PUBLIC MEETING MINUTES: DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

MEETING DATE AND TIME: Tuesday, June 3, 2014 at 2:30 p.m.

PLACE: 861 Silver Lake Boulevard
Second Floor Conference Room A
Dover, Delaware

MINUTES APPROVED: July 22, 2014

MEMBERS PRESENT
George Brown, Public Member, President, Presiding
Joseph Parise, D.O., Professional Member, Vice President
Daryl Sharman, M.D., Professional Member, Secretary
Gregory Adams, M.D., Professional Member
Barry Bakst, D.O., Professional Member
Garrett H. Colmorgen, M.D., Professional Member
Stephen Cooper, M.D., Professional Member
Georges A. Dahr, M.D., Professional Member
Stephen Lawless, M.D., Professional Member
Raymond Moore, Sr., Public Member
Leslie Ramsey, Public Member
Karyl Rattay, M.D., Professional Member
Malvine Richard, Ed.D., Public Member
Mary Ryan, Public Member
N.C. Vasuki, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT
Patricia Davis-Oliva, Deputy Attorney General
Shauna Slaughter, Executive Director
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT
Vonda Calhoun, Public Member

ALSO PRESENT
Adam Balick, Esq.
Lorena Hartnett, Wilcox & Fetzer
Phyllis James, M.D.
Annie Nedumgottil
Mark Thompson, Medical Society of Delaware
Alexandra N. Thran, M.D.
Kathy Wilkes, D.O.

CALL TO ORDER

Mr. Brown called the meeting to order at 2:52 p.m.
UNFINISHED BUSINESS

Results of Executive Session

Dr. Colmorgen moved, seconded by Ms. Ramsey, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Cases with Letters of Concern

10-10-12  10-61-12  10-154-13  10-09-14

Dr. Parise moved, seconded by Dr. Colmorgen, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Case

10-86-13

Dr. Sharman moved, seconded by Dr. Colmorgen, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Cases


Consider Consent Agreement Regarding Gabriel Somori, M.D. (Case 10-68-11)

Dr. Colmorgen moved, seconded by Dr. Bakst, to accept the Consent Agreement regarding Gabriel Somori, M.D. Motion unanimously carried.

Consider Consent Agreement Regarding Aasim Sehbai, M.D. (Case 10-194-12)

Dr. Parise moved, seconded by Ms. Ramsey, to accept the Consent Agreement regarding Aasim Sehbai, M.D. Motion carried with Dr. Lawless and Mr. Vasuki opposing. The board accepted the Consent Agreement with reservations, as the members were concerned that if the Consent Agreement was rejected, that the Attorney General’s office would not move forward with the charges.

Consider Consent Agreement Regarding George Dutkewych, M.D. (Cases 10-40-10, 10-139-10, 10-59-11, 10-117-11, and 10-218-11)

Dr. Colmorgen moved, seconded by Dr. Parise, to accept the Consent Agreement regarding George Dutkewych, M.D. Motion unanimously carried.

Dr. Parise moved, seconded by Dr. Colmorgen, to send correspondence to the Attorney General’s office requesting that they attend a meeting to address dismissed cases. Motion unanimously carried.

The board observed a brief recess from 2:57 p.m. until 3:05 p.m.

REVIEW AND APPROVAL OF MINUTES
The board reviewed the May 6, 2014 executive session and regular meeting minutes for approval. Dr. Colmorgen moved, seconded by Ms. Ramsey, to approve both sets of minutes as written. Motion unanimously carried.

UNFINISHED BUSINESS

Conduct Proposal to Deny Hearing for Alexandra N. Thran, M.D. (3:00 p.m.)

At 3:06 p.m., Mr. Brown called the proposal to deny hearing to order for Alexandra N. Thran, M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Thran was present and was represented by Adam Balick, Esquire. Ms. Davis-Oliva stated the purpose of the hearing. The application packet and supporting documents were marked as Board Exhibit 1 for the record. Mr. Balick presented his case on behalf of Dr. Thran and submitted a packet of information which was marked as Applicant’s Exhibit 1. Dr. Thran was sworn in, and responded to questions asked by the board members. The board began deliberating at 3:27 p.m. At the conclusion of their deliberations, Dr. Parise moved, seconded by Ms. Ramsey, to grant the waiver to Dr. Thran, after determining that she met the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720 (e). Motion unanimously carried. Dr. Parise moved, seconded by Ms. Ramsey, to grant a certificate to practice medicine for Dr. Thran. Motion unanimously carried. The hearing concluded at 3:29 p.m.

Conduct Proposal to Deny Hearing for Kathey Wilkes, D.O. (3:15 p.m.)

