



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

RICK SNYDER
GOVERNOR

OLGA DAZZO
DIRECTOR

MICHIGAN BOARD OF MEDICINE MARCH 16, 2011 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 March 16, 2011, at the Ottawa Building, 611 West Ottawa Street, Conference Room 3 (Upper Level Conference Center), Lansing, Michigan.

CALL TO ORDER

Busharat Ahmad, M.D., Vice Chairperson, called the meeting to order at 10:24 a.m.

ROLL CALL

Members Present: Busharat Ahmad, M.D., Vice Chairperson
Abd A. Alghanem, M.D.
Richard E. Burney, M.D.
Oliver G. Cameron, M.D., Ph.D.
David L. Dull, M.D.
Peter T. Graham, M.D.
Cheryl Graham Solomon, Public Member
Rao V.C. Gudipati, M.D.
Vivian Leung, Public Member
Leticia J. San Diego, Ph.D., Public Member
David S. Weingarden, M.D.

Members Absent: Theresa L. Fraley, Public Member
Lynn Larson, Public Member
Frank Raines, III, Public Member
George Shade, Jr, M.D., Chairperson
Suzanne Hugly Thomashow, M.D., Ph.D.

Staff Present: Laurie VanBeelen, Board Secretary, Health Regulatory Division
Rae Ramsdell, Director, Health Regulatory Division
Kiran Parag, Analyst, Health Regulatory Division
Perry Bell, Analyst, Professional Practice Section
Michele Wagner-Gutkowski, Assistant Attorney General

Others Present: Tom Sparks, J.D.
Max Hoffman, J.D.
Lisa Tribe
Brad Tribe

APPROVAL OF MINUTES

MOTION by Graham, seconded by Cameron, to approve the minutes of the January 26, 2011 meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Dull, seconded by Graham, to approve the agenda as presented.

MOTION PREVAILED

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

Gudipati reported that for the month of February, two committee members reviewed 13 files with 6 being authorized for investigation, 4 closed, 1 referred for expert review, and 2 were returned to the Department for additional information. For the month of March, four committee members reviewed 23 files with 13 being authorized for investigation, 7 closed, and 3 were returned to the Department for additional information.

OPERATIONS COMMITTEE

Burney reported that the committee met today and discussed the practices surrounding the physician certification methods to approve individuals to participate in the Michigan Medical Marijuana Program specific to patient/doctor relationship. He stated that it appears that there are physicians who are utilizing very loose criteria in the process to approve individuals. Burney advised that the committee will be drafting a statement on this topic for the Board's review.

DISCIPLINARY SUBCOMMITTEE

Leung indicated that the DSC met today prior to the full Board meeting and decided 7 consent order and stipulations, 7 requests for dismissal of complaint, 1 request for reconsideration, and 1 proposal for decision.

CHAIRPERSON'S REPORT

No report.

OLD BUSINESS

None

NEW BUSINESS

Subpoena Authority vs Patient Confidentiality (In re: *Maryland State Board of Physicians v Eist*)

Board members were provided with a copy of the decision rendered by the Maryland Court of Appeals in this matter and AAG Wagner-Gutkowski indicated that this case is in line with Michigan's current language. She reminded the Board that the Public Health Code states that a physician shall not fail to respond to a subpoena.

Department Update

Ramsdell advised that Governor Snyder issued an executive order that moves the Bureau of Health Professions to the newly-created Department of Licensing and Regulatory Affairs. She advised that this will not affect the day-to-day operations of the Bureau nor will it affect the Board.

Ramsdell referenced a report that she recently received from the Public Citizens advocacy group regarding the discipline of physicians amongst the states' medical boards. She indicated that this group sent a letter and forwarded this report to Secretary Kathleen Sebelius of the Department of Health and Human Services. Ramsdell indicated that she would e-mail this information to the Board.

Ramsdell advised that Governor Snyder has appointed two public members and one professional member to the Board and that those members would begin serving at the May meeting.

Ramsdell further advised that the following Board members have an excused absence for today's meeting: George Shade, Theresa Fraley, Lynn Larson and Frank Raines.

REGULATORY CONSIDERATIONS

Mark Mattos, M.D. – Application for Reinstatement

MOTION by Burney, seconded by Weingarden, to grant the Application for Reinstatement of Petitioner's clinical academic license and place Respondent on probation for a period of one (1) year in the matter of Mark Mattos, M.D. Respondent shall enter into a non-confidential HPRP monitoring agreement and comply with the terms of same. The duration of the monitoring agreement may exceed the period of probation. During the period of probation, if Petitioner applies for a full license to practice medicine and is deemed eligible for same, petitioner's probationary terms shall continue with the full license.

Discussion followed.

A roll call vote was held: Yeas: Dull, Graham-Solomon, Gudipati, San Diego, Weingarden, Burney, Leung, Cameron, Graham, Alghanem, Ahmad

MOTION PREVAILED

PUBLIC COMMENT

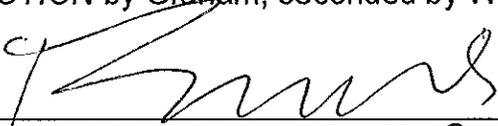
None

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on May 18, 2011 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 Weingarden, to adjourn the meeting at 10:56 a.m.



Busharat Ahmad, M.D., Vice Chairperson

3/21/2011
Date Minutes Approved



Laurie A. VanBeelen, Board Secretary

March 21, 2011
Date Minutes Prepared