

January 9, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

January 9, 2008

Nandlal Varyani, M.D., President, called the meeting to order at 1:00 p.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Deepak Kumar, M.D.; R. Gregory Browning, Ph.D.; Whitney Frank Hairston, Jr.; Andrew F. Robbins, Jr., M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: David S. Buchan, D.P.M.; Jack C. Amato, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Staff Attorney, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, David P. Katko, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Angela Scott McNair, Daniel S. Zinsmaster, and Lynn Zondorak, Enforcement Attorneys; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Sallie J. Debolt, Executive Staff Attorney; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; and Jacqueline A. Moore, Disciplinary Information Assistant.

At this time Dr. Varyani congratulated Dr. Kumar on the job he did as Board President in 2007. He presented a plaque to Dr. Kumar on the Board's behalf.

EXECUTIVE SESSION

DR. KUMAR MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION. MR. BROWNING SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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The motion carried.

Pursuant to Section 121.22(G)(3), Revised Code, the Board went into executive session.

The following joined the meeting after the executive session: Patricia A. Davidson, Chief Hearing Examiner; R. Gregory Porter and Gretchen Petrucci, Hearing Examiners.

MINUTES REVIEW

MR. BROWNING MOVED TO APPROVE THE MINUTES OF DECEMBER 12-13, 2007. DR. KUMAR SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Kimberli Jo Burback; Coleen Ann McFarland; and Kolli Mohan Prasad, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani asked whether each member of the Board understands that the disciplinary guidelines do not

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limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

KIMBERLI JO BURBACK

Dr. Varyani directed the Board's attention to the matter of Kimberli Jo Burback. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation. This report and recommendation was on the December 2007 agenda. At that time, an amendment to the Proposed Order passed, but the amended order failed to receive the necessary votes. The matter was subsequently tabled by the Board for consideration at the January 2008 Board meeting.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF KIMBERLI JO BURBACK. MR. BROWNING SECONDED THE MOTION.

Dr. Kumar advised that Ms. Burback was convicted of the heinous crime of reckless homicide. The facts aren't in dispute in this case, and the Board can't retry it. The Judge looked at the facts of the case and didn't order any jail time for Ms. Burback.

Dr. Kumar stated that there are enough mitigating factors to indicate that the incident occurred was an accident. Ms. Burback took several steps, including calling 9-1-1 and taking the victim to the hospital. Unfortunately, the victim, her husband, died.

Dr. Kumar stated that questions were raised at the December meeting about Ms. Burback's possible impairment at the time of the incident. However, it was felt that the Board couldn't consider the impairment as it was not part of the citation. The Board recognized that the crime was bad; however, it

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was suggested that the Board should have some compassion. He noted that Ms. Burback has two small children, and received excellent scores on her licensure examination.

Dr. Kumar suggested that an amendment be drafted that would grant Ms. Burback a certificate, but require her to complete a 72-hour inpatient evaluation. He advised that the amendment offered in December granted her a license and placed her on probation for five years.

Dr. Steinbergh stated that she would like to see a hard copy of any amendment before the Board votes on it. She added that she would speak against an amendment, only because Ms. Burback was convicted of reckless homicide.

Dr. Robbins agreed with Dr. Steinbergh, stating that, as he read over this case last month, and again this month, he finds that Ms. Burback was convicted of reckless homicide. He stated that, no matter what, the Board cannot retry that case. She wasn't acquitted based on a self-defense or any other issue. Dr. Robbins stated that he believes that Ms. Burback should be permanently denied a license.

Dr. Madia stated that he also agrees with Dr. Steinbergh, adding that someone convicted of homicide should be permanently denied, even though it was plea bargain.

Mr. Browning stated that, just on the simple merits of the court decision, he would agree to deny Ms. Burback a license; however, looking at the broad context of the court decision, he doesn't know a court that convicts someone of homicide, and gives no jail time without significant mitigating circumstances. Mr. Browning stated that it goes to intent. He feels that this was a gray zone. Mr. Browning noted that Ms. Burback is remorseful and didn't intend to do what she did. He added that his hunch is that the judge didn't think that she had intended to do it.