At 3:29 p.m., Mr. Brown called the proposal to deny hearing to order for Kathy Wilkes, D.O. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Wilkes was present, and verified that she was proceeding without counsel. Ms. Davis-Oliva stated the purpose of the hearing. The application packet and supporting documents were marked as Board Exhibit 1 for the record. Dr. Wilkes submitted an email from Healthcare Licensing, which was marked as Applicant’s Exhibit 1. Dr. Wilkes was sworn in, and responded to questions asked by the board members. The board began deliberating at 3:47 p.m. At the conclusion of their deliberations, Dr. Parise moved, seconded by Dr. Cooper, to grant the waiver to Dr. Wilkes, after determining that she met the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720 (e). Motion carried with Dr. Parise and Ms. Ramsey abstaining. Dr. Rattay moved, seconded by Dr. Cooper, to grant a certificate to practice medicine for Dr. Wilkes. Motion carried with Dr. Parise and Ms. Ramsey abstaining. The hearing concluded at 3:52 p.m.


The board reviewed the Orders regarding Dawn Smith, R.C.P, Philip Waldor, M.D., Lenshang Wang, M.D., and Glenn Stehman, D.O. The Orders were circulated for board members’ signatures.

Review and Consider Board Orders Regarding David Heydt, M.D. (Case 10-182-12), Arturo Apolinaro, M.D. (Case 10-13-11) and William Pollock, M.D. (Case 10-235-11)

The board reviewed the Orders regarding David Heydt, M.D., Arturo Apolinaro, M.D., and William Pollock, M.D. The Orders were circulated for board members’ signatures.

Review and Consider Board Order Regarding Hearing Held on May 6, 2014 for Marshall Pedersen, M.D.

The board reviewed the Order regarding the Proposal to Deny Hearing held on May 6, 2014 for Marshall Pedersen, M.D. An Order was circulated for board members’ signatures.

Review and Consider Board Orders Granting Waivers for Acupuncture Applicants for Susan Berman and Sharon Crowell
The board reviewed the Orders granting waivers for Acupuncture applicants, Susan Berman and Sharon Crowell. The Orders were circulated for board members’ signatures.

Review Request for Reconsideration of the Disciplinary Action in the Matter of Phyllis James, M.D.

The board reviewed the written request for reconsideration of the disciplinary action from Phyllis James, M.D., with Dr. Adams recusing. Dr. James addressed the board regarding the disciplinary action. Dr. Colmorgen moved, seconded by Mr. Vasuki, to schedule a hearing to reconsider the Order. Motion carried with Dr. Adams recusing.

Review Letter from Julie Knowles, President, Board of Physical Therapists and Athletic Trainers Regarding Dry Needling

The board reviewed the correspondence from Julie Knowles, President of the Delaware Board of Physical Therapists and Athletic Trainers. Mr. Thompson addressed the board, voicing the Medical Society of Delaware’s concerns with the current bill (e.g. dry needling, expanding the scope of practice). Mr. Thompson reported that the Medical Society of Delaware is in the process of working with the Physical Therapy Board to draft an amendment to the Bill. It is currently the Medical Society of Delaware’s position that the duties listed in the proposed bill are beyond the scope of practice for Physical Therapists. Mr. Thompson reported that recently Illinois ruled that Physical Therapists cannot perform dry needling, as it is an invasive procedure.

Ms. Davis-Oliva advised the board that they may take a position via correspondence to Mr. Mangler and the Legislature. The Board expressed that they neither support, nor oppose the Bill, but that instead they have significant concerns due to the lack of information regarding the training and education requirements.

NEW BUSINESS

Approve Applications for Registration and Licensure

M.D.’s for Licensure

Dr. Colmorgen moved, seconded by Ms. Ryan, to approve the following medical doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Nadeem Afzal  Rania Attia  Rachel Bagelman  Charles Buckley
Dana Chan  Dinu Cherian  Sherrir DeHaas  Phillip A. Dobson
Lauren Douglas  Patricia Figgs  Sergey Gerasim  Karen Giles
Joseph Grillo  Daniel Harrop  Wendell Hatch  Samareh Hill
Mathew Hofeldt  Christopher Karam  Igor Kirzhner  Robert Lantieri
Kathryn McKenna  Anthony Minotti  Jenny Petkova  Hagop Poshoghlian
Marc Rosen  Joseph Sciarrino  Priya Singh  Gujarappa Srinivas
Jessica Stirpe  Chee Woo  Daniel Wood  Brian Callahan

D.O.’s for Licensure

Dr. Colmorgen moved, seconded by Ms. Ryan, to approve the following osteopathic doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Simona Eng  Evan Gruber  James Padula  Kevin Turner
Physician Assistants for Licensure

Dr. Cooper moved, seconded by Dr. Colmorgen, to approve the following Physician Assistants for licensure as noted below. Motion unanimously carried.

Chloe Bossenbroek  Natalie Hommes  Nancy Lemoi  Margaret McPeak
Michael Poon  Katherine Prevas  Tessa Rolnick  Christopher Shetler
Stephan Simon  Natalie Tyre  Mitchell White  Jacqueline Wright

Physician Assistants for Prescriptive Authority – Controlled and Non-Controlled

Dr. Cooper moved, seconded by Dr. Colmorgen, to approve the following Physician Assistants for controlled and non-controlled prescriptive authority as noted below. Motion unanimously carried.

