

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, October 14, 2015 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey for Disciplinary Matters Pending Conclusion, open to the public. The meeting was called to order by Karen Criss, R.N., C.N.M. Board Vice President.

PRESENT

Board Members Angrist, Berkowitz, Cheema, Criss, DeLuca, Kubiel, Lopez, Maffei, Miller, Parikh, Rao, Rock, Scott and Shah.

EXCUSED

Board Members, Steven Berkowitz, McGrath, Metzger and Miksad.

ABSENT

ALSO PRESENT

Assistant Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman Gelber and Warhaftig, Deputy Attorneys General Hafner, Levine, Merchant, Palan, Puteska, Sauchelli, William V. Roeder, Executive Director of the Medical Board, Sindy Paul, M.D., Medical Director and Harry Lessig, M.D., Consultant Medical Director.

II. RATIFICATION OF MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED
VOTED TO APPROVE THE AUGUST 12, 2015 OPEN
BOARD MINUTES FOR DISCIPLINARY MATTERS
PENDING CONCLUSION.

III. HEARINGS, PLEAS AND APPEARANCE

10:00 AM THOMAS, Eric, M.D., 25MA08857700
Complaint #96131
Michael Keating, Esquire for Dr. Thomas
Jillian Sauchelli, DAG, Prosecuting
Steven Flanzman, SDAG, Counseling

The Acting Attorney General filed an Order to Show Cause and Verified Complaint, with accompanying letter brief and exhibits, seeking the Temporary Suspension of Dr. Thomas' license to practice medicine and surgery in the State of New Jersey. The Complaint is based on allegations that Dr. Thomas failed to adhere to the appropriate standards of medication management in his prescribing of CDS, including his failure to employ safeguards necessary, such as, drug screens, pain management agreements and the use of the Prescription Monitoring Program, in order to prevent drug abuse and/or diversion of prescription medications. Oral Argument was scheduled on the Order to Show Cause.

After the attorneys placed their appearance on the record, DAG Sauchelli argued to the Board that this case is about a licensee that failed to appropriately treat and follow up on the medical conditions of his patients, particularly in the areas of diabetes and high blood pressure. The records demonstrate that he fails to follow up on high A1C or pressure readings. Additionally, and as alleged in the verified complaint, he often inappropriately prescribed CDS without performing the appropriate examination

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

and/or diagnostic testings. In each of the seven cases, she continued, Dr. Thomas in each and every facet of his practice places his patients in clear and imminent danger. She urged the Board to grant her application and assured that Board that after reviewing the evidence, it would conclude that Dr. Thomas lacks the necessary judgment and is incapable of safely practicing medicine and surgery.

Mr. Keating in his opening statement asked the Board to consider that Dr. Thomas has been practicing for a number of years without blemish. He reminded the Board that the State has the high burden and must demonstrate that Dr. Thomas' continued practice poses an imminent risk of harm. He posited that the State cannot meet that burden. He noted that the State's case is largely based on an expert report and that the expert was not being produced at the hearing to testify. Upon closer scrutiny, he believed that the Board would see the multiple factual errors in the expert's report, which are of significance because many of his conclusions are based on insufficient information. The report also fails to mention many of the positive aspects of Dr. Thomas' practice of medicine. Mr. Keating planned to demonstrate that, for example, the allegation that Dr. Thomas failed to appreciate the diagnosis, is not supported by the seven patient records at issue, which demonstrate that Dr. Thomas did follow the patient by ordering additional tests and adjusting medications. Mr. Keating continued by arguing that the expert report upon which the Attorney General bases his allegations is flawed and conclusory without the backup of the medical record to substantiate his conclusions.

