prescribing to the Board, and that the Operations Subcommittee would put together a presentation for the Board at the May meeting.

RESOLUTIONS

Graham Solomon asked for the Board for more clarification through a resolution regarding sanctioning language the DSC utilizes. Leo Friedman, Assistant Attorney General, commented that any use of guidelines for the DSC could limit the committee's discretion ability, as each case has its own set of facts and circumstances. Also, if guidelines are implemented and a case proceeds toward hearing, that those guidelines will not be able to be deviated from in any way. Dull suggested that new members

confer with more experienced members for direction. Alghanem suggested that new DSC members receive orientation in order to better prepare them for meetings.

Helmer asked the Department to provide the Board with a presentation as to what a DSC member's responsibilities are. He would also like to see the same done for the Investigation and Allegations and Operations Committees.

Garza indicated that he would look into ways that will better prepare new DSC members. Additionally, he will review training and orientation practices and develop a DSC manual for new members. Garza will plan to have the drafts available for the Board's review at the May meeting.

REGULATORY CONSIDERATIONS

None

PUBLIC COMMENT

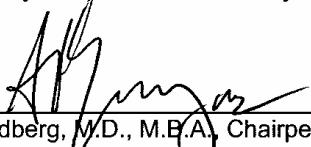
None

ANNOUNCEMENTS

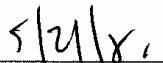
The next regularly scheduled meeting will be held on May 21, 2008 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa, Conference Room 3 (Upper Level Parking), Lansing, Michigan.

ADJOURNMENT

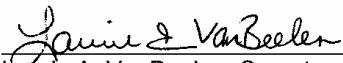
MOTION by Cameron, seconded by Weingarden to adjourn the meeting at 11:45 a.m.



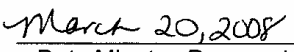
Scot Goldberg, M.D., M.B.A., Chairperson



Date Minutes Approved



Laurie A. VanBeelen, Secretary



Date Minutes Prepared