



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE DISCIPLINARY SUBCOMMITTEE APRIL 21, 2010 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 April 21, 2010, at the Ottawa Building, 611 West Ottawa Street, 1st Floor, Conference Room C, Lansing, Michigan.

CALL TO ORDER

Theresa Fraley, Public Member, Chairperson, called the meeting to order at 2:03 p.m.

ROLL CALL

Members Present: Theresa Fraley, Public Member, Chairperson
Oliver G. Cameron, M.D., Ph.D.
David L. Dull, M.D.
William Fenn, PA-C, Ph.D.
Nate Smith-Tyge, Public Member

Members Absent: None

Staff Present: Laurie VanBeelen, Board Secretary, Health Regulatory Division
Kiran Parag, Analyst, Health Regulatory Division
Danielle Burk, Analyst, Health Regulatory Division
Michele Wagner-Gutkowski, Assistant Attorney General
Todd Cohan, Assistant Attorney General (left at 2:43 p.m.)
Amber Williams, Investigation Division, Detroit Office (left at 3:06 p.m.)
Jennifer Pappas, Investigation Division, Detroit Office (left at 3:06 p.m.)

Others Present: Jesse Markos, J.D.
Fanny Dela Cruz, M.D. (left at 3:56 p.m.)
Russell Babcock, J.D. (left at 3:06 p.m.)
Tom Sparks, J.D. (left at 3:33 p.m.)

APPROVAL OF MINUTES

MOTION by Fenn, seconded by Cameron, to approve the minutes of the February 5, 2010 meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Smith-Tyge, seconded by Cameron, to approve the agenda as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Joseph Oesterling, M.D. – Proposal for Decision

AAG Wagner-Gutkowski recused herself from the matter and AAG Cohan assumed the role of attorney for the Department.

MOTION by Fenn, seconded by Smith-Tyge, to untable the matter of Joseph Oesterling, M.D.

MOTION PREVAILED

MOTION by Cameron, seconded by Fenn, to accept Respondent's request for oral argument, for the purposes of discussion only, in the matter of Joseph Oesterling, M.D.

Discussion followed.

AMENDED MOTION by Cameron, seconded by Fenn, to accept Respondent's request for oral argument in the matter of Joseph Oesterling, M.D.

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

MOTION FAILED

MOTION by Cameron, seconded by Fenn, to deny Respondent's request for oral argument in the matter of Joseph Oesterling, M.D.

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

MOTION PREVAILED

MOTION by Fenn, seconded by Cameron, to accept the Proposal for Decision in the matter of Joseph Oesterling, M.D.

Discussion followed.

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

MOTION PREVAILED

MOTION by Cameron, seconded by Fenn, to limit Respondent's license for a minimum period of one (1) year to practice under the general supervision of a Board-approved supervising physician in the matter of Joseph Oesterling, M.D. Respondent must petition for reclassification of his limited license. Respondent is also placed on probation for a period of one (1) year and must submit monthly supervisor reports to the Department. The limitation will run concurrent with probation.

Discussion followed.

AMENDED MOTION by Dull, accepted by Cameron and Fenn, to limit Respondent's license for a minimum period of one (1) year to practice under the general supervision of a Board-approved supervising physician in the matter of Joseph Oesterling, M.D. Respondent must petition for reclassification of his limited license. Respondent is also placed on probation for a period of one (1) year and must submit quarterly supervisor reports to the Department. The limitation will run concurrent with probation.

Discussion continued.

2ND AMENDED MOTION by Fenn, accepted by Cameron, to limit Respondent's license for a minimum period of one (1) year to practice under the general supervision of a Board-approved supervising physician in the matter of Joseph Oesterling, M.D. Respondent must petition for reclassification of his limited license. Respondent is also placed on probation for a period of three (3) years and must submit quarterly supervisor reports to the Department.

Discussion continued.

3RD AMENDED MOTION by Dull, accepted by Cameron and Fenn, to limit Respondent's license for a minimum period of one (1) year to practice under the general supervision of a Board-approved supervising physician in the matter of Joseph Oesterling, M.D. Respondent must petition for reclassification of his limited license. Respondent is also placed on probation for a period of three (3) years, must submit quarterly supervisor reports to the Department, and is ordered not to violate the Public Health Code. Respondent is also assessed a fine in the amount of \$10,000 which is payable within 60 days.

Discussion continued.

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

MOTION PREVAILED

Wagner-Gutkowski returned to the meeting.

Brian Howard Cohen, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Brian Howard Cohen, M.D.

Discussion followed.

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

MOTION PREVAILED

Jeffrey Carl Hamm, M.D. – Consent Order and Stipulation

Fenn recused himself from the matter as he served as the Board conferee.

MOTION by Dull, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Jeffrey Carl Hamm, M.D.

Discussion followed.

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

MOTION PREVAILED

James Thomas Quinlan, M.D. – Consent Order and Stipulation

Cameron recused himself from the matter as he served as the Board conferee.