Mr. Browning stated that he feels that Dr. Kumar's suggested amendment is a good one. He doesn't know how you come back into society if this happens and you can't be a massage therapist. He stated that the Board has to look at the whole picture and not just at the conviction. Mr. Browning stated that he would support an amendment that would let Ms. Burback come back and give her the opportunity to practice.

Dr. Varyani asked whether Mr. Hairston had an opinion.

Mr. Hairston indicated that he would agree with Dr. Kumar's proposed amendment.

Dr. Egner stated that Mr. Browning's argument is compelling. On the surface you have a felony conviction, but the Board doesn't know all the facts. She added, however, that, as a massage therapist, Ms. Burback would be practicing independently. Dr. Egner stated that that's a concern for her. Generally, Ms. Burback would be alone in a room with people, and there is no supervision in that type of practice. On the other hand, she can see the point of saying that the court obviously saw this as a very different case. Dr. Egner further noted that, if the Board doesn't allow Ms. Burback the opportunity to come back into productive citizenship, the Board would be going against the court.

Dr. Varyani stated that the Board doesn't need to try this case again. Ms. Burback has two children and she

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wants to start a new life. At the time the incident in question occurred, both she and her husband were drunk. Ms. Burback was impaired. Dr. Varyani added, however, that so much time has passed since the incident. He again noted that she has two children. Dr. Varyani indicated that he would support Dr. Kumar's proposed motion.

Dr. Steinbergh stated that she appreciates the concept of someone who made a mistake getting a job, but how does a person of good judgment put herself in a situation where she could be convicted of a very serious felony, and how does the Board justify licensing such a person? Dr. Steinbergh stated that the license, itself, is important. She stated that she's not saying that Ms. Burback shouldn't get a job, but for a long time Ms. Burback did nothing about her alcoholism. Dr. Steinbergh stated that she has serious concerns about someone who commits this type of crime making appropriate decisions on patient care and being licensed by this Board.

Dr. Kumar stated that he agrees the outcome was heinous, but he asked the Board to look at the facts. She stabbed her husband in the arm. Dr. Kumar stated that if someone intends to kill someone, he doesn't go for the arm. He added that the court documentation shows that the judge was leaning more toward Ms. Burback's side than the prosecution's side.

DR. KUMAR MOVED TO AMEND THE AMENDED MOTION IN THE MATTER OF KIMBERLI JO BURBACK TO INCLUDE A REQUIRED 72-HOUR INPATIENT EVALUATION. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Madia	- nay
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- nay
	Dr. Kumar	- aye
	Dr. Steinbergh	- nay
	Dr. Varyani	- aye

The motion carried.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KIMBERLI JO BURBACK. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Madia	- nay
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- nay

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Dr. Kumar	- aye
Dr. Steinbergh	- nay
Dr. Varyani	- aye

The motion failed.

A vote was taken on the motion to approve and confirm the original Proposed Order.

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Madia	- nay
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- nay
	Dr. Steinbergh	- nay
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion failed.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO GRANT MS. BURBACK A LICENSE, PERMANENTLY REVOKE THE LICENSE, STAY THE PERMANENT REVOCATION, SUSPEND THE LICENSE FOR A MINIMUM OF THREE MONTHS, PLACE HER ON A THREE-YEAR PROBATIONARY PERIOD, REQUIRE THAT SHE UNDERGO A 72-HOUR ASSESSMENT, AND, IF SHE IS FOUND TO BE CHEMICALLY DEPENDENT, NEGOTIATE A CONSENT AGREEMENT TO INCLUDE THE STANDARD IMPAIRMENT PROBATIONARY TERMS WITH A FIVE-YEAR PROBATIONARY PERIOD. DR. KUMAR SECONDED THE MOTION.

