



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF MEDICINE NOVEMBER 18, 2009 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 18, 2009, 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
George Shade, Jr., M.D., Vice Chairperson
Busharat Ahmad, M.D.
Abd A. Alghanem, M.D.
Oliver G. Cameron, M.D., Ph.D.
David L. Dull, M.D.
William Fenn, PA-C, Ph.D.
Cheryl Graham Solomon, Public Member
Rao V.C. Gudipati, M.D.
Jeffrey M. Jones, M.D.
Lynn Larson, Public Member
Vivian W. Leung, Public Member
Leticia J. San Diego, Ph.D., Public Member
Nathaniel Smith-Tyge, Public Member
David S. Weingarden, M.D.

Members Absent: Richard E. Burney, M.D.
Theresa L. Fraley, Public Member
Michael Helmer, Public Member
Frank Raines, III, Public Member

Staff Present: Rae Ramsdell, Director, Health Regulatory Division
Amy Shell, Policy Administration Manager, Health Regulatory Division
Kiran Parag, Analyst, Health Regulatory Division
Merry Rosenberg, Assistant Attorney General
Laurie VanBeelen, Board Secretary, Health Regulatory Division

Others Present: Timothy Chapman, M.D.

APPROVAL OF MINUTES

MOTION by Fenn, seconded by Ahmad, to approve the minutes of the September 16, 2009 meeting as presented.

MOTION PREVAILED

APPROVAL OF AMENDED AGENDA

MOTION by Shade, seconded by Dull, to approve the amended agenda with the following additions:

Under New Business, add A. Nebraska Supreme Court Ruling and B. AMA Meeting Update, and re-letter the existing items.

MOTION PREVAILED

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

San Diego reported that two committee members reviewed 23 cases for the month of October, with 16 being authorized for investigation and 7 closed.

For the month of November, five committee members reviewed 34 cases, with 19 being authorized for investigation and 15 closed.

OPERATIONS COMMITTEE

No report.

DISCIPLINARY SUBCOMMITTEE

Smith-Tyge will act as DSC chairperson for today's meeting. He reported that at the September meeting the DSC decided a total of 12 regulatory cases: 9 consent order and stipulations; 1 request for dismissal; 1 finding of fact and conclusion of law; and 1 administrative complaint. He reported that 14 regulatory matters will be reviewed at today's meeting.

CHAIRPERSON'S REPORT

Goldberg indicated that today would be his last meeting as he has served two full terms on the Board. He thanked the Board for the opportunity to serve and stated that he enjoyed the experience both professionally and personally.

OLD BUSINESS

None

NEW BUSINESS

NEBRASKA SUPREME COURT RULING

Shade referred to a case from the Nebraska Supreme Court that generated the ruling that discovery materials from a state licensure board matter can be used as discovery in a civil matter. He expressed concern that this could potentially set a precedent for Michigan. Rosenberg stated that pursuant to Section 16283 of the Public Health Code, all information received prior to an administrative complaint being filed is confidential. Additionally, if an allegation is received and investigated and no administrative complaint is subsequently filed, all investigatory information received is to remain confidential and cannot be obtained through a FOIA request and/or subpoena. Rosenberg further stated that there is specific language contained in the Nebraska case specifying that information is not subject to discovery if a complaint has not been filed.

AMA MEETING

Ahmad reported that he attended the recent AMA meeting held November 7 through November 10, 2009 in Houston, Texas. He stated that discussion on health care reform was led by AMA president James Rohack, MD. Ahmad stated that he feels health care reform will extensively affect both the general public and physicians.

MSMS ANNUAL SCIENTIFIC MEETING UPDATE

Goldberg reported that he spoke at the October MSMS Annual Scientific meeting on the topic of how avoid disciplinary action and the Board's role in the process. He stated that he felt the information was well received.

FSMB ROUNDTABLE CONFERENCE UPDATE

San Diego reported that she participated in a FSMB roundtable conference call on October 21, 2009. She stated that the new FSMB President and CEO, Humayun J. Chaudhry, stated that he plans to personally visit each state board within the first three years of his term as FSMB President. San Diego indicated that FMSB staff provided updates on various initiatives, including the License Portability Project and enhancements to the Federation Credential Verification Services. She stated that the FSMB is continuing its work on the topic of maintenance of licensure.