MOTION by Fenn, seconded by Dull, to accept the Consent Order and Stipulation in the matter of James Thomas Quinlan, M.D.

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

MOTION PREVAILED

Richard K. Cochran, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Richard K. Cochran, M.D.

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

MOTION PREVAILED

Robert K. Ferguson, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Robert K. Ferguson, M.D.

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

MOTION PREVAILED

Arif Husain Hakim, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Arif Husain Hakim, M.D.

Discussion followed.

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

MOTION PREVAILED

Scott William Lucas, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Scott William Lucas, M.D.

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

MOTION PREVAILED

Ronald A. Nichols, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Ronald A. Nichols, M.D.

Discussion followed.

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

MOTION PREVAILED

Chilakamarri Ramesh, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Chilakamarri Ramesh, M.D.

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

MOTION PREVAILED

Gerald J. Sarwer-Foner, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Gerald J. Sarwer-Foner, M.D.

Discussion followed.

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

MOTION PREVAILED

Vinod Sharma, M.D. – Consent Order and Stipulation

MOTION by Cameron, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Vinod Sharma, M.D.

Discussion followed.

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

MOTION PREVAILED

Lawrence M. Probes, M.D. – Consent Order and Stipulation

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

Discussion followed. After discussion began, Smith-Tyge recused himself from the matter and the motion was withdrawn.

MOTION by Fenn, seconded by Dull, to accept the Consent Order and Stipulation in the matter of Lawrence M. Probes, M.D.

Discussion continued.

A roll call vote was held: Yeas: Cameron, Dull, Fenn, Fraley

MOTION PREVAILED

Terence Arthur R. Whiteman, M.D. – Consent Order and Stipulation

MOTION by Dull, seconded by Fenn, to accept the Consent Order and Stipulation in the matter of Terence Arthur R. Whiteman, M.D.

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

MOTION PREVAILED

Hiroshi Okada, M.D. – Consent Order and Stipulation

MOTION by Dull, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Hiroshi Okada, M.D.

Discussion followed.

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

MOTION PREVAILED

Dana Lynn Sibilsky, M.D. – Consent Order and Stipulation

MOTION by Fenn, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Dana Lynn Sibilsky, M.D.

Discussion followed.

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

MOTION PREVAILED

Roger D. Beyer, M.D. – Request for Dismissal of Complaint

Fenn recused himself from the matter.

MOTION by Dull, seconded by Smith-Tyge, to grant the Request for Dismissal of Complaint in the matter of Roger D. Beyer, M.D.

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

MOTION PREVAILED

Hugo Lopez-Negrete, M.D. – Request for Dismissal of Complaint

MOTION by Fenn, seconded by Cameron, to grant the Request for Dismissal of Complaint in the matter of Hugo Lopez-Negrete, M.D.

Discussion followed.

MOTION by Dull, seconded by Smith-Tyge, to table the matter of Hugo Lopez-Negrete, M.D.

MOTION PREVAILED

Fanny A. Dela Cruz, M.D. – Request for Reconsideration

MOTION by Fenn, seconded by Cameron, to grant the Request for Reconsideration, vacate the final order dated December 22, 2009, and remand the matter back to the Department for further administrative proceedings in the matter of Fanny A. Dela Cruz, M.D.

Discussion followed.

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

MOTION PREVAILED

Everette Bernard Hambric, M.D. – Proposal for Decision

MOTION by Smith-Tyge, seconded by Cameron, to accept the Proposal for Decision and grant Petitioner a full and unlimited license in the matter of Everette Bernard Hambric, M.D.

Discussion followed.

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

MOTION PREVAILED

Lauran Anthea Mae Bryan, M.D. – Administrative Complaint

MOTION by Fenn, seconded by Smith-Tyge, to suspend Respondent's license for six (6) months and one (1) day in the matter of Lauran Anthea Mae Bryan, M.D. Additionally, Respondent is fined the sum of \$2,500 which shall be paid prior to filing for reinstatement.

Discussion followed.

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

MOTION PREVAILED

Crispo Garcia Rejano, M.D. – Administrative Complaint

MOTION by Fenn, seconded by Dull, to dissolve the October 2, 2009 Order of Summary Suspension and revoke Respondent's license in the matter of Crispo Garcia Rejano, M.D.

Discussion followed.

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

MOTION PREVAILED

PUBLIC COMMENT

None

ANNOUNCEMENTS

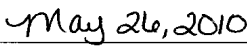
The next regularly scheduled meeting will be held on May 26, 2010, immediately following the full Board meeting scheduled to begin at 10:00 a.m., at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT

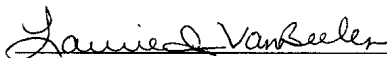
MOTION by Fenn, seconded by Cameron, to adjourn the meeting at 4:00 p.m.



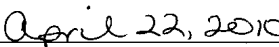
922 Theresa Fraley, Public Member, Chairperson



May 26, 2010
Date Minutes Approved



Laurie A. VanBeelen, Board Secretary



April 22, 2010
Date Minutes Prepared