The second component of the Attorney General's case was

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

addressed by Mr. Keating, namely, the prescribing aspect of his practice. He informed the Board that Dr. Thomas will, during his testimony explain his method of treating patients with CDS and Mr. Keating suggested that part of the confusion and misconceptions about his treatment of his patients is a result of the electronic medical record system. The allegation that he did not do the initial workup is not supported by the patient records and the files. Dr. Thomas, according to Mr. Keating, always tried the most conservative approaches first and continually reassessed the patient and only as an ultimate recourse prescribed CDS. Contrary to the allegations, Dr. Thomas did check the PMP for patients. In the one instance of discovered “doctor shopping,” he did confront the patient and noted that in the chart. When the patient continued to be non compliant, Dr. Thomas discharged him from the practice. The charts also demonstrate that there were routine monthly urine tests and reassessments of each patient. Mr. Keating conceded that Dr. Thomas was aware that there were some illegal substances in the urine screens, but in those instances he counseled the patient and warned them of the consequences if it continued to be found. At the same time, he would increase the amounts of urine screens and put the patients on notice that Dr. Thomas would not tolerate illegal or non prescribed drugs and if necessary, Dr. Thomas would discharge the patient from the practice. Mr. Keating concluded by stating that the evidence did not support the allegations of the Verified Complaint and even less, the Temporary Suspension Application.

The Attorney General offered Exhibits 1-10 as attached to the Verified Complaint and Certification into evidence. Hearing no objection by Mr. Keating, Ms. Criss accepted them into evidence. The Attorney General concluded his case in chief.

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

Mr. Keating called Dr. Thomas and after being sworn in, he offered a summary of his background, including his education and training. His practice generally consists of internal medicine, specializing in diabetes and hypertension. He does not consider himself to be a pain management specialist, although, in his practice, he does treat some patients that have pain, but in his role as their primary care doctor. He recalled the genesis of this case was that the DEA asked for some patient charts because they identified him as prescribing a high volume of CDS. Dr. Thomas explained that he cooperated with the DEA's investigation and voluntarily turned records over. At the same time, he relinquished his ability to prescribe CDS since May, 2015. Dr. Thomas estimated that this has had a minimal effect on his practice and estimated that at best, he has experienced a 15 to 20% drop in his patient population as a result. About one in four of his patients has been diagnosed with diabetes and further suggested that about a quarter of his patients suffer from high blood pressure. He assured the Board that when it reviews the records, the Board will determine that his findings and any discussions with the patient are memorialized in his charts. He also characterized his treatment in both these areas as "aggressive" and often schedules followups on a weekly basis.

In addressing his pain management patient population, he described them as patients with chronic pain. With each, he follows a similar protocol and this includes not writing any prescriptions on the first visit. He requires that these patients first have a baseline blood work done and he interviews the patients extensively, learning more about their history and manners in which they have been treating the pain. Dr. Thomas maintained that he first established a good relationship with his patients and

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

begins his treatment of pain very conservatively, adjusting as necessary, based on five or six different components. This includes and as documented in the records, a complete history and physical; social history; urine drug screens; blood tests; PMP checks; and when available, prior imaging.

Dr. Thomas addressed each individual patient demonstrating in the record where the social and patient history was recorded, the physical examination performed, recording of the vital signs, his diagnosis, and treatment plan, including what medications were prescribed. Where appropriate, he noted when he ordered imaging studies and again pointed out in the patient records when it was done. Dr. Thomas then walked the Board through the progress of his treatment of each patient as demonstrated in the records.

When there were significant changes, he pointed out those instances in the record – positives as well as negatives -- and indicated to the Board the new course of treatment he prescribed. Dr. Thomas also addressed a particular patient who violated his parole and was returned to confinement, who Dr. Thomas said he sent a letter to the prison so that the medical team there would be aware of the prisoner's overall medical condition. He also pointed out the number of notations in the record of lab work that was performed, imaging studies, followups, complications, changes in condition and consultations that were performed in each of the cases at issue in the Complaint. Dr. Thomas took issue with the State's expert's assertion that his medical judgment was flawed, citing a number of references in his patient records of all the care and followup that he performed. Dr. Thomas' only explanation was that the expert, Dr. Thomason, was not provided with all of the records, or at a minimum, a complete set of his records.

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

Specifically addressing the expert's assertion that he did not know how to treat pain, again, Dr. Thomas reiterated the protocol that he discussed earlier in his testimony. Also, when he determined that there was not significant progress being made with the management of the pain he would refer the patient to a pain management specialist in the same fashion he would refer a patient out for other medical conditions.

