



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE DISCIPLINARY SUBCOMMITTEE MAY 21, 2008 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 May 21, 2008, at the Ottawa Building, 611 West Ottawa, Conference Room 3 (Upper Level Conference Center), Lansing, Michigan.

CALL TO ORDER

Theresa Fraley, Public Member, Chairperson, called the meeting to order at 12:21 p.m.

ROLL CALL

Members Present:

Theresa Fraley, Public Member, Chairperson
Oliver G. Cameron, M.D., Ph.D.
Jeffrey M. Jones, M.D.
Nathaniel Smith-Tyge, Public Member

Members Absent:

William Fenn, PA-C, Ph.D.

Staff Present:

Ray Garza, Director, Regulatory Division
Kiran Parag, Analyst, Enforcement Section
Michele Wagner-Gutski, Assistant Attorney General
Laurie VanBeelen, Secretary, Licensing Division
Lidia McGee, Analyst, Enforcement Section
Danielle Burk, Analyst, Enforcement Section
Robert Jenkins, Assistant Attorney General
Cory Coe, Attorney General's office
Jennifer Milczarski, Student, Licensing Division

Others Present: George Shade, Jr., M.D. (left at 12:51 p.m.)
Scot Goldberg, M.D.
Richard E. Burney, M.D.
Busharat Ahmad, M.D.
Tom Sparks, Attorney
Carol Holmes, Attorney

APPROVAL OF MINUTES

MOTION by Jones, seconded by Cameron, to approve the minutes of the March 19, 2008 meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Cameron, seconded by Smith-Tyge, to approve the agenda with the following addition:

Add: **6. NEW BUSINESS. DSC Master Resolution.** The remaining agenda items will be re-numbered accordingly.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

GHOLAMREZ SHAREGHI, M.D. – PROPOSAL FOR DECISION

Jones recused himself from the matter.

Motion by Cameron, seconded by Smith-Tyge, to untable the matter of Gholamrez Shareghi, M.D.

A roll call vote followed: Yeas: Cameron, Smith-Tyge, Fraley

MOTION PREVAILED

Motion by Cameron, seconded by Smith-Tyge, to vacate the Final Order dated October 3, 2007 in the matter of Gholamrez Shareghi, M.D.

A roll call vote followed: Yeas: Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

Motion by Cameron, seconded by Smith-Tyge, to accept the Findings of Fact and Conclusions of Law in the matter of Gholamrez Shareghi, M.D.

A roll call vote followed: Yeas: Cameron, Smith-Tyge, Fraley

MOTION PREVAILED

Discussion was held.

Motion by Cameron, seconded by Smith-Tyge, to place Petitioner on six months of probation in the matter of Gholamrez Shareghi, M.D. Petitioner shall be required to complete continuing education, pre-approved by the Board Chairperson, in the areas of pain management and regional anesthesia, which shall not count towards licensing requirements. Additionally, Petitioner shall pay a fine in the amount of \$2,000 within six months.

Discussion was held.

A roll call vote followed: Yeas: Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

FELIPE G. VIDELA, M.D. – CONSENT ORDER AND STIPULATION

Cameron recused himself from the matter.

Motion by Jones, seconded by Smith-Tyge, to untable the matter of Felipe G. Videla, M.D.

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

MOTION PREVAILED

Motion by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Felipe G. Videla, M.D.

Discussion was held.

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

MOTION PREVAILED

ALBERT N. BAYER, M.D. – CONSENT ORDER AND STIPULATION

Motion by Cameron, seconded by Jones, to accept the Consent Order and Stipulation in the matter of Albert N. Bayer, M.D.

Discussion was held.

A roll call vote followed: Yeas: Jones, Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

GREGORY M. THOMAS, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Gregory M. Thomas, M.D.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

JAMES WYNALDA, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of James Wynalda, M.D.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

JAMES M. ZELCH, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of James M. Zelch, M.D.

A roll call vote followed: Yeas: Jones, Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

JAMES J. BLEICHER, JR., M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of James J. Bleicher, Jr., M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

JOHN R. DYKES, II, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of John R. Dykes, II, M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

GERALDINE HARDY, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Geraldine Hardy, M.D.

Discussion was held.

A roll call vote followed: Yeas: Jones, Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

RAJ RAO, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Raj Rao, M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

CARL ALBERT RECINE, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Cameron, to accept the Consent Order and Stipulation in the matter of Carl Albert Recine, M.D.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

LEO MIHAJLO OGNEN, M.D. – CONSENT ORDER AND STIPULATION

Motion by Jones, seconded by Smith-Tyge, to accept the Consent Order and Stipulation in the matter of Leo Mihajlo Ognen, M.D.

