

AGENDA

CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, October 16, 2012 at 1:30 PM

LEGISLATIVE OFFICE BUILDING
300 CAPITOL AVENUE – ROOM 1-A
HARTFORD, CT

CALL TO ORDER

I. APPROVAL OF MINUTES

September 18, 2012

II. UPDATES

- A. Chair Updates
- B. Information Updates
Department of Public Health

III. OLD BUSINESS

- A. Petition for Declaratory Ruling - Colonic Irrigation

IV. NEWBUSINESS

Third Proposed Memorandum of Decision
Mary Jane Brackett, MD - Petition No. 2009-200970

V. OFFICE OF LICENSURE REGULATION AND COMPLIANCE

- A. Rosa Roberts (unlicensed) – Petition No. 2012-788
Presentation of Consent Order – Matthew Antonetti, Principal Attorney, DPH
- B. William Stephan III, MD – Petition No. 2011-847
Presentation of Consent Order – Matthew Antonetti, Principal Attorney, DPH

VI. 120 DAY EXTENSIONS

M. Ajemian, MD
M. Anthony, DO
Paul Sygall, MD
T. Westbrook, MD

ADJOURN

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD
MINUTES of September 18, 2012**

The Connecticut Medical Examining Board held a meeting on Tuesday, September 18, 2012 at the Legislative Office Building, 300 Capitol Avenue, Hartford, Connecticut in conference room 1-A.

BOARD MEMBERS PRESENT: Anne Doremus, Chairperson
Raymond Andrews, Jr., Esq.
Douglas Fellows, MD
David M. Goldenberg, MD
Jeffrey A. Gordon, MD
Robert Green, MD
Henry Jacobs, MD
Michael Lindberg, MD
Patricia Loving, PA
Edward McAnaney, Esq.
Daniel Rissi, MD
Howard Sadinsky, DO
C. Steven Wolf, MD

BOARD MEMBERS ABSENT Rabbi Dov Greer

Ms. Doremus called the meeting to order at 1:30 p.m.

I. MINUTES

The draft minutes of the June 19, 2012 and August 21, 2012 meetings were reviewed. Dr. Green made a motion to approve the minutes. The motion passed.

II. UPDATES

- A. Chair Updates
 - 1. Monthly tracking of pending cases.
 - 2. Hearing assignments.

- B. Department of Public Health
 - None

III. NEW OFFICE BUSINESS

A. Petition for Declaratory Ruling regarding Colonic Irrigation
Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board. Caroline C. Baisley, Director of Health, and Teresa Meade Health Inspector, Town of Greenwich addressed the Board regarding the petition for a declaratory ruling which asks whether colonic irrigation for non-medical use may be administered by unlicensed non-medical personnel in a non-medical facility without medical supervision or consultation. Following discussion Dr. Goldenberg made a motion, seconded by Dr. Green, to issue a ruling stating that "colonic irrigation" is a medical procedure which is within the scope of practice of a physician under § 20 -9 of the Connecticut General. The motion passed with all in favor except Mr. McAnaney and Mr. Andrews.

B. Edwin Njoku, M.D - Request for Stay on Demand for Payment of Fine

Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board. Attorney Richard Brown was present on behalf of Dr. Njoku requesting that payment of a \$25,000.00 civil penalty, imposed pursuant a Memorandum of Decision dated June 19, 2012, be stayed pending an appeal filed in Superior Court.

Mr. Andrews made a motion, seconded by Ms. Loving, to grant the request. The motion passed with all in favor except Dr. Wolf who recused himself from voting.

C Second Proposed Memorandum of Decision

Mary Jane Brackett, MD - Petition No. 2009-200970

Respondent was present with attorney Jason Prueher. Assistant Attorney General Daniel Shapiro was present to provide legal advice to the Board.

Dr. Rissi, chairman of the hearing panel, and Dr. Sadinsky, provided a synopsis of the hearing panel's findings and recommendations.

Mr. Andrews spoke in opposition to the decision as written. Mr. Andrews made a motion, seconded by Dr. Lindberg, that the proposed decision be modified by adding a provision that respondent complete a course in medical ethics during the period of probation. The motion passed with all in favor except Dr. Jacobs who recused himself from voting.

D Proposed Memorandum of Decision

David Goodkind, MD - Petition No. 2008-0310-001-045

Attorney Brittany Cates was present on behalf of respondent.

Dr. Fellows made a motion, seconded by Dr. Gordon, to adopt the decision which dismisses the charges against Dr. Goodkind. The motion passed unanimously. Ms. Doremus signed the Order.

Dr. Goldenberg left at 2:30 p.m.

E Request for continuance of hearing

Prem Nath, MD - Petition No. 2009-20091373

Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board. Attorney David Tilles was present for the Department of Public Health. Respondent was not present or represented.

The Board reviewed a request from respondent for a continuance of a hearing scheduled for October 5, 2012 due to an ongoing medical condition which makes him unable to participate in the hearing. This hearing was continued from October 7, 2011 due to the same medical condition.

Mr. McAnaney made a motion, seconded by Dr. Wolf, that the request be denied and that the hearing proceed as scheduled during which the hearing panel can make a determination if respondent is able to participate in the hearing process. The motion passed unanimously.

IV. LEGAL OFFICE BUSINESS

A. Howard Kaplan, MD – Petition No. 2011-1129

Diane Wilan, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was present with counsel.

Mr. McAnaney made a motion, seconded by Dr. Jacobs, adopting the Consent Order with the removal of the language “except in emergency situations “from paragraph 2 on page 2. The motion passed unanimously. Ms. Doremus signed the Order, as amended, which imposes a period of probation and a prescribing restriction.

B. Jeffrey Sandler, MD – Petition No. 2012-29

Matthew Antonetti, Principal Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was present with Attorney Kevin Tepas.

Dr. Jacobs made a motion, seconded by Dr. Green, to adopt the Consent Order. The motion passed unanimously. Ms. Doremus signed the Order which imposes a \$500.00 civil penalty.

V. **EXECUTIVE SESSION**

Dr. Jacobs made a motion, seconded by Dr. Fellows, to enter executive session to obtain advice from the Assistant Attorney General in a Superior Court matter of Jyoji T. Bristol, MD v. Connecticut Medical Examining Board - HHB-CV-12-5015602-S. The motion passed unanimously and the Board entered executive session from 3:04 p.m. to 3:09 p.m. No motions were made and no votes were taken in executive session.

VI. **ADJOURNMENT**

As there was no further business, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

Anne C. Doremus, Chairperson