Dr. Thomas then turned his attention to the allegation that he failed to appreciate a patient's condition of hypertension. Using the patient charts, he highlighted portions of the chart which reflected that he treated the condition and adjusted the medication as needed and when appropriate. According to Dr. Thomas, the documents are filled with references of B/P charting and how the patient was progressing (or regressing) on each appointment.

Dr. Rao made a motion, which was seconded by Dr. Shah, to move into closed session for advice of counsel.

All parties, except counseling and administrative staff, left the room.

Returning to open session, the hearing continued with the cross-examination of Dr. Thomas by attempting to note references in the patient records that did not support his testimony. During the Attorney General's cross, there ensued some discussion concerning whether or not the State had a complete copy of the record. While Dr. Thomas acknowledged that he provided the State with a complete copy of his records, he had no assurance that the State copied and/or provided a complete set of records to the expert, or to the Board members. Mr. Keating noted that his

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

preliminary comparison between Dr. Thomas' charts and what he had been provided by the Attorney General did not match up.

UPON MOTION MADE AND SECONDED BY DRS. RAO AND ROCK, THE BOARD CONVENED IN CLOSED SESSION FOR ADVICE OF COUNSEL.

The Motion carried unanimously and all parties, except counseling and administrative staff, left the room. Returning to Open Session, it announced the following:

IN LIGHT OF THE POSSIBLE ISSUE WITH THE RECORD IN THE MATTER, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADJOURN THE HEARING UNTIL OCTOBER 22, 2015 BEFORE A COMMITTEE OF THE BOARD WITH THE DELEGATED FULL AUTHORITY OF THE BOARD TO RENDER A DECISION EFFECTIVE UPON ANNOUNCEMENT, WITH RATIFICATION, MODIFICATION AND REJECTION AT THE NOVEMBER BOARD MEETING. IN THE INTERIM, THE PARTIES WERE DIRECTED TO WORK TOGETHER ON AGREEING AS TO WHAT COMPRISES THE COMPLETE RECORD. IN THE EVENT THE PARTIES DO NOT AGREE, THEY ARE TO BRIEF THE ISSUE AND PRESENT THE DIFFERENCES TO THE COMMITTEE AS A PRELIMINARY MOTION PRIOR TO BEGINNING THE HEARING.

Noon **BUSSEY, Paul George, M.D., 25MA0778400**
Complaint #106998
Frank Hoerst, III, Esq. For Respondent
DAG Lisa Brown for Prosecution
DAG Debra Levine, Counseling

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

This matter was opened to the Board upon the filing of a Verified Complaint, along with a letter brief and exhibits, seeking the Temporary Suspension of Dr. Bussey's license to practice medicine and surgery in the State of New Jersey. The Complaint alleges, among other things, that Dr. Bussey engaged in an inappropriate, sexual relationship with a patient who, by Dr. Bussey's own diagnosis, was mentally unstable and struggling with anxiety and depression. Oral argument had been scheduled, however, the parties entered into an Interim Consent Order thereby adjourning the matter until the November Board meeting.

1:30 PM **Daniel Zimmerman, M.D.**
 GORRELL, Joseph, Esq. - For Respondent
 WARHAFTIG, Jeri, S.D.A.G. - Prosecutor

Drs. Berkowitz and Angrist recused from discussion and vote in this matter and left the room.

S.D.A.G. Warhaftig presented an emergent matter for consideration by the Board. S.D.A.G. Warhaftig said on October 6, 2015, the Physician Assistance Program ("PAP") notified the Board that a urine sample taken from Dr. Zimmerman tested positive and was confirmed positive for the presence of alcohol. On October 8, 2015, the Attorney General notified the PAP (which at that time was acting as Respondent's representative) that if the matter was not resolved, the Attorney General would file an emergent matter returnable October 14, 2015. S.D.A.G. Warhaftig said on October 9, 2015, she communicated with Dr. Zimmerman by e-mail and by telephone that the positive urine

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

specimen was referred to the Board and that Board President Berkowitz authorized the application for temporary suspension in the event the matter could not be resolved.

