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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES: DELAWARE BOARD OF MEDICAL PRACTICE

MEETING DATE AND TIME: Tuesday, December 2, 2008 at 2:30 p.m.

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

MINUTES APPROVED (January 6, 2009)

MEMBERS PRESENT

Galicano Inguito, M.D., President, Presiding
Anthony Policastro, M.D., Professional Member, Vice Chairperson
Raymond Moore, Public Member, Secretary
Gregory Adams, M.D., Professional Member
John Banks, Public Member
George Brown, Public Member
Stephen Cooper, M.D., Professional Member 2:53 p.m. – 5:30 p.m.
Vance Daniels, Public Member
Sharon Jones, Public Member
Vincent Lobo, D.O., Professional Member
Karl McIntosh, M.D., Professional Member
Oluseyi Senu-Oke, M.D., Professional Member
Lindsey Slater, M.D., Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Gayle MacAfee, Executive Director
Shauna Slaughter, Administrative Specialist II

MEMBERS ABSENT

Dustin Davis, D.O., Professional Member
Nasreen Khan, D.O., Professional Member

ALSO PRESENT

Juli LaBadia, Wilcox & Fetzer, Court Reporter
Suzanne Raab-Long, Delaware Healthcare Association
Wayne Smith, Delaware Healthcare Association
Leslie Grissom, M.D., DuPont Hospital for Children
Mark Finkelstein, D.O., FAOCR, DuPont Hospital for Children
Vinay Kandula, M.D., DuPont Hospital for Children
Paul Michael Nerz, M.D.
Glenn Wolffe, M.D.

William Pfaff, M.D.
John Reed, Esq.
Bertram Lacey, M.D.

CALL TO ORDER

Dr. Inguito called the meeting to order at 2:53 p.m.

REVIEW AND APPROVAL OF MINUTES

The board reviewed the October 7, 2008 Executive Session and meeting minutes for approval. Dr. Senu-Oke moved, seconded by Mr. Brown, to approve the Executive Session and meeting minutes for approval as presented. Motion unanimously carried.

Educational Presentation by Wayne A. Smith, President of the Delaware Healthcare Association

At this time, Wayne Smith made a presentation to the Board about the Delaware Healthcare Association (DHA). He explained what the primary functions of DHA are. Some of their functions are as follows: being an advocate for hospitals, health systems, and related health care organizations; collect data and provide statistical reports; and review and approve continuing education courses. The Board asked Mr. Smith questions and thanked him for his presentation.

UNFINISHED BUSINESS

Withdrawal of Application to Practice Medicine from Mukesh Jalota, M.D.

The board reviewed Dr. Jalota's request to withdraw his application to practice medicine in Delaware. Mr. Banks moved, seconded by Dr. Senu-Oke, to accept the withdrawal request. Motion unanimously carried.

Sign Order on Hearing Held on October 7, 2008 for Michael Yuz, M.D.

The board affixed their signatures to the Order on the proposed to deny hearing for Michael Yuz, M.D.

Sign Order on Hearing Held on October 7, 2008 for Keith Johnson, M.D.

The board affixed their signatures to the Order on the proposed to deny hearing for Keith Johnson, M.D.

Sign Order on Hearing Held on October 7, 2008 for Khaled S. Mirza, M.D.

The board affixed their signatures to the Order on the proposed to deny hearing for Khaled S. Mirza, M.D.

Propose to Deny Hearing for Paul Michael Nerz, M.D.

At 3:07 p.m., Dr. Inguito called the proposal to deny hearing to order on the application submitted by Paul Michael Nerz, M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Inguito read the purpose of the hearing. The application packet and supporting documents were marked as Board Exhibit 1 for the record. Dr. Nerz presented his curriculum vitae and five letters of reference, which were all marked as Applicant Exhibit 1 for the record. Dr. Nerz was sworn in and waived his right to counsel. Dr. Nerz presented his case and responded to questions asked by the board members. At 3:20 p.m., Mr. Banks moved, seconded by Mr. Brown, to go off the record to deliberate. Motion unanimously carried. At 3:23 p.m., Mr. Banks moved, seconded by Dr. Cooper, to go back on the record. Motion unanimously carried. Dr. McIntosh moved, seconded by Dr. Cooper, to grant a waiver of the

disqualification for licensure. Motion carried with Dr. Policastro abstaining. Dr. McIntosh further moved, seconded by Dr. Slater, to grant Dr. Nerz a license to practice medicine. Motion carried with Dr. Policastro abstaining.

Propose to Deny Hearing for Glenn Wolffe, M.D.