Ms. Pfeiffer reminded the Board that it also has the option to just deny Ms. Burbach's application, not permanently deny it. Then, if she elected to come back, the Board could start the process all over again, and staff could handle this matter as an impairment issue.

Dr. Kumar stated that he's not sure that that would accomplish anything.

Mr. Browning suggested tabling this matter until the February meeting, noting that the Board still doesn't have a full roster of members.

Dr. Egner spoke against tabling this until next month, noting that it's already been tabled for a month once before. She added that, personally, she would vote for a straight denial since the earlier motion failed.

Dr. Kumar stated that he would support Dr. Steinbergh's motion because it puts more teeth into what the Board is trying to accomplish. It would give Ms. Burbach the opportunity to come back.

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Ms. Thompson asked for clarification of the motion.

DR. STEINBERGH MOVED TO TABLE THIS MATTER, TO ALLOW HER TO WORK WITH MS. THOMPSON TO DRAFT THE AMENDMENT. DR. KUMAR SECONDED THE MOTION.

Dr. Robbins stated that if Ms. Burback goes to a 72-hour evaluation, and she's been impaired since 1975, does the Board want to be involved with this person? He noted that even the judge said in the order that her conviction might deprive her of some job opportunities. He stated that, in his mind, medicine is one of the opportunities of which she should be deprived.

All members voted aye on Dr. Steinbergh's motion to table. The motion carried. The matter was brought off the table, following personal appearances by probationers. Dr. Talmage was present when the matter was removed from the table.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF KIMBERLI JO BURBACK BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **GRANT OF APPLICATION:** The application of Kimberli Jo Burback to practice massage therapy in the State of Ohio is GRANTED, provided that she otherwise meets all statutory and regulatory requirements.
- B. **REVOCATION, STAYED; SUSPENSION:** Ms. Burback's certificate to practice massage therapy in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Ms. Burback's certificate shall be SUSPENDED for an indefinite period of time, but not less than 90 days.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Ms. Burback's certificate to practice massage therapy until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Ms. Burback shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Examination for Chemical and/or Alcohol Impairment:** Ms. Burback shall submit to a 72-hour in-patient examination to determine whether Ms. Burback is impaired in her ability to practice massage therapy according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. The examination shall be undertaken by a Board-approved treatment provider chosen by the Board. The expense of the examination shall be the responsibility of Ms. Burback.

Ms. Burback shall provide continuing authorization, through appropriate written consent

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forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that conduct or provide Ms. Burback's examination or treatment for chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or examinations occurred before or after the effective date of this Order. The above-mentioned examination reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

3. **Additional Evidence of Fitness To Resume Practice:** In the event that Ms. Burback has not been engaged in the active practice of massage therapy for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of her fitness to resume practice.

D. WRITTEN CONSENT AGREEMENT IF EXAMINATION DISCLOSES

IMPAIRMENT: In the event that the examination described above in paragraph C.2 results in a determination by the provider that Ms. Burback is impaired in her ability to practice massage therapy according to acceptable and prevailing standards of care, Ms. Burback shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Ms. Burback are unable to agree on the terms of a written Consent Agreement, then Ms. Burback shall abide with any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Any written consent agreement entered into between the Board and Ms. Burback as described above shall supersede the terms and conditions set forth in this Order.

- E. PROBATION IF EXAMINATION DOES NOT DISCLOSE IMPAIRMENT:** In the event the examination described above in paragraph C.2 results in a determination by the provider that Ms. Burback is not impaired in her ability to practice massage therapy according to acceptable and prevailing standards of care, and upon reinstatement or restoration, Ms. Burback's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law and Terms of Criminal Probation:** Ms. Burback shall obey all federal, state and local laws; all rules governing the practice of massage therapy in Ohio; and all terms of probation imposed by the Cuyahoga County Common Pleas Court in criminal case number CR436106.
2. **Declarations of Compliance:** Ms. Burback shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Ms. Burback's probation becomes effective. Subsequent

