

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

FULL BOARD

MINUTES OF MEETING

13 October 2004

Closed Executive Session

Minutes

Board Members in Attendance:

Patricia A. Nolan, M.D., MPH, Chair

Howard A. Hall, M.D.

Henry Litchman, M.D.

Stephen A. Fanning, III, D.O.

Nancy Littell, M.D.

Joseph DiPietro, ESQ.

Robert Parrillo, ESQ.

Margaret Coughlin

Dorothy Williams

Board Members Absent:

Nelia Infante

Walter E. Harper, Jr.

James Griffin, D.O.

Staff Members in Attendance:

Bruce W. McIntyre, ESQ., Deputy Chief Legal Counsel

Robert Crausman, MD, Chief Administrative Officer

Linda Julian, Investigator

1. Minutes

The minutes of the Closed Executive Session of the September 08, 2004 meeting of the Board were reviewed and approved.

2. Summary Suspension:

C04-673 Gerald M. Toso MD

This case was reviewed. Dr. Toso was suspended related to his being formally charged with 3rd degree felony sexual assault, which was felt to constitute an immediate danger to the public.

3. Consent Order:

C04-076 Jason A. Bernstein MD

On a vote of 6-0 with one member abstaining, the Consent order was

approved. Respondent is suspended for one year from practicing medicine in the state of Rhode Island commencing January 1, 2004, he shall attend the Ethics and Professionalism course at the Case Western Reserve, and future reinstatement would be limited to non-surgical specialty or administrative medicine.

5. Consent Calendar:

A. Consent Calendar:

Committee I recommends a finding of no unprofessional conduct in the following cases:

C02-093 Nasser Chahmirzadi, MD – Administrative Closure;Retired

C04-099 Shelia Connery, MD

C01-184B Michael Coppa MD

C02-272B Suhdong hahn MD

C02-113 Adib Mechrefe MD

C04-369 Dennis Priolo MD

C04-015 Alan Shurman MD

C01-184A Benjamin Vogel MD

Committee II recommends a finding of no unprofessional conduct in the following case:

C01-093 John P. Femino, MD

C03-069 Paul Koch, MD

C04-050 Henry Sachs, MD

C02-272A Simmone Stahl, MD

**C04-006 and C03-136 Marsha Smith MD – Administrative
Closure; Physician Surrendered License**

C04-448 George Benevides MD

This case was removed from the Consent Calendar. On a motion by Dr. Litchman seconded by Mr. Dipietro the Consent Calendar was approved.

6. Case Listing

Committee I:

C98-267 Harris M. Galkin MD

[committee] On a motion by Dr. Hall seconded by Dr. Griffin it was voted to make a recommendation of NUPC. Full Board Case Listing.

On a motion by Dr. Litchman seconded by Dr. Fanning the committee

recommendation of NUPC was approved. No violation R.I.G.L. 5-37

C04-052 John Heffernan MD

[committee] On a motion by Dr. Hall seconded by Dr. Griffin it was voted to make a recommendation of NUPC with a LOC regarding failure to obtain assistance from a more experienced laparoscopic surgeon when attempting a new procedure when such assistance is readily available in the community.

On a motion by Dr. Litchman seconded by Mr. Parrillo the committee recommendation was approved with a finding of NUPC and LOC. No violation R.I.G.L. 5-37

C04-196 Mary Hohenhaus, MD

[committee] On a motion by Dr. Hall seconded by Dr. Griffin it was voted to make a recommendation of NUPC. Full Board Case Listing.

On a motion by Dr. Litchman seconded by Dr. Fanning the committee recommendation was approved with a finding of NUPC. No violation R.I.G.L. 5-37

C02-140 Jan Penkala MD

[committee] On a motion by Dr. Hall seconded by Mrs. Williams it was

voted to make a recommendation of NUPC with a LOC regarding the failure of his messaging system.

On a motion by Mr. Dipietro seconded by Mrs. Coughlin the committee recommendation was approved with a finding of NUPC with a LOC regarding the possible failure of his messaging system. No violation R.I.G.L. 5-37

C04-384 Stephen Pezzullo MD

[committee] On a motion by Dr. Hall seconded by Dr. Griffin it was voted to recommend a finding of NUPC with a LOC regarding the antibiotic choices made in this case which were suboptimal. Specifically Rocephin has very limited activity (if any) in treating the most likely microorganisms involved with cat bites. Ceftin is clearly a second line agent for when penicillin or its analogs are contraindicated.

On a motion by Mr. Dipietro seconded by Mrs. Coughlin the committee recommendation was approved with a finding of NUPC with a LOC. No violation R.I.G.L. 5-37

C03-085A Michael E. Spizzirri MD

[committee] On a motion by Dr. Hall seconded by Mrs. Williams it was voted to make a recommendation of NUPC with a LOC/finding of substandard care regarding the inordinate delay in performing an indicated cesarean section.

On a motion by Dr. Litchman seconded by Dr. Fanning the committee recommendation was approved with a finding of NUPC with a LOC. No violation R.I.G.L. 5-37

C02-130 David A. Vandyke DO

[committee] On a motion by Dr. Hall seconded by Dr. Griffin it was voted to make a recommendation of NUPC with a LOC regarding inadequate documentation.

On a motion by Mrs. Coughlin seconded by Mr. Dipietro the committee recommendation was approved with a finding of NUPC with a LOC regarding inadequate documentation.

Note is made that the respondent is now participating in a Board ordered PREP program, which included remediation concerning documentation. No violation R.I.G.L. 5-37

Committee II:

C02-114A Alfred Toselli MD

C02-114B Chad Nevolla MD

[committee] On a motion by Dr. Litchman and seconded by Mr. DiPietro it was voted to recommend a finding of No Unprofessional Conduct. Full Board Case Listing.

No Violation R.I.G.L. 5-37

These 2 cases were discussed together and on a motion by Dr. Fanning seconded by Dorothy Williams the committee recommendation was approved with a finding of NUPC. No violation R.I.G.L. 5-37

C04-448 George Benevides MD

[committee] On a motion by Dr. Litchman and seconded by Mr. DiPietro it was voted to recommend a finding of No Unprofessional Conduct. Consent Calendar.

No Violation R.I.G.L. 5-37

On a motion by Dr. Fanning seconded by Dorothy Williams the committee recommendation was approved with a finding of NUPC. No violation R.I.G.L. 5-37

The meeting was adjourned at 11:30 AM