

**NORTH DAKOTA BOARD OF MEDICINE**

**March 27, 2020**

**Call to Order:**

Rup Nagala, MD chair, called the meeting to order at 8:03 a.m., through Zoom conferencing. The attendance was as follows:

Michael Quast, MD	Present
Rup Nagala, MD, Chair	Present
Thomas Carver, DO	Present
Lacey Armstrong, MD	Present
Robert Sticca, MD, Vice Chair	Present
Ann Reich	Present
Jay Metzger, PA-C	Present
Brenda Miller, MD	Present
Darin Leetun, MD	Present
Catherine Houle, MD	Present
Sara Solberg, MD,	Present
Vaune Johnson	Present
Rajendra Potluri, MD	Present

Staff present: Bonnie Storbakken, executive secretary; Lynette McDonald, deputy executive secretary; Marijo DeMott, recording secretary; and Stacy Moldenhauer, legal counsel.

Guests present: Courtney Koebele, representing the North Dakota Medical Assn; Melissa Hauer, representing the North Dakota Hospital Association; Marnie Walth from Sanford; Ann Leiseth, representing the NDPHP; Jon Jerlinek; Janelle Holth; Todd Ternes; Stan Ziomek, MD, an interviewee and Stephen Pappachen, MD, an interviewee.

**Minutes:**

Dr. Miller moved to approve the minutes of the November 22, 2019 minutes as written. Dr. Solberg seconded the motion. The motion passed unanimously.

**Questions about COVID-19:**

The Board was provided a copy of an Executive Order regarding practice in the state during the COVID-19 pandemic. No action was taken.

**Physician Waiver of Interview:**

Dr. Sticca moved to approve the waivers of interview for physician licensure applicants as presented. Jay Metzger, PA-C seconded the motion. The motion passed unanimously by a roll call vote of the panel with Dr. Potluri absent from the vote.

**Physician Assistant and Genetic Counselor Waivers of Interview:**

Jay Metzger, PA-C motioned to approve the waiver of interview for the Physician assistants which was seconded by Dr. Sticca and passed unanimously by a roll call vote of the Board with Dr. Potluri being absent from the vote. Dr. Solberg motioned to approve the waiver of interviews for the genetic counselors which was seconded by Vaune Johnson and passed unanimously.

**Interstate Medical Licensure Compact (IMLC) Report:**

Lynette provided a report to the Board on the IMLC. She stated that we currently had nine (9) licenses that were issued using North Dakota as the state of principle licensure (SPL) and 88 licenses issued without North Dakota as the state of principle licensure (NSPL) since our last meeting.

**Investigative Panel A Report:**

Dr. Sticca reported that Investigative Panel A reviewed 23 cases: three letters of concern were issued, five were referred for further review, two Stipulations were approved, one case was re-reviewed and the panel upheld the original decision, and 12 cases were dismissed. Four Stipulations for CME compliance were approved.

**Investigative Panel B Report:**

Dr. Solberg, Chair, reported Investigative Panel B reviewed 24 cases: 10 were dismissed, two were referred for further review, four letters of concern were issued, three were referred for action, and five Stipulations were approved.

**IPA vs Walter Berger, III, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which requires an indefinite suspension of Dr. Berger's license. Dr. Solberg made a motion to approve the Stipulation and Order which was seconded by Dr. Houle and passed unanimously by a roll call vote of Panel B with the addition of Dr. Armstrong and Dr. Quast from Panel A as they did not participate in the investigation of the matter with Panel B.

**IPA vs Temp R. Patterson, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which requires an indefinite suspension of Dr. Patterson's license. Dr. Solberg made a motion to approve the Stipulation and Order which was seconded by Dr. Miller and passed unanimously by a roll call vote of Panel B.

**IPB vs Matthew S. Viscito, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which requires proctoring of Schedule II and III controlled substances as well as requiring Dr. Viscito to take a prescribing course within six months of the Order. Dr. Carver made a motion to approve the Stipulation and Order which was seconded by Dr. Potluri and passed unanimously by a roll call vote of Panel A with the addition of Dr. Potluri as he did not participate in the investigation of Dr. Viscito with Panel B.

**IPB vs. Herbert W. Jones, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which requires Dr. Jones to participate with the NDPHP for a period of five years. Dr. Sticca made a motion to approve the Stipulation and Order which was seconded by Dr. Quast and passed unanimously by a roll call vote of Panel A with the addition of Dr. Potluri as he did not participate in the investigation of Dr. Jones with Panel B.

**IPB vs. Timothy M. Rittenour, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which revokes Dr. Rittenour's license. Dr. Armstrong made a motion to approve the Stipulation and Order which was seconded by Ann Reich and passed unanimously by a roll call vote of Panel A.

**IPB vs. Frederick J. Mosley, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which requires Dr. Mosley to take an ethics course within six months of the Order. Dr. Sticca made a motion to approve the Stipulation and Order which

was seconded by Dr. Armstrong and passed unanimously by a roll call vote of Panel A with the addition of Dr. Potluri as he did not participate in the investigation with Panel B.

