



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF OSTEOPATHIC MEDICINE & SURGERY DISCIPLINARY SUBCOMMITTEE

APRIL 2, 2009 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Osteopathic Medicine and Surgery Disciplinary Subcommittee met in regular session on April 2, 2009, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

CALL TO ORDER

Paulette Lindberg, Chairperson, called the meeting to order at 10:19 a.m.

Members Present: Paulette Lindberg, Public Member, Chairperson
Kathleen Carney, Public Member, Vice Chairperson
William Cunningham, D.O.
Gale Easton, P.A.

Members Absent: Dennis Dobritt, D.O.

Staff Present: Lidia McGee, Analyst, Health Regulatory Division
Karen Carpenter, Analyst, Health Regulatory Division
Merry Rosenberg, Assistant Attorney General
Starla Walter, Board Secretary, Licensing Division
Laurie VanBeelen, Board Secretary, Licensing Division

Others Present: Barry Kane
Max Hoffman, Attorney
Douglas Vanator, D.O. (arrived at 10:44 a.m.)

APPROVAL OF MINUTES

MOTION by Easton, seconded by Carney, to approve the February 5, 2009 meeting minutes as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Carney, seconded by Cunningham, to approve the agenda as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Kyle G. Smith, D.O. – Order of Dismissal (tabled at 2/05/09 meeting)

MOTION by Carney, seconded by Cunningham, to untable the matter of Kyle G. Smith, D.O.

MOTION PREVAILED

MOTION by Easton, seconded by Carney, to accept the Order of Dismissal in the matter of Kyle G. Smith, D.O.

Discussion followed.

A roll call vote was held: Yeas: Easton, Carney, Cunningham, Lindberg

MOTION PREVAILED

Chase C. Atwood, Jr., D.O. – Consent Order and Stipulation

MOTION by Carney, seconded by Cunningham, to accept the Consent Order and Stipulation the matter of Chase C. Atwood, Jr., D.O.

A roll call vote was held: Yeas: Easton, Carney, Cunningham, Lindberg

MOTION PREVAILED

Gary L. Marsiglia, D.O. – Consent Order and Stipulation

Cunningham recused himself from the matter.

MOTION by Easton, seconded by Carney, to accept the Consent Order and Stipulation in the matter of Gary L. Marsiglia, D.O.

Discussion followed.

A roll call vote was held: Yeas: Carney, Easton, Lindberg

MOTION PREVAILED

Caroline D. Zohoury, D.O. – Consent Order and Stipulation

MOTION by Cunningham, seconded by Carney, to accept the Consent Order and Stipulation in the matter of Caroline D. Zohoury, D.O.

Discussion followed.

A roll call vote was held: Yeas: Cunningham, Easton, Carney, Lindberg

MOTION PREVAILED

Paul Howard Emerson, D.O. – Consent Order and Stipulation

MOTION by Carney, seconded by Easton, to accept the Consent Order and Stipulation in the matter of Paul Howard Emerson, D.O.

A roll call vote was held: Yeas: Easton, Carney, Cunningham, Lindberg

MOTION PREVAILED

Irwin Marcus Lutwin, D.O. – Consent Order and Stipulation

MOTION by Carney, seconded by Easton, to accept the Consent Order and Stipulation in the matter of Irwin Marcus Lutwin, D.O.

Discussion was held.

MOTION by Cunningham, seconded by Easton to table the matter of Irwin Marcus Lutwin, D.O.

MOTION PREVAILED

Arie Van Der Weide, D.O. – Administrative Complaint

MOTION by Easton, seconded by Carney, to dissolve the Summary Suspension and suspend Respondent's license for six months and one day in the matter of Arie Van Der Weide, D.O. Additionally, Respondent is assessed a fine in the amount of \$2,500 which must be paid prior to applying for reinstatement of his license.

Discussion was held.

A roll call vote was held: Yeas: Carney, Cunningham, Easton, Lindberg

MOTION PREVAILED

Irwin Marcus Lutwin, D.O. – Consent Order and Stipulation

MOTION by Easton, seconded by Carney, to untable the matter of Irwin Marcus Lutwin, D.O.

MOTION PREVAILED

Assistant Attorney General Rosenberg provided the Committee with additional facts relating to this matter.

MOTION by Cunningham, seconded by Easton, to reject the Consent Order and Stipulation in the matter of Irwin Marcus Lutwin, D.O., and submit the following counter-offer:

Respondent shall be placed on probation for a period of six months and must complete board-approved continuing education in the areas of 1) documentation/record keeping; 2) medical office management; and 3) physician prescribing/controlled substance management, which shall not count towards Respondent's CE requirements for license renewal. A member of the Board shall audit Respondent's medical charts to determine if documentation procedures are appropriate and audit prescribing practices to determine if pharmacy regulations are being complied with. A Board member will also review Physician's Assistant (PA) authorizations to ensure the authorizations are current, as well as performing a review of PA supervision and prescribing privileges. Additionally, the Board member will audit Respondent's self-prescribing practices.

Counts II, III and IV of the Administrative Complaint are dismissed.

Discussion followed.

A roll call vote was held: Yeas: Carney, Cunningham, Easton, Lindberg

MOTION PREVAILED

PUBLIC COMMENT

None

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on **Tuesday**, June 2, 2009, immediately following the regularly scheduled Michigan Board of Osteopathic Medicine and Surgery meeting, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

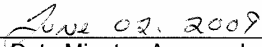
ADJOURNMENT

MOTION by Cunningham, seconded by Easton, to adjourn the meeting at 11:26 a.m.

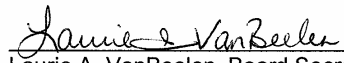
MOTION PREVAILED



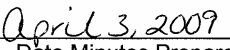
Paulette Lindberg, Chairperson



Date Minutes Approved



Laurie A. VanBeelen, Board Secretary



Date Minutes Prepared