At 3:26 p.m., Dr. Inguito called the proposal to deny hearing to order on the application submitted by Glenn Wolffe, M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Inguito read the purpose of the hearing. The application packet and supporting documents were marked as Board Exhibit 1 for the record. Dr. Wolffe waived his right to counsel. Dr. Wolffe presented a letter from Peninsula Regional Medical Group, which was marked as Applicant Exhibit 1 for the record. Dr. Wolffe was sworn in, presented his case, and responded to questions asked by the board members. At 3:37 p.m., Mr. Banks moved, seconded by Dr. McIntosh, to go off the record to deliberate. Motion unanimously carried. At 3:38 p.m., Dr. Cooper moved, seconded by Mr. Banks, to go back on the record. Motion unanimously carried. Mr. Brown moved, seconded by Mr. Banks, to grant a waiver of the disqualification for licensure and to grant Dr. Wolffe a license to practice medicine. Motion unanimously carried.

NEW BUSINESS

Request for a Waiver of Remaining Post Graduate Training from Vinay Kandula, M.D.

The board reviewed and discussed Dr. Kandula's request for a waiver of the remaining post graduate training required for foreign medical graduates.

The board observed a brief recess from 4:04 p.m. – 4:15 p.m.

Dr. Cooper moved, seconded by Dr. McIntosh, to grant a waiver of the remaining post graduate training and to grant Dr. Kandula a license to practice medicine. Motion carried with Dr. Inguito abstaining.

Continuance of Hearing on Tabled Application from Bertram E. Lacey, M.D.

At 4:38 p.m., the hearing for Dr. Bertram Lacey was continued from June 3, 2008. Ms. Reardon explained the purpose of the continued hearing. A letter of recommendation from Charu P. Mehta, M.D. and supporting documents were marked as Applicant Exhibit 1. Verbatim testimony was taken by the court reporter. Mr. Reed presented Dr. Lacey's case. Dr. Lacey was sworn in, addressed the board, and responded to questions asked by the board. Mr. Reed presented closing comments. At 4:52 p.m., the board went off the record to deliberate. At 4:53 p.m., Dr. Lobo moved, seconded by Mr. Brown, to go back on the record. Motion unanimously carried. Dr. Lobo moved, seconded by Mr. Brown, to approve Dr. Lacey for a license to practice medicine. Motion unanimously carried.

Propose to Deny Hearing for William L. Pfaff, M.D.

At 4:55 p.m., Dr. Inguito called the proposal to deny hearing to order on the application submitted by William L. Pfaff, M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Inguito read the purpose of the hearing. The application packet was marked as Board Exhibit 1 for the record. Dr. Pfaff waived his right to counsel. Dr. Pfaff was sworn in, presented his case, and responded to questions asked by the board members. At 5:05 p.m., Mr. Banks moved, seconded by Mr. Brown, to go off the record to deliberate. Motion unanimously carried. At 5:06 p.m., Dr. Cooper moved, seconded by Dr. McIntosh, to go back on the record. Motion unanimously carried. Dr. Cooper moved, seconded by Mr. Brown, to grant a waiver of the disqualification for licensure and to grant Dr. Pfaff a license to practice medicine. Motion unanimously carried.

Executive Session

At 5:08 p.m., Dr. Senu-Oke moved, seconded by Dr. McIntosh, to enter back into Executive Session for the purpose of discussing the investigation of complaints in accordance with 29 Del. C. Sections 10002(d)(3) and 10004(b)(6). Motion unanimously carried.

At 5:30 p.m., Dr. Lobo moved, seconded by Mr. Banks, to come out of Executive Session. Motion unanimously carried.

Results of Both Executive Session Discussions

Dr. Cooper moved, seconded by Dr. Senu-Oke, to accept the Consent Agreement relating to case #10-78-07. Motion unanimously carried. Signatures were affixed to the Board's Order at this time.

Dr. Cooper moved, seconded by Dr. McIntosh, to accept the Consent Agreement relating to case #10-17-07. Motion unanimously carried. Signatures were affixed to the Board's Order at this time.

Dr. McIntosh moved, seconded by Dr. Senu-Oke that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not proceed further and that the following investigations be closed as noted without prosecution in the following cases. Motion unanimously carried.