On Tuesday October 13, 2015, the Attorney General was notified that Dr. Zimmerman sought counsel and retained Joseph Gorrell, Esq. Thereafter, Mr. Gorrell advised he was aware of the filing of this application and that he would not put in any opposition to the application. S.D.A.G. Warhaftig advised Mr. Gorrell that the Attorney General anticipated filing sometime on October 13, 2015, and the application was filed very late in the day.

S.D.A.G. Warhaftig also reported that the history of the matter is very simple and it is the Board's own records that reveal why she was presenting the case at the meeting.

In June of 1999, the Board accepted the surrender of the doctor's license based on a documented substance abuse problem, as well as his indictment on charges arising from the delivery of Controlled Dangerous Substances to his home, substances which the records reflect he could not account for. Thereafter those charges were resolved with entry into PTI. S.D.A.G. Warhaftig said the Order of Surrender was attached to her certification as Exhibit 1. The history with this Board, S.D.A.G. Warhaftig continued, is documented in that in January of 2004, the doctor was in the process of recovery and Exhibit 2 documents the return of a restricted license to practice. Finally, in August, 2005, as demonstrated in Exhibit 3, the Board entered an Order for an unrestricted license based on the fact he had demonstrated sobriety to this Board for a number of years and the public was

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

protected even as he was permitted to practice.

S.D.A.G. Warhaftig turned the Board's attention to Exhibit 4, which is deemed a followup report this Board receives from its work with the Impairment Review Committee ("IRC") of the Alternate Resolution Program ("ARP"), typically viewed as the Minutes of the IRC in which the ARP follows a licensee's path. S.D.A.G. Warhaftig noted that in March of 2011 Dr. Zimmerman relapsed and even though it was discretionary with the Board, based on Respondent's history whether or not he should be permitted to remain in the anonymous program, this Board permitted him to enter the ARP because he had about nine years of sobriety. Based on that accomplishment essentially, he was given a new "bite at the apple" and was permitted to enter the ARP and by the end of 2011, he was back in practice as he was in full compliance with the requirement of the program.

Continuing, S.D.A.G. Warhaftig argued that Exhibits 5 and 6 show that at least twice this year Dr. Zimmerman tested positive for alcohol, a substance that he was required to be abstinent from in order to be compliant with the requirements of his treatment program. In March of 2015, the PAP reported to the Board and also to the IRC, that the doctor tested positive and that he admitted to consuming alcohol. S.D.A.G. Warhaftig argued to the Board that this was not a particularly emergent situation due to Respondent's ill health at that time, but Dr. Zimmerman appeared before the IRC and the Committee was satisfied that the public was protected and he was safe to practice, as it was determined that this was an isolated instance. S.D.A.G. Warhaftig reminded the Board that those Minutes of the Committee's decision were

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

ratified by this Board and so at that juncture, Dr. Zimmerman was receiving the treatment that he required to be in compliance.

S.D.A.G. Warhaftig continued by noting in Exhibit 6 that on or about October 6, 2015, the PAP reported to the Board that a urine specimen provided by Dr. Zimmerman in August tested and was confirmed positive for the presence of alcohol. These confirmed results were in the hands of the PAP on September 22, 2015 and the PAP took steps to remove the doctor from practice and to ascertain his status. As indicated in Dr. Baxter's letter to the Board, he opined that Dr. Zimmerman did not appear to be impaired at that point in time.

S.D.A.G. Warhaftig argued to the Board that this is not the situation where someone in the ARP first tested positive, but a situation where someone with a long and documented history of relapse and recovery had once again suffered a relapse. She reminded the Board that there are reasons that it requires urine drug screens and it is because it gives the Board the ability to catch a snapshot image of the licensee at times when maybe he is not being directly viewed by the PAP or by his treaters. S.D.A.G. Warhaftig further argued that this case is about someone who tested positive and who missed urine screens as confirmed by Dr. Baxter. Respondent left the position he was in, due to the death of his employer and he was about to start another position.

