



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MIKE ZIMMER
DIRECTOR

**MICHIGAN BOARD OF MEDICINE
NOVEMBER 18, 2015 MEETING**

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Medicine met on November 18, 2015, at the Ottawa Building, Conference Room 3, 611 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Richard Burney, M.D., Chairperson, called the meeting to order at 10:13 a.m.

ROLL CALL

Members Present: Richard Burney, M.D., Chairperson
Peter Graham, M.D., Vice-Chairperson
Mohammed Arsiwala, M.D.
Michelle Gormas, P.A.
Sandra Howell, M.D.
Lisa Huta, Public Member
Renee Johnston, Public Member
Kara Morley-Smolek, M.D.
Louis Prues, Ph.D, Public Member
James Rogers, M.D.
James Sondheimer, M.D.
Dennis Szymanski, M.D.
Terri Tahnoose, Public Member
Rosalie Tocco-Bradley, M.D., Ph.D

Members Absent: Luis Avila, J.D.
Richard Bates, M.D.
Stacey Frankovich, Public Member
Cynthia Pasky, Public Member
Gail Torreano, Public Member

Staff Present: Shellayne Grimes, Executive Secretary, Legal Affairs Division
Michael Siracuse, Policy Analyst, Boards and Committees Section
Cheryl Pezon, Manager, Boards and Committees Section
Kiran Parag, Analyst, Enforcement Section
Virginia Abdo, Compliance Manager, Enforcement Section
Michele Wagner-Gutkowski, Assistant Attorney General

APPROVAL OF AGENDA

MOTION by Szymanski, seconded by Arsiwala, to approve the agenda as presented.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Howell, seconded by Prues, to approve the September 16, 2015 meeting minutes as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Jegan Jabez, M.D. – Petition for Reinstatement

MOTION by Tocco-Bradley, seconded by Morley-Smolek, to accept the Petition for Reinstatement. Petitioner's license shall be limited for a minimum of three (3) years and Petitioner is precluded from obtaining, possessing, dispensing, administering or prescribing any controlled substances.

Petitioner is also placed on probation to run concurrent with the period of limitation and shall not violate the Public Health Code.

Petitioner is required to petition for reclassification of the limited license.

Discussion was held.

A roll call vote followed: Yays: Arsiwala, Gormas, Howell, Huta, Johnston, Morley-Smolek, Prues, Sondheimer, Tahnoose, Tocco-Bradley, Burney

Nays: Rogers

Recuse: Szymanski, Graham

MOTION PREVAILED

Parag thanked Dr. Burney for his leadership on behalf of all of the Department Analysts. Dr. Burney received a standing ovation.

COMMITTEE REPORTS

Investigations and Allegations

Rogers reported that the Investigations and Allegations (I&A) Committee reviewed 28 files in October 2015. Five (5) files were authorized for investigation, 22 files were closed, and one (1) file was returned for additional records. There were three (3) reviewers.

In November, the I&A Committee reviewed 50 files. Twenty-two files were authorized for investigation, 25 files were closed, and three (3) files were returned for additional records. There were seven (7) reviewers.

Operations Committee

Burney reported that the Operations Committee that was created four years ago has completed its work.

Disciplinary Subcommittee

Johnston reported that the Disciplinary Subcommittee (DSC) met today and considered 22 matters: three (3) Administrative Complaints, one (1) Request for Rehearing, three (3) Requests for Dismissal, and 15 Consent Orders and Stipulations.

Chairperson's Report

Burney provided the following summary of Board of Medicine activity between September 13, 2015 and November 14, 2015. He handled 48 matters compared to 44 matters last year during the same interval, as follows:

Type	Number
• Summary suspensions	1
• Conferee assignments	6
• Advice/discuss sanction recommendations	14
• Advice regarding filing/pursuing complaint	1
• Approve CME and general supervision requests	10
• Compliance conference	1
• Review/approve monitoring plans/reports	7
• Miscellaneous matters	8

His report also contained two graphs; one showing the trend in the number of conferee assignments that have been made over time and the other showing the trend in the number of board questions and items requiring disposition. One additional document provided by Burney was his cumulative Board Chair activity report from January, 2012 through November, 2015.

