



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE NOVEMBER 12, 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 November 12, 2008, at the Ottawa Building, 611 West Ottawa Street, Conference Room 3 (Upper Level Conference Center), Lansing, Michigan.

CALL TO ORDER

Scot F. Goldberg, M.D., M.B.A., Chairperson, called the meeting to order at 10:08 a.m.

ROLL CALL

Members Present: Scot F. Goldberg, M.D., M.B.A., Chairperson
Oliver G. Cameron, M.D., Ph.D., Vice Chairperson
Busharat Ahmad, M.D.
Abd A. Alghanem, M.D.
Richard E. Burney, M.D.
David L. Dull, M.D.
William Fenn, PA-C, Ph.D. (left at 10:46 a.m.)
Theresa L. Fraley, Public Member
Michael Helmer, Public Member
Jeffrey M. Jones, M.D.
Lynn Larson, Public Member (left at 11:53 a.m.)
Vivian W. Leung, Public Member
Leticia J. San Diego, Ph.D., Public Member
George Shade, Jr., M.D.
Nathaniel Smith-Tyge, Public Member
David S. Weingarden, M.D.

Members Absent: Rao V.C. Gudipati, M.D.
Frank Raines, III, Public Member
Cheryl Graham Solomon, Public Member

Staff Present: Rae Ramsdell, Director, Licensing Division
Amy Shell, Policy Administration Manager, Licensing Division
Leo Friedman, Division Chief, Licensing & Regulation
Division, Office of Attorney General (arrived at 10:30 a.m.)
Merry Rosenberg, Assistant Attorney General
Kiran Parag, Analyst, Health Regulatory Division
Rose McCrackin, Analyst, Health Regulatory Division
Brooke Parmalee, Analyst, Health Regulatory Division
Laurie VanBeelen, Secretary, Licensing Division

Others Present: Joe Burt, MD
Vinod Sharma, MD
Colin Ford, Michigan State Medical Society
Tom Sparks, Attorney (arrived at 11:17 a.m.)

APPROVAL OF MINUTES

MOTION by Helmer, seconded by Larson, to approve the minutes of the September 17, 2008, with the following correction:

The last sentence of the Disciplinary Subcommittee report should read: At today's meeting, the DSC considered 16 regulatory matters.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Dull, seconded by Fenn, to approve the agenda with the following addition:

Under New Business, the following should be added: C. AMA Meeting Update – Dr. Ahmad.

MOTION PREVAILED

INTRODUCTIONS

Rae Ramsdell introduced Rose McCrackin and Brooke Parmalee who are analysts with the Health Regulatory Division for the Department.

PRESENTATION BY AFFILIATED MONITORS, INC.

Vincent Dicianni, President of Affiliated Monitors, Inc., provided written materials and a presentation to the Board regarding the monitoring services his company provides to various regulated industries, including health care. A question and answer period was held following the presentation.

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

San Diego reported that seven committee members reviewed 46 cases for the month of October, with 23 being authorized for investigation, 22 closed, and 1 returned for additional information.

For the month of November, five committee members reviewed 22 cases, with 12 being authorized for investigation, 8 closed, and 2 returned for additional information.

OPERATIONS COMMITTEE

Weingarden indicated that the committee met today and discussed educational concerns regarding boundary issues and drug abuse. The committee will discuss the possibility of providing information on these subjects to medical schools and universities.

Weingarden also reported that the committee is considering preparing a presentation for the scientific conference being held by the Michigan State Medical Society at its upcoming annual meeting.

The committee is also in the process of developing alternative remediation language.

DISCIPLINARY SUBCOMMITTEE

Fralely reported that at last month's meeting, the DSC considered 16 regulatory matters: 9 consent order and stipulations; 3 orders of dismissal; 2 requests for reconsideration; 1 administrative complaint; and 1 proposal for decision. At today's meeting, the DSC will consider 15 regulatory matters.

CHAIRPERSON'S REPORT

No report.

OLD BUSINESS

None

NEW BUSINESS

PHYSICIAN DELEGATION OF PROCEDURES

Goldberg discussed the problem of physicians delegating invasive procedures, i.e., botox injections and fillers, to nurses. Ramsdell indicated that pursuant to the delegation rule in the Public Health Code (R333.16215), physicians are responsible for ensuring that an individual being delegated any procedure has the proper training and supervision. AAG Rosenberg stated that this can sometimes be a very gray area and that investigations have to be completed before it can be determined that the delegation rule has been violated. Goldberg asked the operations subcommittee to look into this matter further.

DEPARTMENT UPDATE

Ramsdell advised that the ballot proposal providing for the use of medical marihuana passed and the Department has been given the responsibility for preparing the rules and facilitating the application process. More information on this subject will be provided to the Board at the January meeting.

AMERICAN MEDICAL ASSOCIATION (AMA) MEETING UPDATE – DR. AHMAD

Ahmad reported that he attended the recent meeting of the AMA and provided various committee reports which will be provided via e-mail to the Board. He highlighted key discussions of the meeting and directed the Board to the committee reports for additional information.

REGULATORY CONSIDERATIONS

ROBERT ALLAN WOLF, M.D. – PROPOSAL FOR DECISION

MOTION by Weingarden, seconded by Shade, to accept the Proposal for Decision in the matter of Robert Allan Wolf, M.D.,

Discussion followed.