In concluding, S.D.A.G. Warhaftig said the Attorney General presented a case that is a truly dangerous, emergent situation in which a licensee has relapsed into the use of alcohol and the only implication one can take away, is that the public is not safe if Dr.

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

Zimmerman were to continue to practice. For that reason the Attorney General asked that the Board enter an Order of Immediate Temporary Suspension suspending Dr. Zimmerman's license to practice medicine and surgery in this State.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO CLOSED SESSION FOR ADVICE OF COUNSEL AND DELIBERATIONS.

All parties, except counseling and administrative staff, left the room.

Returning to open session, the Board announced the following decision.

GIVEN THE REPRESENTATION THAT RESPONDENT, THROUGH HIS COUNSEL, IS NOT OPPOSING THE TEMPORARY SUSPENSION APPLICATION AND ON THE PRESENT STATE OF THE RECORD BEFORE THE BOARD, IT CONCLUDED THAT THERE HAS BEEN A PALPABLE DEMONSTRATION OF CLEAR AND IMMINENT DANGER AND NO RESOLUTION SHORT OF A TEMPORARY SUSPENSION OF RESPONDENT'S LICENSE WILL ADEQUATELY PROTECT THE PUBLIC'S HEALTH, SAFETY AND WELFARE. IN REACHING THIS CONCLUSION, THE BOARD HAS CONSIDERED RESPONDENT'S LONG HISTORY WITH THE BOARD BEGINNING IN

1999 WHEN RESPONDENT SURRENDERED HIS LICENSE TO PRACTICE MEDICINE IN NEW JERSEY AS HE WAS INDICTED FOR A THIRD DEGREE CRIME ON CHARGES THAT HE INAPPROPRIATELY HAD LARGE AMOUNTS OF CDS DELIVERED TO HIS HOME. DESPITE HIS LICENSE'S RESTORATION, PURSUANT TO A CONSENT ORDER OF RESTRICTED LICENSE IN 2004 AND ULTIMATELY, HIS UNRESTRICTED LICENSE IN 2005, AND HIS LONG TERM SOBRIETY AND CO-OPERATION WITH THE PAP, RESPONDENT RELAPSED IN 2011 AND WAS THEN AFFORDED FURTHER CONFIDENTIAL TREATMENT. THERE HAS BEEN A DEMONSTRATION OF TWO RECENT URINES POSITIVE FOR ALCOHOL. GIVEN THE TWO RECENT INCIDENTS, THE BOARD WAS OF THE OPINION THAT AT THIS TIME NOTHING SHORT OF A TEMPORARY SUSPENSION WILL ADEQUATELY PROTECT THE PUBLIC. THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ORDER THE TEMPORARY SUSPENSION OF DR. ZIMMERMAN'S LICENSE EFFECTIVE IMMEDIATELY UPON ORAL ANNOUNCEMENT ON THE RECORD. AN ORDER MORE FULLY DETAILING THE BOARD'S DECISION AND RATIONALE WILL FOLLOW.

Motion made by Dr. Cheema and seconded by Ms. Lopez.
The Motion carried unanimously.

IV. OLD BUSINESS

ZAHL, Kenneth, 25MA05641300

Complaint #18016

Dr. Zahl, *pro se*

David Puteska, DAG, for Prosecution

The Board will recall that at its August meeting, the matter was presented for consideration on the papers on a copy of an “Order to Show Cause” in which Dr. Zahl was seeking, among other things, that his prior Orders with the Board be vacated. At the time of application, he requested oral argument. The Attorney General’s response in opposition was also provided to the Board. The Board at that time requested additional information to assist the Board in its decision concerning whether or not oral argument would be granted, as well as in considering the merits of the Order to Show Cause. The matter was placed on this Agenda for consideration and decision on the papers.

Dr. Cheema recused from vote and discussion on the matter and left the table.

UPON MOTION MADE AND SECONDED, THE BOARD MOVED INTO CLOSED SESSION FOR ADVICE OF COUNSEL AND DELIBERATIONS.

The Motion, made by Ms. Lopez and seconded by Ms. Miller, carried unanimously.