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quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Ms. Burback shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Ms. Burback's probation becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Absence from Ohio**: Ms. Burback shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 5. **Noncompliance Will Not Reduce Probationary Period**: In the event Ms. Burback is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- F. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Burback's certificate to practice massage therapy will be fully restored.
- G. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of Ms. Burback's probation, or as otherwise determined by the Board, Ms. Burback shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Ms. Burback shall provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. This requirement shall continue until Ms. Burback receives from the Board written notification of her successful completion of probation.
- H. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of Ms. Burback's probation, or as otherwise determined by the Board, Ms. Burback shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Ms. Burback shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any

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state in which she applies for any professional license or reinstatement or restoration of any professional license. Further, Ms. Burback shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Ms. Burback receives from the Board written notification of her successful completion of probation.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

DR. KUMAR SECONDED THE MOTION.

Dr. Robbins stated that it appears that this proposal will probably pass; however, he will vote “no” on it. He stated that he cannot get away from the fact that Ms. Burback pled guilty to reckless homicide. Dr. Robbins commented that he doesn’t care what the judge did. If she had pled “self defense,” she could have been acquitted. Dr. Robbins stated that he doesn’t think that the practice of medicine or massage therapy is appropriate for this individual.

Dr. Steinbergh agreed, adding that she made her motion to move this case along. She stated that she doesn’t feel that what a judge does in a court of law has anything to do with what the Board should do.

Dr. Madia stated that he agrees, but will go along with the proposed amendment.

A vote was taken on Dr. Steinbergh’s motion:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Kumar	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- nay
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KIMBERLI JO BURBACK. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain

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Dr. Kumar	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- nay
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

COLEEN ANN MCFARLAND

Dr. Varyani directed the Board's attention to the matter of Coleen Ann McFarland. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF COLEEN ANN MCFARLAND. DR. STEINBERGH SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Mr. Browning stated that, to cut to the bottom line in this matter, the 72-hour evaluation performed by COMPASS, which found Ms. McFarland to be impaired due to alcohol or drug dependence, was flawed and the allegations should be dismissed accordingly.

Mr. Browning expressed concern about an organization that produces the kind of result that COMPASS produced in this case, noting that it appears that the assessor's opinion masqueraded as medical analysis. He stated that the Proposed Order, dismissing the allegations in the June 14, 2007 citation letter and granting Ms. McFarland a license, is appropriate.

Dr. Steinbergh agreed with Mr. Browning, adding that she is very concerned about the assessment in this case. She commented that, as the Board that approves these programs, it should take a look at this one.

Dr. Kumar also agreed, adding that it took too many months for the Board to get the assessment.

Dr. Kumar added that "Pakistan" is misspelled in a number of different places throughout the Report and Recommendation.

A vote was taken on Dr. Kumar's motion to approve and confirm:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

KOLLI MOHAN PRASAD, M.D.

Dr. Varyani directed the Board's attention to the matter of Kolli Mohan Prasad, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members. Dr. Varyani advised that this matter was considered by the Board at its December 2007 meeting. At that time, a motion to amend the proposed order and to take no further action on the current citation, and to release Dr. Prasad from the terms of the Board order of November 2006, had passed. A subsequent vote on the order, as amended, received a majority of "aye" votes, but failed to receive six "aye" votes. The motion was ruled as having failed due to the lack of six votes. The Board subsequently passed an amended order to take no further action. Later in the meeting, the Board was advised by counsel that only a majority vote was needed to pass the initial amendment, and that, absent further action by the Board, that amendment would go into effect. The Board subsequently moved to reconsider the matter and tabled it until the January 2008 meeting. Pursuant to the vote for reconsideration, the original proposed order is once again before the Board.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. KUMAR SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she is in favor of permanent revocation of this physician's license, noting that he had been warned more than one time that he was headed in that direction if he continued to ignore his consent agreements and Board orders. In January 2007, Dr. Prasad went to work in Iowa without a Board-approved practice plan. He also failed to submit, and to arrange to submit, urine screens that he was supposed to submit.