A roll call vote was held: Yeas: Alghanem, Burney, Dull, Ahmad, Fraley, Helmer, Jones, Larson, Leung, San Diego, Shade, Smith-Tyge, Weingarden, Cameron, Goldberg

MOTION PREVAILED

MOTION by Weingarden, seconded by Cameron, to place Petitioner on probation in the matter of Robert Allan Wolf, M.D., with the following conditions:

- 1) that Petitioner be required to use the pre-approved history and physical forms, and legibly complete them in sufficient detail to assure comprehensive screening for all reasonably significant risk factors and to provide sufficient medical documentation to aid any subsequent medical providers;
- 2) that Petitioner be required to perform all appropriate testing to screen for all reasonably significant risk factors, in a time frame that is sufficient time to allow for the return of all results prior to the procedure and to perform on the day of the procedure a urine dip-stick screening test for the presence of controlled substances;
- 3) that Petitioner be required to verify all physician caregivers with the Board of Medicine for Board approval;
- 4) that Petitioner be required to use medical caregivers at no less than the expertise level of an RN, LPN, NA, LPPN, CAN, EMT, or paramedic;
- 5) that Petitioner be required to maintain a personnel file of all medical caregivers, with documentation of medical certification during the timeframe of employ, of all existing and future medical caregivers;
- 6) that Petitioner be required to provide post-procedure medications to patients' caregiver to assure the ready availability of medications and constant availability of caregiver;
- 7) that all medical caregivers attending to the patient for the 12 hours after the procedure are required to document the following:
 - a. start and stop dates/times;
 - b. a log of the patient symptoms and medications given;
 - c. document any untoward effects of patient and whether the patient needed urgent physician or emergency room care;
- 8) that Petitioner be required to arrange for monitoring, at Petitioner's expense, for a period of two years. Petitioner is required to fax to monitor each patient's entire clinical chart within two business days of the procedure. The chart is to include no less than:
 - a. history and physical;
 - b. all test results;
 - c. procedure note;
 - d. list of all of patient's medical caregivers;
 - e. 12 hour attendant notes;
- 9) Petitioner's monitor shall provide the following:
 - a. immediate notification to the Board of any significant failure to maintain the above standards;
 - b. quarterly status report for the Board of Medicine;
 - c. periodic review of personnel files and patient records for correlation with documents received.

Discussion was held.

A roll call vote followed: Nays: Dull, Jones, Smith-Tyge, Alghanem, Larson, San Diego, Weingarden, Burney, Fraley, Helmer, Leung, Shade, Ahmad, Cameron, Goldberg

MOTION FAILED

MOTION by Dull, seconded by Alghanem, to grant Petitioner a limited license for a minimum period of two (2) years in the matter of Robert Allan Wolf, M.D. The terms of limitation require that if Petitioner has any participation in an ultra rapid opiate detoxification (UROD) procedure or implantation of Naltrexone pellets, that it be performed in a licensed and accredited ambulatory surgical center. Petitioner shall be placed on probation to run concurrent with the period of limitation and he must petition for reclassification of his limited license.

Discussion followed.

MOTION TO MODIFY by Burney, seconded by Jones, the previous Motion to add the additional limitation that Petitioner's practice and records shall be reviewed by a Board-approved monitor/reviewer who shall provide quarterly reports to the Department advising on Respondent's practice and records.

Discussion followed.

A roll call vote was held: Yeas: Weingarden, Smith-Tyge, Shade, San Diego, Leung, Jones, Helmer, Burney, Cameron

 Nays: Fraley, Dull, Alghanem, Ahmad, Goldberg

MOTION PREVAILED

MODIFIED MOTION by Dull, seconded by Alghanem, to grant Petitioner a limited license for a minimum period of two (2) years in the matter of Robert Allan Wolf, M.D. The terms of limitation require that if Petitioner has any participation in an ultra rapid opiate detoxification (UROD) procedure or implantation of Naltrexone pellets, that it be performed at a licensed and accredited ambulatory surgical center. Petitioner shall be placed on probation to run concurrent with the period of limitation and he must petition for reclassification of his limited license. The terms of probation require that Petitioner's practice and records shall be reviewed by a Board-approved monitor/reviewer who shall provide quarterly reports to the Department.

Discussion followed.

A roll call vote was held: Yeas: Alghanem, Burney, Dull, Ahmad, Fraley,
Helmer, Jones, Leung, San Diego, Shade,
Smith-Tyge, Weingarden, Cameron, Goldberg

MOTION PREVAILED

AAG Rosenberg resumed the position as attorney for the Board.

BOITSHOKO P. MARANG, M.D. – PROPOSAL FOR DECISION

MOTION by Dull, seconded by Weingarden, to accept the Proposal for Decision and deny the application for reinstatement in the matter of Boitshoko P. Marang, M.D.

A roll call vote was held: Yeas: Alghanem, Dull, Fraley, Jones, Leung, San
Diego, Smith-Tyge, Ahmad, Burney, Helmer,
Shade, Weingarden, Cameron, Goldberg

MOTION PREVAILED

ANIL KUMAR TRIPATHY, M.D. – PETITION FOR RECONSIDERATION

MOTION by Burney, seconded by Dull, to deny Petitioner's Petition for Reconsideration in the matter of Anil Kumar Tripathy, M.D.

Discussion followed.

A roll call vote was held: Yeas: Weingarden, Smith-Tyge, Shade, San Diego,
Leung, Jones, Helmer, Fraley, Dull, Burney,
Alghanem, Ahmad, Cameron, Goldberg

MOTION PREVAILED

PUBLIC COMMENT


Dr. Joe Burt, psychologist, addressed the Board with concerns of a possible future disciplinary action and gave a brief history of a situation that occurred out of state. AAG Rosenberg offered to speak with Burt briefly after the meeting.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on January 28, 2009 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT

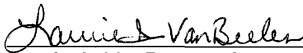
MOTION by Weingarden, seconded by Cameron to adjourn the meeting at 12:28 p.m.



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

1/28/9

Date Minutes Approved



Laurie A. VanBeelen, Secretary

November 17, 2008

Date Minutes Prepared