



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

STEVE ARWOOD
DIRECTOR

MICHIGAN BOARD OF MEDICINE MARCH 27, 2013 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 27, 2013, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

CALL TO ORDER

Richard Burney, M.D., Chairperson, called the meeting to order at 10:08 a.m.

ROLL CALL

Members Present: Richard Burney, M.D., Chairperson
Peter Graham, M.D., Vice-Chairperson
Mohammed Arsiwala, M.D.
Cheryl Graham-Solomon, Public Member
Oliver Cameron, M.D., Ph.D.
David Dull, M.D.
Jamie Frain, Public Member
Theresa Fraley, Public Member (left at 11:41 a.m.)
James Rogers, M.D.
Leticia San Diego, Ph.D., Public Member
Dennis Szymanski, M.D.
Vivian Leung, Public Member (left at 11:27 a.m.)
Gail Torreano, Public Member (left at 12:02 p.m.)
Louis Prues, Ph.D., Public Member

Members Absent: Richard Bates, M.D.
Cynthia Pasky, Public Member
David Weingarden, M.D.
Meghan Riley, PA-C
Rosalie Tocco-Bradley, M.D., Ph.D.

Staff Present: Shellayne Grimes, Secretary, Policy, Rules and Board Support
Amy Schneider, Secretary, Policy, Rules and Board Support (left at 11:30 a.m.)
Joe Campbell, Director, Enforcement Division (left at 11:44 a.m.)
Desmond Mitchell, Analyst, Policy, Rules and Board Support
Kiran Parag, Analyst, Enforcement Section
Michele Wagner-Gutkowski, Assistant Attorney General

Others Present: Tom Sparks, Attorney
Max Hoffman, Attorney
Ali Salim Makki
Andrea Schepers
One other present

INTRODUCTIONS

Burney asked staff new to the committee to introduce themselves. He was obliged.

APPROVAL OF MINUTES

MOTION by San Diego, seconded by Dull, to approve the minutes of the January 16, 2013 Board meeting as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

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

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Ali Salim Makki , M.D. – Proposal for Decision

MOTION by Cameron, seconded by San Diego, to accept the Proposal for Decision in the matter of Ali Salim Makki, M.D.

Discussion was held.

A roll call vote was taken: Yeas – Arsiwala, Cameron, Dull, Frain, Fraley, Graham, Graham-Solomon, Leung, Prues, Rogers, San Diego, Szymanski, Torreano, Burney

MOTION PREVAILED

MOTION by Graham, seconded by Fraley, to limit Petitioner's license for a period of three (3) years. Reduction of the limitation period shall only occur while Petitioner is

employed as a physician. During the limitation period, petitioner shall practice under general supervision of a Board-approved supervising physician who shall submit quarterly supervisor reports on Petitioner's practice. Petitioner shall also be precluded from signing any Immigration and Naturalization Services (INS) "Medical Certification for Disability Exceptions" forms. Petitioner may petition for reclassification of his limited license at the end of the limitation period. Petitioner shall be placed on probation to run concurrent with the period of limitation.

Discussion was held.

A roll call vote followed: Yeas – Arsiwala, Cameron, Dull, Frain, Fraley, Graham, Graham-Solomon, Leung, Prues, Rogers, San Diego, Szymanski, Torreano, Burney

MOTION PREVAILED

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

Rogers reported that the Investigations and Allegations Committee reviewed 54 files in March, 2013. Fifteen files were authorized for investigation; 39 files were closed and none were returned for additional information.

OPERATIONS COMMITTEE

Burney reported that the Operations Committee participated in a joint conference call with members of the Board of Osteopathic Medicine regarding revision of the Administrative Rules of both boards. During the conference call, Mitchell reviewed the administrative rules-making process necessary for amending the rules for the Board of Medicine and Board of Osteopathic Medicine. Among the several possible topics for revision that have been identified, the group selected as their first two priorities the number of years of postgraduate training required to be eligible for unrestricted licensure and criteria for permitting re-entry into practice after a prolonged absence.

DISCIPLINARY SUBCOMMITTEE

Fraley reported that the Committee met prior to today's meeting and considered 14 matters: 12 consent order and stipulations, 2 dismissals, and 2 administrative complaints.

CHAIRPERSON'S REPORT

Burney reported that he handled three (3) summary suspensions, assigned nine (9) cases to conferees and handled 18 other board-related items requiring decisions.

OLD BUSINESS

None

NEW BUSINESS

Report on FSMB Special Meeting on Telemedicine and Licensure

In December, Dr. Burney asked Louis Prues to attend a special meeting in January hosted by FSMB regarding telemedicine and its implications for state licensing. Prues and Burney gave a PowerPoint presentation for the Board's information on what was learned at that meeting. They also distributed three informational handouts entitled:

- View from Medicare – Changes in Rules of Participation to Enable/Encourage Telemedicine in Hospitals
- FSMB Licensing/Telemedicine Conference: The Challenge
- FSMB Position on Telemedicine: 3 Basic Concepts

The presentation stimulated many questions and discussion.

Burney inquired who of those present was planning to attend the FSMB Annual Meeting in Boston, Massachusetts, April 18 - 20, 2013. San Diego and Arsiwala are candidates for FSMB Board seats and will be attending. Graham-Solomon has been invited to be a speaker at the meeting. Prues has been awarded a scholarship to attend. Burney has submitted two (2) resolutions that will be debated at the meeting. He will be attending as the voting member of the Michigan Board of Medicine. He commented that the Michigan Board will be well represented.

Department Update

Mitchell informed the group that on March 19, 2013, rule R 338.2303, which governed the prescribing of "Sympathomimetic Amine Drugs," was rescinded from the Board of Medicine's Administrative Rules. This rule was promulgated in 1970 and was rescinded after the Department determined it was outdated and unenforceable. Mitchell is requesting that the Licensing Section update the rules that the Bureau distributes to the public to reflect this change. Mitchell apologized for not having notified the Board sooner about this change.

Mitchell reported that Board Chairs of Medicine, Osteopathic Medicine, Dentistry, and Physician Assistants met with the new Bureau Director, Carol Engle, and the deputy director of LARA in January regarding the need to increase health professional license fees, which haven't changed since 2002. Mitchell allowed Burney to update the Board on the purpose of the meeting.

Mitchell informed the Board that a rule is being added to the Bureau's General rules that will ask that all Boards take into account the costs incurred by the Bureau in the process of investigating, issuing and pursuing a complaint as one of the factors to be considered

when assessing a fine as part of a disciplinary action. This information has not heretofore been available to conferees or DSC but will be made available in the future.

Resolution

Burney presented departing public member, Jamie Frain, with a Resolution for her years of service on the Board.

PUBLIC COMMENT

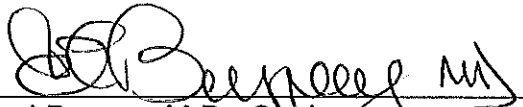
None

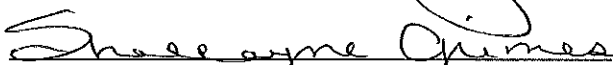
ANNOUNCEMENTS

The next regularly scheduled meeting will be held on May 22, 2013 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 Prues, seconded by Cameron, to adjourn the meeting at 12:12 p.m.


Richard Burney, M.D., Chairperson


Shellayne Grimes, Board Secretary

5.22.13
Date Minutes Approved

3/27/13
Date Minutes Prepared