Jason Aulffo  Christina Barnett  Christina Bonilla  Erin Bordley
Matthew Bunker  Rosemarie Ciarrocchi  John Constance  Heather Edmunds
Alicia Edelblute  Lauren Elliott  Richard Falcioni  Lisa Gahagen
Samatha Geboff  Teresa Kitko  Tanis McCowan  Tiwana Miller
Kathleen Murphy  Linhda Nguyen  Kristin Norquest  Eric Pippi
Katherine Prevas  Tessa Rolnick  Dennis Shaw  Christopher Shetler
Stephan Simon  Jennifer Tallis  Lauren Tavani  Alaina Vincent
Kathryn Vosbury  Lauren Wheeler  Mitchell White  Lefteria Konstantopoulas

Respiratory Care Practitioners for Licensure

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following Respiratory Care Practitioners for licensure as noted below. Motion unanimously carried.

Lorraine Bertuola  Leah Collings  Michelle Coolahan  Nicole Flaherty
Tyneshia Gardner  Deanna McCollough  Nora Nguyen

Paramedics

Dr. Colmorgen moved, seconded by Dr. Rattay, to approve the following Paramedics for licensure as noted below. Motion unanimously carried.

Edward Engdahl  Matthew Gau  Patrick Naumann  Magdalena Stewart

Genetic Counselors

Dr. Colmorgen moved, seconded by Dr. Richard, to approve the following Genetic Counselors for licensure as noted below. Motion unanimously carried.

Christy Hartshorne  Vivien Narcisa  Joanna Reinwald  Amy Rooney
Jennifer Sabatino

Advanced Practice Nurses for Prescriptive Authority

Dr. Rattay moved, seconded by Dr. Colmorgen, to approve the following Advanced Practice Nurses for Prescriptive Authority as noted below. Motion unanimously carried.
Review and Consider Order from the Respiratory Care Practice Advisory Council Proposing to Approve the Respiratory Care Practitioner Licensure application for Joseph Toto

The board reviewed the Order recommending licensure for Joseph Toto as a Respiratory Care Practitioner. Dr. Cooper moved, seconded by Ms. Ramsey, to accept the recommendations. Motion unanimously carried.

Review and Consider Order from the Respiratory Care Practice Advisory Council Proposing to Vacate the October 1, 2013 Disciplinary Order for Dawn Smith, R.C.P.

The board reviewed the Order from the Respiratory Care Practice Advisory Counseling recommending that the board vacate the October 1, 2013 Order for Dawn Smith, R.C.P. Dr. Colmorgen moved, seconded by Dr. Cooper, to vacate the Order. Motion unanimously carried.

Review of Physician Application from Fred Fishman, M.D. – No Direct Patient Access within the last five years

The board reviewed the application of Fred Fishman, M.D. Dr. Adams moved, seconded by Dr. Colmorgen, to propose to deny the application after determining that he has not met the requirements pursuant to Rule 7.7. Motion unanimously carried.

Review of Physician Application from Sneha Chacko, M.D. – Did not pass all steps of exam within 7 years

The board reviewed the application of Sneha Chacko, M.D. Dr. Parise moved, seconded by Dr. Cooper, to propose to deny the application after determining that he has not met the requirements pursuant to Rule 3.2.2. Motion unanimously carried.

Review of Physician Application from Doyle J. Lim, M.D. – Under investigation by hospital during employment

The board reviewed the application from Doyle J. Lim, M.D. Dr. Parise moved, seconded by Ms. Ramsey, to grant a certificate to practice medicine. Motion unanimously carried.

Request from Annie Nedumgottil for Exception to the USMLE Maximum Limit of Six Attempts

The board reviewed the request from Annie Nedumgottil for an exception to the USMLE. Ms. Nedumgottil was present and addressed the board regarding her request. Ms. Ramsey moved, seconded by Dr. Richard, to deny the request for reconsideration. Motion carried with Mr. Moore abstaining.
Discussion Regarding Vacant Physician Member Position on the Acupuncture Advisory Council

Ms. Slaughter advised the board that there is a vacant physician member position on the Acupuncture Advisory Council, which meets quarterly. Currently, a physician who is appointed to the Board of Medical Licensure and Discipline is to serve on the Council. Board members did not express an interest in serving on the Council at this time.

Review of Physician Application from Philomena Colucci, D.O. – Negative Report from Instructor and Hospital Does Not Recommend Rehiring

The board reviewed the physician application from Philomena Colucci, D.O. Dr. Dahr moved, seconded by Dr. Bakst, to grant a certificate to practice medicine. Motion carried with Dr. Colmorgen abstaining.

Other Business before the Board (For Discussion Only)

The board was advised that the Health and Human Development Committee will be reviewing House Bill 319 regarding midwifery on June 4, 2014.

Public Comment

There was no public comment.

Next Meeting Date

The board will hold their next meeting on Tuesday, July 22, 2014, at 2:30 p.m., in the 2nd floor Conference Room “A” of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business before the board, Dr. Cooper moved, seconded by Dr. Bakst, to adjourn. Motion unanimously carried. The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Jessica M. Williams
Administrative Specialist II