



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

MICHIGAN BOARD OF MEDICINE

May 16, 2018 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, the Michigan Board of Medicine met on May 16, 2018 at the Ottawa Building, Conference Room 3, 611 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Mohammed Arsiwala, MD, Chairperson called the meeting to order at 10:20 a.m.

ROLL CALL

Members Present: Mohammed Arsiwala, MD, Chairperson
Louis Prues, Public Member, Vice Chairperson
Richard Bates, MD
Michael Chafty, MD (Left 11:42 a.m.)
Michael Chrissos, MD (Left 11:30 a.m.)
Michelle Gormas, PA
Renee Johnston, Public Member
Venkat Rao, MD
James Rogers, MD
Traci Ruiz, Public Member
James Sondheimer, MD
Paul Sophiea, Public Member
Eric Stocker, Public Member
Dennis Szymanski, MD
Shereen Tabrizi, Public Member
Terri Tahnoose, Public Member
Rosalie Tocco-Bradley, MD, PhD (Left at 11:30 a.m.)

Members Absent: Stacey Frankovich, Public Member

Staff Present: Weston MacIntosh, Analyst, Boards and Committees Section
Kiran Parag, Analyst, Compliance Section
LeAnn Payne, Board Support, Board and Committees Section
Michele Wagner-Gutkowski, Assistant Attorney General

APPROVAL OF AGENDA

MOTION by Sondheimer, seconded by Stocker, to approve the agenda with the amendment to move item 7A up to item 5 and move Item 8 A up to item 6 on the agenda.

A voice vote followed.

MOTION PREVAILED

MAPS Report Update – Andrew Hudson

Hudson presented the Board with information regarding the current activities of the Drug Monitoring Section. He reminded the Board that June 1, 2018 is when the MAPS registration is required.

Rules Committee

Tocco-Bradley informed the Board that the Rules Committee has been diligently working on a draft and will start meeting monthly.

APPROVAL OF MINUTES

MOTION by Sophiea, seconded by Gormas, to approve the March 14, 2018 meeting minutes, with the correction to the spelling of Rao under committee assignments.

A voice vote followed.

MOTION PREVAILED

Introductions

Arsiwala welcomed new members and requested introductions around the meeting table.

OLD BUSINESS

None

NEW BUSINESS

Attorney General Training – Michele Wagner-Gutkowski

Wagner-Gutkowski provided a PowerPoint Presentation regarding board member authority, roles, responsibilities, and related legal considerations.

Wagner-Gutkowski summarized issues related to standards of conduct, including governmental immunity, avoiding conflicts of interest, and participation in professional organizations and meetings. She outlined the allegation, investigation, compliance

conference, and enforcement processes highlighting the Board's statutory authority and role in each step.

Wagner-Gutkowski explained several provisions of the Open Meetings Act and considerations regarding conducting board meetings.

R 338.7005 (Rule 5) Update – Michele Wagner-Gutkowski

Michele Wagner-Gutkowski informed the Board, as the DSC has been doing in the past, that the criteria of Michigan Administrative Code R 338.7005 (Rule 5) must be considered when assessing fines in disciplinary cases. However, the DSC must now explicitly state for the record that they considered Rule 5 when imposing a fine.

Exception to Bona Fide Prescriber-Patient Relationship Rule Update – Weston MacIntosh

MacIntosh informed the Board of the Exception to the Bona Fide Prescriber-Patient Relationship rule. He informed the Board that public comment on the proposed rule can be made at the public hearing on the Pharmacy rules which will occur on May 23, 2018.

Master Resolution

MacIntosh informed the Board that there is a need to modify the Master Resolution. The modification would include a provision to allow the Department to initiate an investigation without first obtaining board review when a licensee fails to register or check MAPS.

MOTION by Rogers, seconded by Rao, to approve the Master Resolution.

A roll call vote was taken: Yeas: Bates, Gormas, Johnston, Rao, Rogers, Ruiz,
Sondheimer, Sophiea, Stocker, Szymanski,
Tabrizi, Tahnoose, Prues, Arsiwala
Nays: None

MOTION PREVAILED

Chair Report

Dr. Preus informed the Board the he attended the FSMB Annual meeting along with Dr. Arsiwala, Weston MacIntosh and Kim Gaedeke from the Department. He congratulated Dr. Arsiwala on winning the election for the Board of Directors. Arsiwala thanked the Board for their support. Arsiwala and Prues shared their experience and stated Kim Gaedeke gave a very interesting presentation. MacIntosh stated he enjoyed the experience and was engaged in all the presentations he attended.

Activity from March 11 to May 13, 2018

Conferee assignments	11
Quarterly Reports Approved	4

CME/CPEP Courses approved	6
Face to Face Conferee	7
Settlement offers, and conferee conference issued	27
Violation of consent orders and suspension issued	0
Emergency Suspension issued	5

Department Update

MacIntosh informed the Board that the Department has issued 3 volunteer licenses.

REGULATORY CONSIDERATIONS

None

COMMITTEE REPORTS

Investigations and Complaints

Rogers reported that the Investigations and Complaints Committee reviewed thirty-three (33) files in April 2018. Seventeen (17) files were authorized for investigation and fifteen (15) files were closed. One (1) file was returned for additional records. There were three (3) reviewers.

The Investigation & Complaints Committee reviewed twenty-seven (27) files in March 2018. Nine (9) files were authorized for investigation and seventeen (17) files were closed. One (1) file was returned for additional records. There were three (3) reviewers.

Disciplinary Subcommittee

Johnston reported that the Disciplinary Subcommittee (DSC) met today and considered thirty-six (36) matters: five (5) Administrative Complaints, zero (0) Proposal's for Decision, Thirty (30) Consent Orders and Stipulations, and one (1) Request for Dismissal.

PUBLIC COMMENT

Christin Nohner from the Michigan State Medical Society shared concerns regarding the Bona Fide Prescriber-Patient Relationship rule. She stated the Society was dedicated to find a solution/alternate language.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held July 18, 2018 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 Johnston, seconded by Rogers, to adjourn the meeting at 12:00 p.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on: July 18, 2018.

Prepared by:
LeAnn Payne
Bureau of Professional Licensing

May 24, 2018