Dr. Steinbergh stated that, as she reviewed the Report and Recommendation, the missing urine screens were not quite as important to her. She stated that she was convinced by his monitoring physician that Dr. Prasad had been doing well, and the loss of that one urine screen was not that important.

Dr. Steinbergh stated that what was important to her is that Dr. Prasad continued to move on his own terms and without getting appropriate Board approval of his practice-plan. He simply made the decision to go.

Dr. Steinbergh stated that she is totally opposed to releasing Dr. Prasad from his Board Order. She stated that last month there was a divided vote, and she felt, after reviewing the case again, that the best that she could do was to offer up a reprimand and continue his currently effective Order.

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Dr. Egner stated that she feels the same way she felt last month and previously. She noted that Dr. Prasad has been on probation with the Board for eleven years, far beyond what the Board's intention ever was from the beginning. There was an initial relapse very early on, but nothing in the fairly long past.

Dr. Egner stated that the argument has been brought to her attention that if someone doesn't comply with every detail of the Board Order, how does the Board know that the person hasn't relapsed? Dr. Egner stated that Dr. Prasad has complied with enough of the terms that she has no concern about relapse.

Dr. Egner stated that the Board wants probationers to comply, but the bottom line is that the Board wants him to be a safe practitioner. She added that she does think that Dr. Prasad, for whatever reason, is incapable of complying with probationary terms. She expressed concern that this is becoming more about a power struggle between the Board and Dr. Prasad than it is about public protection. That's why she is recommending that Dr. Prasad be released from probation.

Dr. Egner stated that, according to the vote last month, her motion to take no further action against Dr. Prasad and to release him from probation passed by a majority vote. She indicated that she didn't think another vote should be taken just because some people don't like the outcome.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D., TO TAKE NO FURTHER ACTION ON THE CITATION OF APRIL 12, 2007, AND TO RELEASE DR. PRASAD FROM THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 2006. MR. BROWNING SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Kumar spoke against total dismissal, expressing concern that the Board would be setting a precedent that says that a Board Order doesn't mean anything. He stated that he understands that there's no evidence of impairment at this time, but the Board also needs to take into account that its actions need to be taken seriously. Dr. Kumar stated that Dr. Prasad has not fulfilled everything he had to fulfill. This isn't the first time that there has been a problem with this physician. Dr. Kumar again stated that he's not in favor of total dismissal of this case.

Dr. Steinbergh stated that Board orders and agreements have a purpose. When you find someone who consistently doesn't comply, you don't reward him or her with release. She noted that Dr. Prasad is scheduled for release in 2008. She suggested reprimanding him for his last infraction and continuing him under the terms of the November 2006 Board Order. Dr. Steinbergh stated that she feels that to release Dr. Prasad would be inappropriate.

Dr. Egner stated that she's not trying to reward Dr. Prasad's bad behavior.

Dr. Steinbergh stated that that is what the motion on the table is doing.

Dr. Egner stated that she's taking into consideration the fact that Dr. Prasad has been with the Board for eleven years. He has had no major violations of probation. There have been no relapses. She stated that

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the Board generally keeps impaired physicians under probation for five years. Dr. Prasad is already three years beyond that. She asked what the Board is trying to prove. Dr. Egner stated that a couple of appearances ago, Dr. Prasad and his attorney said that his family would help him comply, but even this month his son didn't have a handle on it. She stated that, if left on probation, her bet is that he won't comply. If the Board reprimands and keeps him on probation, it will have to hope that he lasts until November without another issue of non-compliance.

Mr. Browning stated that, fundamentally, he agrees that enough is enough. Dr. Prasad came before the Board for an alcohol problem. There has been no evidence of relapse. Dr. Prasad is just incapable of following the Board's rules.

Dr. Talmage returned to the meeting at this time.