All parties, except counseling and administrative staff, left the room. The Board returned to open session.

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - October 14, 2015**

Prior to announcing its decision, it was noted that Dr. Zahl in his papers requested that Dr. Paul be recused from this matter. Inasmuch as she currently serves as the Medical Director and no longer can vote in this case, the Board considers this request moot. Dr. Zahl also asked that Ms. Criss recuse and challenged her continued eligibility to serve on the Board. Moreover, Dr. Zahl requested that SDAG Dick recuse because of her counsel in the past and that she was a defendant in the suit that was dismissed. SDAG Dick clarified for the Board the case law about the argument that seeks recusals on alleged commingling of the prosecution and counseling functions. The issues of recusals have been raised and decided before, and one court even determined it did not merit further discussion when raised anew. SDAG Dick further noted that one cannot cause recusal simply by the filing of a lawsuit. Both Ms. Criss and SDAG Dick both believed that they were able to be unbiased and could continue to participate in this matter in an objective and professional manner. Having considered Dr. Zahl's position that they are recused due to their participation in past matters and given that SDAG Dick was a defendant in a prior law suit, and both believing that they were able to be unbiased and could continue to participate in this matter in an objective and professional manner, they did not recuse.

**THE BOARD, UPON MOTION MADE AND
SECONDED, VOTED TO DENY THE REQUEST FOR
ORAL ARGUMENT AS THE BOARD DETERMINED
THAT IT HAD MORE THAN ENOUGH
INFORMATION TO DECIDE THE APPLICATION ON
THE PAPERS AS THE OVERWHELMING NUMBER**

OF ISSUES RAISED HAD BEEN DECIDED AND UPHeld IN VARIOUS COURT DECISIONS. IT WAS ALSO NOTED THAT THE COURT DENIED HIS PETITION AND REJECTED HIS ARGUMENT THAT DUE PROCESS WAS VIOLATED IN THAT HE WAS NOT GRANTED A HEARING IN THE REVIEW OF HIS ORDER.

The Motion was made by Ms. Criss and seconded by Dr. Rao.
The Motion carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. ZAHL'S PETITION TO VACATE HIS PRIOR ORDERS, BOTH OF WHICH WERE UPHeld BY THE APPELLATE COURTS. NO NEW SUBSTANTIVE ISSUES THAT WERE NOT PREVIOUSLY CONSIDERED HAVE BEEN RAISED AND THE TIME HAS MORE THAN PASSED FOR HIM TO CHALLENGE THE ORDERS. ADDRESSING THE ISSUE OF DR. LOMAZOW AND AN INTERVIEW FROM 2013, THE BOARD DID NOT FIND THAT THOSE STATEMENTS EXHIBITED A BIAS IN HIS DECISION MAKING FROM A FEW YEARS PRIOR AND SUCH BIAS CANNOT BE EXTRAPOLATED BACK IN TIME AND THEREFORE DENIED FURTHER REVIEW OF THAT ISSUE.

The Motion was made by Ms. Kubiel and seconded by Ms. Lopez.
It carried unanimously.

THE BOARD ALSO DENIED THE REINSTATEMENT

REQUEST AS PRESENTED. IT SUGGESTED THAT DR. ZAHL APPLY IN THE USUAL COURSE, SUBMITTING MATERIALS TO BE CONSIDERED INITIALLY AS A DISCUSSION ITEM BY A PRELIMINARY EVALUATION COMMITTEE. IN HIS REINSTATEMENT SUBMISSION HE SHOULD INCLUDE AT A MINIMUM HIS COMPLIANCE WITH PRIOR ORDERS, ANY ATTEMPTS AT REMEDIATION THAT HAD TAKEN PLACE, A PROPOSED PRACTICE PLAN, AS WELL AS WHY HE BELIEVES AN APPEARANCE BEFORE A COMMITTEE OF THE BOARD IS WARRANTED.

The Motion was made by Ms. Kubiel and seconded by Ms. Lopez. It carried unanimously.

This concluded the matter.

V. NEW BUSINESS

Nothing Scheduled.