ELECTION PROCEDURES

Goldberg indicated that the process of election procedures was previously discussed at the March meeting and it was agreed that additional discussion would be held at the November meeting. Ramsdell stated that in the past a nomination committee has been formed to gather information to present to the Board on the candidates and that nominations are also accepted from the floor. Graham Solomon asked that the information be provided to the Board well in advance of the January meeting. After discussion it was decided that a nominating committee will be formed. The committee will gather the appropriate background information and it will be provided via e-mail and with the agenda packet for the January meeting. Goldberg asked for volunteers to serve on the nominating committee; Larson, Leung, Graham Solomon and Weingarden were appointed to the committee. A curriculum vitae and written statement from the individuals interested in serving as chairperson or vice chairperson will be submitted to Larson and VanBeelen.

DEPARTMENT UPDATE

Ramsdell directed the Board to information previously provided regarding the term "FSMB fellow." She indicated that questions were raised at the last meeting regarding this topic and stated she was providing this information in response to those questions. Ramsdell also indicated that the Department is in the process of developing a method for providing electronic copies of regulatory cases.

REGULATORY CONSIDERATIONS

Timothy Lamar Chapman, M.D. – Proposal for Decision

MOTION by Shade, seconded by Fenn, to accept the Proposal for Decision in the matter of Timothy Lamar Chapman, M.D.

Discussion followed.

A roll call vote was held: Yeas: Fenn, Alghanem, Dull, Ahmad, Graham Solomon, Gudipati, Jones, Larson, Leung, San Diego, Cameron, Smith-Tyge, Weingarden, Shade, Goldberg

MOTION PREVAILED

Additional discussion was held.

MOTION by Shade, seconded by Weingarden, to place Respondent on probation for one (1) year in the matter of Timothy Lamar Chapman, M.D. Respondent must comply with all terms of his HPRP monitoring agreement and he must comply with all terms and conditions of his parole. Additionally, the duration of the HPRP monitoring agreement, required pursuant to the Board's Order, may exceed the period of probation.

A roll call vote was held: Yeas: Alghanem, Dull, Gudipati, Jones, Leung, San Diego, Smith-Tyge, Ahmad, Fenn, Graham Solomon, Larson, Cameron, Weingarden, Shade, Goldberg

MOTION PREVAILED

Christopher Scott Nelson, M.D. – Petition for Reinstatement

MOTION by Alghanem, seconded by Shade, to grant the Petition for Reinstatement in the matter of Christopher Scott Nelson, M.D.

Discussion followed.

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

Nay: Fenn

MOTION PREVAILED

Additional discussion followed.

MOTION by Cameron to place Petitioner on probation for one year in the matter of Christopher Scott Nelson, M.D. Petitioner shall be precluded from practicing anesthesiology for a period of three (3) years and must not violate the Public Health Code. Petitioner must petition for reclassification of his limited license.

Motion withdrawn.

MOTION by Weingarden, seconded by Shade, to place Petitioner on probation for one year in the matter of Christopher Scott Nelson, M.D. Petitioner shall be precluded from practicing anesthesiology for a period of two (2) years and must petition for reclassification of his limited license. Petitioner must fully comply with the Indiana State Medical Association's Continuing Care Contract and the Indiana Medical Licensing Board orders. In the event Petitioner relocates to Michigan, Petitioner shall contact the HPRP for implementation of a monitoring agreement consistent with the Indiana Continuing Care Contract. Additionally, the duration of the Indiana Continuing Care Contract and/or HPRP monitoring agreement may exceed the period of probation.

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

Nays: Dull, Gudipati

Abstain: Graham Solomon

MOTION PREVAILED

PUBLIC COMMENT

None

ANNOUNCEMENTS

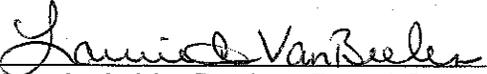
The next regularly scheduled meeting will be held on January 20, 2010 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT

MOTION by Smith-Tyge, seconded by Fenn, to adjourn the meeting at 11:43 a.m.

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

1-20-2010
Date Minutes Approved


Laurie A. VanBeelen, Board Secretary

December 1, 2009
Date Minutes Prepared