

AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, June 21, 2022 at 1:30 PM

Department of Public Health
410 Capitol Avenue, Hartford Connecticut

CALL TO ORDER

I. APPROVAL OF MINUTES

May 17, 2022

II. OPEN FORUM

III. UPDATES

- A. Chair Updates
- B. DPH Updates

IV. CONSENT ORDER DISCUSSION

Daniel Shapiro, Deputy Associate Attorney General

V. OFFICE OF LEGAL COMPLAINEE

- A. Jeffrey Stern, MD – Partition No. 2022-384
Presentation of Motion for Summary Suspension – Joelle Newton, Staff Attorney, DPH

- B. Derek William Donovan, P.A. Petition No. 2022-103
Presentation of Consent Order – Craig Sullivan, Staff Attorney, DPH

ADJOURN

Connecticut Medical Examining Board - Monthly Meeting via Microsoft Teams

Join on your computer or mobile app

[**Click here to join the meeting**](#)

Or call in (audio only)

[**+1 860-840-2075**](#) - Phone Conference ID: 147 869 060#

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 May 17, 2022**

The Connecticut Medical Examining Board held a meeting on Tuesday, May 17, 2022 via Microsoft TEAMS

BOARD MEMBERS PRESENT: Kathryn Emmett, Esq., Chairperson
Raymond Andrews, Jr., Esq.
Allyson Duffy, MD
Marie C. Eugene, DO
Michele Jacklin
Joseph Kaliko, Esq.
Marilyn Katz, MD
William C. Kohlhepp, DHSc, PA-C
Shawn London, MD
Edward McAnaney, Esq.
Jean Rexford
Daniel Rissi, MD
Harold Sauer, MD
David Schwindt, MD
Andrew Yuan, DO
C. Steven Wolf, MD

BOARD MEMBERS ABSENT: Robert Green, MD
Peter Zeman, MD

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

I. MINUTES

The draft minutes of the February 15, 2022 meetings were reviewed and approved on a motion by Dr. Green, seconded by Mr. McAnaney.

II. OPEN FORUM

None

III. UPDATES

A. Chair Updates

Chair Emmett gave an update of Medical Board/DPH workgroup discussions. The Board reviewed a synopsis of the work group discussions.

It was suggested that small work groups of Board members and staff get together to discuss the following ideas:

1. Provide Board with more information concerning facts underlying charges/consent orders, including having a Board member participate in DPH discussion of consent orders.
2. Review and improve guidelines for penalties – in particular, review and delineate range of monetary penalties.
3. Educational presentations to CMEB at each monthly meeting (whether to include as a standing item on the agenda?) – Board members to volunteer to do 5-10 minutes on topics of interest and/or outside speakers on relevant topics.
4. Add information/requirements to the license renewal process for MDs, DOs and PAs – Suggestions include a) information about concerns in regard to and protocols for examining sensitive areas (whether to suggest use of chaperones?), b) highlighting specific limitations on delegation of duties – e.g., practitioner must sign for their own controlled medications, non-licensed personnel cannot administer medications, non-licensed staff cannot operate radiological or other equipment used to diagnose or treat patients, etc., c) adding same guidance to APRNs' renewal process.

Federation of State Medical Boards (FSMB) annual meeting

Harold Sauer, MD provided a report regarding the annual meeting of the Federation of State Medical Boards which was held on April 28-30, 2022.

Department of Public Health

Christian Andresen, Section Chief, Department of Public Health, Practitioner Licensing and Investigations reported that legislation that Connecticut join the physician licensure compact effective October 1, 2022 has passed. The language is included in Public Act 22-81.

IV. NEW BUSINESS

A. Review of License Reinstatement Application

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented a licensure reinstatement application for Diana Mosteanu, MD.

Mr. McAnaney made a motion, seconded by Mr. Kohlhepp, recommending that the Department of Public Health reinstate Dr. Mosteanu's license. The motion passed unanimously.

B. Review of Application to Practice within a Medical School

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented an application for Oliver Karam, MD to allow the practice of medicine within the confines of the Yale School of Medicine. The motion passed unanimously.

V. OFFICE OF LEGAL COMPLIANCE

A. Usman Ramzan, MD – Partition No. 2022-318

Assistant to Attorney General Kerry Colson was present for this matter. Staff Attorney Aden Baume, Department of Public Health, presented a Motion for Summary Suspension in the matter of Usman Ramzan, MD. Respondent was present but was not represented by counsel.

Attorney Sullivan provided information in support of the Motion for Summary Suspension. Dr. Ramzan provided information in opposition to the Summary Suspension motion.