OLD BUSINESS

None

NEW BUSINESS

A. Request for board approval of Post Graduate Training of Dr. Babak Kateby Kashy

MOTION by Szymanski, seconded by Rogers, to approve the Post Graduate Approval request from Dr. Kashy.

Discussion was held.

A roll call vote followed: Yays: Arsiwala, Gormas, Howell, Huta, Johnston,
Morley-Smolek, Prues, Rogers, Szymanski,
Tahnoose, Tocco-Bradley, Graham, Burney

Abstain: Sondheimer

MOTION PREVAILED

B. Request for board approval of Post Graduate Training of Dr. Ahmed Salem Mohamed

MOTION by Szymanski, seconded by Howell, to deny the Post Graduate Approval request from Dr. Mohamed.

Discussion was held.

A roll call vote followed: Yays: Arsiwala, Howell, Huta, Prues, Rogers, Sondheimer,
Szymanski, Tahnoose, Graham, Burney

Nays: Morley-Smolek, Tocco-Bradley

Abstain: Gormas, Johnston

MOTION PREVAILED

C. Nominations for upcoming FSMB Committee Appointments

Prues noted that he has submitted an application to the Federation of State Medical Boards (FSMB) Board of Directors to serve on the Nominations Committee. The FSMB Annual meeting is scheduled for April 28-30, 2016 in San Diego, California.

Burney stated that it is important to have State Board endorsement.

MOTION by Arsiwala, seconded by Sondheimer, to endorse Prues' nomination.

MOTION PREVAILED

D. Nominations for upcoming FSMB Scholarship Application

Burney informed that Johnston will be attending the 2016 FSMB Annual Meeting under a scholarship awarded by the FSMB for public members. Arsiwala noted that applications will be accepted through December 15, 2015 and are on a first-come first-served basis. Burney noted that Tahnoose attended last year. Further, Burney encouraged board members to get involved if you have goals and aspirations to serve at a national level.

E. Reminder that elections for Board Chair and Vice Chair will be held at the January 20, 2016 meeting.

Burney reminded of upcoming elections at the next meeting. Graham and Arsiwala have shown interest in running for Board Chair and Vice Chair, respectively.

F. FTC vs North Carolina

Burney referenced the case above once again. This decision has been a topic on a previous board meeting agenda and has been discussed. The gist of a recent FTC advisory is that the FTC does not intend to supervise what boards of medicine across the country. Burney noted that this topic will certainly come up for discussion at the annual meeting.

Pezon added that many state boards have more authority and independence than Michigan's. They are set up and run differently than we do. The Attorney General's Office has looked at the North Carolina case and feels that, unlike the North Carolina Dental Board, we have immunity protection because of our structure.

Burney then provided his final report to the Board of Medicine in a power point presentation.

Wagner-Gutkowski thanked Burney for his service, guidance and medical background on behalf of the Attorney General's Office and Department.

PUBLIC COMMENT

Dr. Kashy thanked the Board for their approval of his Post-Graduate request today.

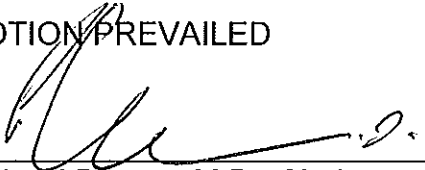
ANNOUNCEMENTS

The next regularly scheduled meeting will be held on January 20, 2016 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 Graham, seconded by Arsiwala, to adjourn the meeting at 11:50 a.m.

MOTION PREVAILED



Richard Burney, M.D., Chairperson
Per Graham M.D.

Date Minutes Signed

Prepared by:
Shellayne Grimes, Executive Secretary

December 10, 2015