**IPB vs. LaVonne Berg, MD:** Stacy explained the case and the Board was presented with a signed Stipulation to resolve the case which revokes Dr. Berg's license. Dr. Carver made a motion to approve the Stipulation and Order which was seconded by Dr. Armstrong and passed unanimously by a roll call vote of Panel A.

**Orders of Completion:**

**Mary Clifton, MD:** Ann Reich made a motion to approve the Order of Completion for Dr. Clifton which was seconded by Dr. Sticca and unanimously approved by a roll call vote of the Board.

**Stanley C. Gallagher, DO:** Dr. Potluri made a motion to approve the Order of Completion for Dr. Gallagher which was seconded by Dr. Leetun and passed unanimously by a roll call vote of the Board.

**Petition to the Board:**

**Elena Polukhin, MD:** Dr. Polukhin made a petition to reinstate her license which was recently suspended indefinitely due to a federal conviction relating to Medicaid kickbacks. There was discussion of the recency of the suspension of Dr. Polukhin's license. Dr. Solberg made a motion to deny the petition to reinstate her license which was seconded by Dr. Miller and unanimously approved by a roll call vote of the Board.

**Eligibility:**

**William J. Hardman, MD:** Dr. Hardman is a pathologist who had been teaching and been employed as a lab director. The Board discussed the teaching and lab director role and the need to be current in his area of expertise in order to teach. Dr. Potluri made a motion to grant eligibility of licensure to Dr. Hardman which was seconded by Dr. Quast and passed unanimously by a roll call vote of the Board.

**Petition of Cody Baxter, PA-C:** This was a petition to practice at a place specifically approved of by the Board. The Board discussed his petition and the fact that he would have Jennifer Jones-Dees, MD as a supervising physician in this place of practice. Dr. Solberg made a motion to approve the petition which was seconded by Dr. Houle and passed by a roll call vote of the Board with all members voting yes except for Dr. Leetun who voted no.

**Board Interviews:**

**Stanley Ziomek, MD:** Dr. Carver led the interview of Dr. Ziomek. Dr. Ziomek answered questions about his practice history and issues he encountered in Arkansas. Dr. Sticca made a motion to approve his license which was seconded by Dr. Houle and passed unanimously by a roll call vote of the Board.

**Stephen Pappachen, MD:** Dr. Miller led the interview of Dr. Pappachen. Dr. Pappachen answered questions about his history, the work he will be doing and whether or not an Administrative License would be better suited for his proposed work. The Board chose to table a decision on this application to allow Dr. Pappachen to reconsider whether an Administrative License would be best.

**NDPHP Report:**

Ann Leiseth and Dr. Melissa Henke provided the NDPHP report: There are currently 45 active clients; 11 of who are board ordered and 22 participants are voluntary. Two were recently closed out.

**CHI Inquiry from Ken Kester:**

This was an inquiry on the need for licensure for tele antimicrobial stewardship service. The Board discussed the need to hold an active license in ND. Bonnie would communicate this to Mr. Kester.

**Proposed Budget 2020:**

Vaune Johnson reviewed the budget and discussed that she met with Bonnie and Lynette regarding the budget. Dr. Solberg made a motion to approve the budget which was

seconded by Dr. Potluri and passed unanimously by a roll call vote of the Board.

**Policies Update:**

**Employee Service Purchase Policy:** The Board discussed the service purchase policy and the direction given at the last meeting to keep this policy open to allow the remaining staff member the opportunity to utilize the policy and then place it back on the agenda in March with the intent to remove the policy. The staff who were eligible have utilized the policy and no other current staff are eligible. Dr. Quast made a motion to remove the policy which was seconded by Dr. Houle and passed unanimously by a roll call vote of the Board.

**Updates from the Executive Secretary:** Bonnie provided outlines of the roles of Board members, counsel, and staff. There was a brief discussion on the roles of both general and litigation counsel and the differences within each role. An update was given on the successful repeal of the USMLE 7-year rule. Bonnie reminded members to fill out the questions for the strategic planning committee.

Bonnie provided recommendations on transition plans relating to her possible employment change. Dr. Sticca recommended the formation of a transition/hiring committee to be able to assemble if needed between now and the next meeting. Dr. Sticca, Dr. Nagala, Dr. Solberg, Ann Reich and Dr. Quast all volunteered to be members of the committee.

**Office Matters:**

Bonnie and the Board congratulated Dr. Nagala on his award from Sanford. There was some discussion on how the Board proceeds with the legislative session as well as how the panels and Board handle assignments of cases.

**Adjournment:**

Dr. Sticca moved to adjourn the meeting. Dr. Solberg seconded the motion. The motion passed unanimously. Dr. Nagala adjourned the meeting at 11:30 a.m.