Ms. Jacklin made a motion, seconded by Dr. Wolf, to grant the motion for Summary Suspension. Following discussion the Board unanimously voted to deny granting the motion for Summary Suspension in that respondent's continued practice of medicine does represent a clear and immediate danger to public health and safety

A hearing regarding the Statement of Charges will be scheduled for May 24, 2022. The hearing panelists will be Dr. Katz, Ms. Jacklin and Dr. Green.

B. Marc D. Legris, M.D. - Petition No. 2021-868

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Attorney David Haught was present on behalf of respondent.

Mr. Kaliko made a motion, seconded by Dr. Wolf, to approve the Consent Order which imposes a reprimand, probation for a period of two years, and a \$10,000.00 civil penalty. The motion passed unanimously.

C. Michael Krall, M.D. Petition No. 2021-158

Staff Attorney Joelle Newton, Department of Public Health, presented a Consent Order in this matter. Attorney Stanley Peck was present on behalf of respondent.

Dr. Rissi made a motion, seconded by Dr. Wolf, to approve the Consent Order which imposes a reprimand a \$2,000.00 civil penalty, a restriction that respondent shall not prescribe, dispense, or administer medications to friends, family or himself, and a requirement that respondent provide ninety-day notice to the Department of Public Health prior to returning to practice. The motion passed unanimously.

VI. ADJOURNMENT

As there was no further business, the meeting was adjourned at 2:46 p.m..

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

CONSENT ORDER COVER SHEET

In re: Derek William Donovan, P.A.

Petition No. 2022-103

1. Respondent has held Connecticut physician assistant license number 003652 since August 5, 2016 to the present.
2. Respondent graduated from Union College Physician Assistant Program in 2015.
3. The allegations in this petition included the following:
 - a. From on or about April 17, 2020 to the present, respondent abused or utilized alcohol to excess.
 - b. From in or about January of 2020 to the present, respondent abused or utilized marijuana to excess.
 - c. On one or more occasions, during the period of time spanning from on or about June 1, 2021 to December 6, 2021, respondent falsified medical records.
 - d. On one or more occasions, during the period of time spanning from on or about June 1, 2021 to December 6, 2021, in the course of falsifying medical records, respondent intentionally made a false written statement, or statements, that he did not believe to be true, and he did so with the intent to mislead those whom he knew would come to rely upon said statement or statements.
 - e. From on or about April 17, 2021 to the present, respondent has or had an emotional disorder and/or mental illness.
4. On or about February 15, 2022, the Connecticut Medical Examining Board (hereinafter “the Board”) entered an order summarily suspending respondent’s license to practice as a physician assistant in Connecticut and originally scheduled a full hearing on the petition for February 28, 2022.
5. The respondent has requested that the hearing in this petition be continued, and he has pursued the negotiation of an acceptable consent order with the Department of Public Health (hereinafter “the Department”).
6. The responded and the Department have agreed on terms of a consent order that include, in part, the following:
 - a. Respondent’s license number 003652 to practice as a physician assistant in the State of Connecticut is reprimanded;
 - b. Respondent’s license shall be placed on probation for five years;

- c. Respondent shall submit to weekly random, observed urine screens during the first, second and fifth years of probation and twice monthly random, observed urine screens during the third and fourth years of probation;
 - d. Respondent shall participate in regularly scheduled therapy, with therapist reports submitted monthly during the first, second and fifth years of probation and quarterly during the third and fourth years of probation;
 - e. Respondent's employer shall submit employer reports monthly during the first, second and fifth years of probation and quarterly during the third and fourth years of probation;
 - f. Respondent shall attend anonymous or support group meetings eight to ten times per month, and he shall submit quarterly reports of his attendance thereat;
 - g. Respondent shall not engage in solo practice; and
 - h. Respondent shall, within the first six months of the probation, attend and successfully complete a course in professional ethics, pre-approved by the Department, and he shall provide proof, to the Department's satisfaction, of the successful completion thereof.
7. The Department and respondent respectfully request that the Board accept the proposed Consent Order.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition. Thank you.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Derek William Donovan, P.A.

Petition No. 2022-103

CONSENT ORDER

WHEREAS, Derek William Donovan of Colchester, Connecticut (hereinafter "respondent") has been issued license number 003652 to practice as a physician assistant by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. From on or about April 17, 2020 to the present, respondent abused and/or utilized alcohol to excess.
2. From in or about January of 2020 to the present, respondent abused and/or utilized marijuana to excess.
3. On one or more occasions, during a period of time spanning from on or about June 1, 2021 to December 6, 2021, respondent falsified medical records.
4. On one or more occasions, during the period of time spanning from on or about June 1, 2021 to December 6, 2021, in the course of falsifying medical records, respondent intentionally made a false written statement, or statements, that he did not believe to be true, and he did so with the intent to mislead those whom he knew would come to rely upon said statement or statements, including those acting on behalf of the Department.
5. From on or about April 17, 2021 to the present, respondent has or had an emotional disorder and/or mental illness.
6. The above facts constitute grounds for disciplinary action pursuant to the Connecticut General Statutes including, but not necessarily limited to, §§ 20-12f and 19a-17 thereof.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut

Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-12f of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-12f of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Upon the effective date hereof, this Consent Order shall supersede the February 15, 2022 summary suspension of respondent's license number 003652 to practice as a physician assistant in the State of Connecticut, and respondent shall be allowed to return to practice as a physician assistant as of the effective date hereof.
3. Respondent's license is hereby reprimanded.
4. As of the effective date hereof, respondent's license shall be placed on probation for a period of five years under the following terms and conditions:
 - a. Respondent shall participate in regularly scheduled therapy, at respondent's own expense, with a licensed therapist pre-approved by the Department (hereinafter "therapist").
 - (1) Respondent shall provide a copy of this Consent Order to respondent's therapist.
 - (2) Respondent's therapist shall furnish written confirmation to the Department of the therapist's engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be

transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.

- (4) The therapist shall submit reports monthly for the first, second and fifth years of probation; and quarterly for the third and fourth years of probation, which shall address, but not necessarily be limited to, respondent's ability to practice as a physician assistant in an alcohol and substance free state safely and competently. A report indicating that respondent is not able to practice safely and competently shall be deemed to be a violation of this Consent Order. Said reports shall continue until the therapist determines that therapy is no longer necessary, or the period of probation has terminated.
 - (5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates the therapist's services.
- b. During the entire five-year probation, respondent shall refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of marijuana, any controlled substance, and/or legend drug unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said licensed health care professional of respondent's substance abuse history. In the event a medical condition arises requiring treatment utilizing marijuana, controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and,

upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

- (1) During the first, second and fifth years of the probationary period, respondent at respondent's own expense, shall submit to weekly random, observed urine screens for alcohol, marijuana, controlled substances, Ethylglucuronide (EtG) and legend drugs; in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ('Attachment A: Department Requirements for Drug and Alcohol Screens'); during the third and fourth years, he shall submit to such screens at least twice a month. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.
- (2) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department by the testing laboratory. All screens shall be negative for the presence of drugs, alcohol, and marijuana. Respondent agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol under this Consent Order. All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
- (3) Respondent understands and agrees that if respondent fails to submit a urine sample when requested by respondent's monitor, such missed screen shall be deemed a positive screen.

- (4) Respondent shall notify each of his health care providers of all medications prescribed for respondent by any and all other health care providers.
- (5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol and as a defense of an EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports an EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.
 - c. During the entire probation, respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month and shall provide quarterly reports to the Department concerning respondent's record of attendance.
 - d. During the period of probation, respondent shall report to the Department any arrest under the provisions of Connecticut General Statutes section 14-227a. Such report shall occur within fifteen (15) days of such event.
 - e. Respondent shall provide respondent's employer at each place where respondent practices as a physician assistant throughout the probationary period (hereinafter, collectively "employer") with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of practice with a new employer. Respondent agrees to provide reports from such employer monthly for the first, second and fifth years of probation; and quarterly for the third and

fourth years of the probationary period, stating whether respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state. A report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.

- f. During the period of probation, respondent shall only practice in an office and practice setting that physically includes other licensed physicians, or physician assistants, on-site while respondent is practicing at said office and practice setting.
 - g. Respondent shall obtain written approval from the Department prior to any change in employment.
 - h. Within the first six months of the probationary period, respondent shall attend and successfully complete a course in professional ethics, pre-approved by the Department. Within fifteen days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
5. All correspondence and reports are to be addressed to:
- Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
- 6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
 - 7. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.
 - 8. Respondent shall pay all costs necessary to comply with this Consent Order.

9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9 a above to demonstrate to the satisfaction of the Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, respondent shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. If, during the period of probation, respondent practices as a physician assistant outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of a physician assistant in Connecticut, respondent shall provide the Department with thirty

(30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.

11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
14. Respondent understands and agrees that this Consent Order shall be deemed a public document and the above admitted violations shall be deemed true in any proceeding before the Board in which respondent's compliance with this Consent Order or with §20-12f of the Connecticut General Statutes, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.
15. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician assistant, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall

constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

16. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
17. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes, provided that this stipulation shall not deprive respondent of any rights that respondent may have under the laws of the State of Connecticut or of the United States.
18. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

19. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
20. Respondent understands and agrees that respondent is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which respondent is away from respondent's residence.
21. Respondent has the right to consult with an attorney prior to signing this document.
22. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.
23. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Derek William Donovan, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Derek William Donovan

Subscribed and sworn to before me this 18th day of May 2022.



Notary Public or person authorized by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18th day of May 2022, it is hereby accepted.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the _____ day of _____ 2022, it is hereby ordered and accepted.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board