<u>Cases Closed</u>		<u>Cases Closed with Letter of Concern</u>	
10-17-08	10-35-08	10-24-07	10-102-07
10-48-08		10-10-08	10-52-08
		10-55-08	

NEW BUSINESS

Review of Applications for Registration and Licensure

Physicians for Licensure – Medical and Osteopathic – Dr. Senu-Oke moved, seconded by Dr. Slater, to approve the following medical doctors and osteopathic doctors for a certificate to practice medicine and place Dr. George Williams on the list of M.D.'s for licensure, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

M.D.'s for Licensure

Michael Armstrong	Rosalie Auster	Maryam Awan	Patricia Blackwell
Joseph Benson	Reono Bertagnolli	Claire Coggins	Laura Cook
Angela Fanizza-Orphanos	Scott Fudenberg	Sarvin Ghavam	M. A. Hamadeh
Vaseem Iqbal	Ihab Kamel	Cassandra Kirkpatrick	Lisa Lerner
Daniel Leung	Liang Liu	Joshua Muyderman	Priyanka Nath
Kyle Nielson	Michael Nillas	Thomas Otter	Seth Rosenthal
Margot Savoy	Tara Sheets	Ernest Soffronoff	Paul Stagg III
Jonathan Stephenson	Guy Takahashi	Emily Teeter	Jennifer Ty
George Williams			

D.O.'s for Licensure

Jane Cook	Patrice Kruszewski	Stephen McCaughan	Collette Mehring
Walter Uyesugi			

Physician Assistant(s) for Licensure

Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the following physician assistants for licensure as noted below. Motion unanimously carried.

Leteria Arriaga	Brittany Dixon	Kyra Downing	Clinton Harris
Seth Mahan	Gretchen Reynolds	Stellini-Turner	Tamara Twardowski
Nathan Welle	William Whalen	Jennifer Zone	

Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the following physician assistants for prescriptive authority as noted below. Motion unanimously carried.

Physician Assistants for Prescriptive Authority – Controlled

Leteria Arriaga	Brooke Bangtson	David Davenport	Brittany Dixon
Frank Fader	Anna Freeman	Raffaella Gallo	Samantha Hollis
Malcolm Owens	Jaime Pedraza	Shakara Spencer	Stephanie Stellini-Turner
Mary Storm	Nathan Welle		

Physician Assistants for Prescriptive Authority – Non-Controlled

Leteria Arriaga	David Davenport	Frank Fader	Anna Freeman
Raffaella Gallo	Clinton Harris	Malcolm Owens	Shakara Spencer
Stephanie Stellini-Turner	Mary Storm		

Respiratory Care Practitioners for Licensure

Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the following respiratory care practitioners for licensure as noted below. Motion unanimously carried.

David Eller	Christopher Houdart	Sharon Howard	Jennifer Ledbetter
Sophia Mauti	James Reed		

Paramedics

Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the following paramedic for licensure as noted below. Motion unanimously carried.

Ryan Deck	Brandon Rogers	Jason Stadler	Paul Stillman
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Advanced Practice Nurses for Prescriptive Authority

Dr. Lobo moved, seconded by Mr. Banks, to approve the following Advanced Practice Nurses for Prescriptive Authority as noted below. Motion unanimously carried.

Family Nurse Practitioners

Melanie Hurst

CRNA

Ronald Castaldo

Gerontology Nurse Practitioner

Jessica Vann

Women's Health Nurse Practitioner

Ludora Riegel

Proposed Legislation for Next Legislative Session Resulting from Legislative Committee Meeting Held on October 23, 2008 – Ms. Reardon

Ms. Reardon requested that this agenda item be tabled until the next board meeting.

Tabled Discussion on Creating a General Outreach Program for Physicians

The board determined that a letter would be prepared on behalf of the board to make all physicians aware of their responsibility to communicate with other physicians involved in a patient's care. Examples of the types of cases that have been reviewed by the board will be noted in the letter. The letter will be drafted by Dr. Adams for the board's review at their next scheduled meeting.

Tabled Discussion on Call for Nominations of Candidates for Elected Office for the Federation of State Medical Boards – Dr. Inquito

Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the nomination of Dr. Inquito to run for an office on the Board of Directors of the Federation of State Medical Boards. The motion passed unanimously. Dr. Senu-Oke moved, seconded by Dr. McIntosh, to approve the nomination of Mr. Moore to run for an office on the Nominating Committee of the Federation of State Medical Boards. The motion passed unanimously.

Review Application for Licensure from Mark Trochimowicz, M.D.

The board reviewed and tabled the application from Mark Trochimowicz, M.D. for a certificate to practice medicine pending the receipt of further information.

Proposed Meeting Dates for 2009

The board reviewed and accepted the proposed meeting dates for 2009.

OTHER BUSINESS BEFORE THE BOARD (For Discussion Only)

There was no other business before the Board.

Public Comment

There was no public comment.

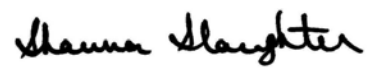
Next Meeting

The board will hold their next meeting on Tuesday, January 6, 2009 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, Mr. Brown moved, seconded by Dr. Adams, to adjourn.
The meeting adjourned at 5:50 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Shauna Slaughter". The signature is written in a cursive, flowing style.

Shauna Slaughter
Administrative Specialist II