MR. BROWNING ASKED DR. EGNER TO ACCEPT A FRIENDLY AMENDMENT TO INCLUDE A REPRIMAND OF DR. PRASAD'S LICENSE. DR. EGNER AGREED TO ACCEPT THE FRIENDLY AMENDMENT. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- nay
	Dr. Steinbergh	- nay
	Dr. Varyani	- aye

The motion carried.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- nay

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Dr. Varyani - aye

The motion carried.

CITATIONS, PROPOSED DENIALS, AND ORDERS OF IMMEDIATE OR SUMMARY SUSPENSION

TIMOTHY JOHN HEYD, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. KUMAR MOVED TO SEND THE CITATION LETTER TO DR. HEYD. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

JASON ROBERT MOLDER, M.T. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO MR. MOLDER. DR. KUMAR SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

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Dr. Varyani - aye

The motion carried.

JULIE A. TAYLOR, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. TAYLOR.
DR. MADIA SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

KERRIE VAN WAGONER, P.A. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. KUMAR MOVED TO SEND THE CITATION LETTER TO MR. VAN WAGONER.
DR. MADIA SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

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The motion carried.

ROBERT NELSON WACHSBERGER – LETTER OF PROPOSED DENIAL

At this time the Board read and considered the letter of proposed denial in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MR. WACHSBERGER. DR. KUMAR SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

PAUL ALLAN WEHRUM, D.O. – PERMANENT SURRENDER/CONSENT TO REVOCATION OF LICENSE

DR. STEINBERGH MOVED TO RATIFY THE PERMANENT SURRENDER WITH CONSENT TO REVOCATION OF DR. WEHRUM'S LICENSE TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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The motion carried.

DANIEL HOWARD BRUMFIELD, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BRUMFIELD. DR. EGNER SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ROBERT L. HUBLEY, D.O. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. HUBLEY. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

SANDRA K. HAREWOOD, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. HAREWOOD. DR. KUMAR SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

BOBBY CURTIS LENOX, JR., D.O. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. LENOX. DR. KUMAR SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ROBERT D. REIS, M.D. – CONSENT AGREEMENT

DR. EGNER MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. REIS. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

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Dr. Varyani - aye

The motion carried.

Dr. Varyani at this time tabled the topic, Ratification of Settlement Agreements, until the Thursday session.

PROBATIONARY APPEARANCES

WILLIAM L. CRAWFORD, M.D.

Dr. Crawford appeared before the Board pursuant to his request for release from the terms of his January 10, 2003 Step II Consent Agreement.

In response to Board members' questions, Dr. Crawford stated that he is doing great. He added that he is an alcoholic who has been sober since September 4, 2002. He will have completed five years under the current consent agreement on January 10. Dr. Crawford stated that not much will change for him when he is released from probation. He will continue his meeting attendance, although he probably won't go to as many meetings as he does now. He indicated that he would probably attend three to four meetings per week. He stated that he has very good family support and added that his family life has never been better.

Dr. Crawford stated that he is actively working as a radiologist.

At Dr. Kumar's request, Dr. Crawford related his history of impairment and his history with the Board for the benefit of the students from Ohio University's College of Osteopathic Medicine.

Mr. Albert stated that Dr. Crawford has been a very compliant probationer. He noted that Dr. Crawford had a lot of problems to overcome, and it hasn't been easy. Mr. Albert stated that he has a lot of confidence in Dr. Crawford.

DR. STEINBERGH MOVED TO RELEASE DR. CRAWFORD FROM THE TERMS OF HIS JANUARY 10, 2003 STEP II CONSENT AGREEMENT. DR. KUMAR SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

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GRANT F. KOHER, D.O.

Dr. Koher appeared before the Board pursuant to his request for release from the terms of the June 9, 2004 Board Order.

In response to Board members' questions, Dr. Koher stated that he currently practices in North Carolina. The primary focus of his practice is in hair transplantation surgery. He lives in Chapel Hill and has offices in Raleigh and High Point.