Discussion was held.

A roll call vote followed: Yeas: Jones, Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

CHAD GREGORY KUHLMAN, M.D. – ORDER OF DISMISSAL

Motion by Jones, seconded by Cameron, to accept the Order of Dismissal in the matter of Chad Gregory Kuhlman, M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

STANLEY H. LEVY, M.D. – ORDER OF DISMISSAL

Motion by Jones, seconded by Cameron, to accept the Order of Dismissal in the matter of Stanley H. Levy, M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

ERIC WYNTON AYERS, M.D. – PETITION FOR RECONSIDERATION

Motion by Jones, seconded by Cameron, to grant Petition for Reconsideration in the matter of Eric Wynton Ayers, M.D.

Discussion was held.

Amended Motion by Jones, seconded by Cameron, to grant Petition for Reconsideration in the matter of Eric Wynton Ayers, M.D. Additionally, Petitioner's probation is terminated effective May 21, 2008 since he has fulfilled the terms of the previous Consent Order and Stipulation.

A roll call vote followed: Yeas: Jones, Smith-Tyge, Cameron, Fraley

MOTION PREVAILED

VIRINDER SINGH GREWAL, M.D. – PETITION FOR RECLASSIFICATION

Motion by Jones, seconded by Cameron, to grant Petition for Reclassification and grant a full and unlimited license in the matter of Virinder Singh Grewal, M.D.

Discussion was held.

A roll call vote followed: Yeas: Cameron, Jones, Smith-Tyge, Fraley

MOTION PREVAILED

NEW BUSINESS

DSC MASTER RESOLUTION

Fraley directed the Committee to the Board of Medicine Disciplinary Subcommittee Master Resolution provided by Ray Garza and asked for comments as to the proposed changes. Discussion was held. Garza will research a sample of approximately seven other states regarding how licensees are disciplined when CE requirements are not met and report back to the Committee at the July meeting.

PUBLIC COMMENT

Attorney Tom Sparks suggested that the DSC Master Resolution be abolished and that each licensee's situation be handled on a case-by-case basis. He spoke of a policy that Blue Cross/Blue Shield has established that if a practitioner is on probation for any reason, that practitioner will not be considered a provider for Blue Cross/Blue Shield. He thanked the Committee for their hard work and for giving him time to speak.

Attorney Carol Holmes indicated that she supports Attorney Sparks' comments as to the Master Resolution. She also stated that if the DSC Committee wished to amend a reporting to the national data bank and website, that it was within the Committee's discretion to do so.

Goldberg commented that an option with regard to the Master Resolution would be to take out the discipline of probation and keep the additional CE requirements and a fine.

Burney suggested that the Department should have more room to process matters on a case-by-case basis.

Garza reminded the Committee that all licensees are granted due process and that it would be inappropriate for the Department to be the sole decision-maker.

Cameron stated that he feels it is not correct to assume that all licensees know the process of disciplinary actions and the final ramifications. He inquired if there was information that could be provided to licensees so that they would know what some possible consequences would be.

Wagner-Gutkowski indicated that all licensees have the right to counsel and that the Department cannot provide legal advice.

Ahmad agreed that the Department and Committee should have more flexibility in deciding matters on a case-by-case basis.

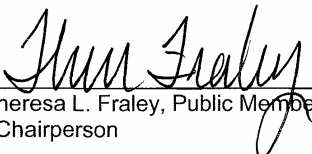
Fralely asked Garza to provide the Committee with statistics as to the number of licensees who come before the DSC who were deficient in CEs, and Garza indicated he would provide that.

ANNOUNCEMENTS

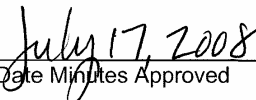
The next regularly scheduled meeting will be held on July 16, 2008 immediately following the Full Board meeting scheduled to begin at 10:00 a.m. at the Ottawa Building, 611 West Ottawa, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT


MOTION by Jones, seconded by Cameron, to adjourn the meeting at 1:53 p.m.



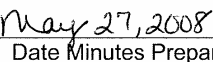
Theresa L. Fraley, Public Member,
Chairperson



Date Minutes Approved



Laurie A. VanBeelen, Secretary



Date Minutes Prepared