Dr. Koher explained that he had become involved with a company called Virtual Medical Group. At the time, he had been approached to develop a protocol to enable the company to prescribe Propecia through the internet. After developing the protocol, he ended up treating approximately six patients through the internet. He didn't receive any fees from this company, but was going to receive some computer software and systems. He added that that never really transpired.

Dr. Koher stated that he had read a newsletter published by the North Carolina Medical Board, which advised that that Board finds that internet prescribing is unprofessional conduct. Dr. Koher stated that, prior to that time, he did not know that that was the situation. In dealing with some of the people at Virtual Medical Group, he was led to believe otherwise. Clearly, the decision to engage in that practice was his, and it was clearly a lack of good judgment on his part to prescribe this medication through the internet. Dr. Koher stated that he accepts full responsibility. In hindsight, it was clearly a bad decision. Dr. Koher stated that he was relatively naïve; and he encouraged the students in the room, as different opportunities come their way, to be doubly cautious about the ventures that they may be tempted to enter. He suggested that they approach the Medical Board about any issues with which they have questions. He also suggested that they get legal counsel for some of the business dealings they're offered. Dr. Koher commented that he didn't listen to his inner voice as well as he should have.

Dr. Steinbergh noted that Dr. Koher's initial discipline was on his license in North Carolina. He is also licensed in Ohio and a number of other states. All these medical boards took action against Dr. Koher's licenses based on the North Carolina action.

Dr. Koher stated that a curious thing is that one of the principles of the company, in talking about whether this is legal or not, made a comment that went over his head a little bit. This person warned him against prescribing to any patients in Ohio. He stated that he thought that that was a strange comment, but he didn't think about it. He didn't think that, if something is illegal in Ohio, no matter where you do it, there are ramifications. After the fact, he went on-line and found out why that comment was made. Another physician had gotten into trouble in Ohio for internet prescribing.

Dr. Kumar asked whether Virtual Medical Group still exists.

Dr. Koher stated that he believes that it still exists, but it has changed names. He also believes that they are no longer prescribing over the internet.

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DR. KUMAR MOVED TO RELEASE DR. KOHER FROM THE TERMS OF THE BOARD'S ORDER OF JUNE 9, 2004. DR. STEINBERGH SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

ANN V. GOVIER, M.D.

Dr. Govier appeared before the Board pursuant to her request for release from the terms of her January 13, 2003 Step II Consent Agreement.

Mr. Albert advised that Dr. Govier has been an ideal probationer. She has done everything required. She also works with people in her area who have had some problems. She's taken the time to take these people under her wing and look after them.

In response to Board members' questions, Dr. Govier stated that she is doing absolutely terrific. She has been over five years in recovery, and is actively involved in A.A. in her community. She heads a group of anesthesiologists in Newark, Ohio. Dr. Govier stated that she's also involved with some of the newer professionals going through Shepherd Hill, who are initially in the Caduceus program. She stated that the counselors are pretty comfortable with calling her and getting her in contact with those who request it.

Dr. Govier stated that she has been stable on her medications now for over three years, and she sees her psychiatrist every three to four months. She is no longer taking Zyprexa, but her other medications haven't changed. She was tapering off some of them, but the psychiatrist thought it would be better for her to wait until her legal problems were behind her. She has recently gained custody of her daughter.

Dr. Steinbergh advised the students in the room that, when there is a dual diagnosis of bipolar disease or depression along with alcoholism, that's a really significant disease and it is much more difficult to heal from that.

Dr. Govier stated that if you treat one and not the other, you'll never be in recovery with either one of them. She stated that that was a difficult road for her. She added that she hopes that she'll be able to help others in the medical field.

DR. KUMAR MOVED TO RELEASE DR. GOVIER FROM THE TERMS OF HER JANUARY 13,

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2003 STEP II CONSENT AGREEMENT. DR. MADIA SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

JOHN RUSSELL OGDEN, M.D.

Dr. Ogden appeared before the Board pursuant to his request for release from the terms of his July 13, 2005 Consent Agreement.

In response to Board members' questions, Dr. Ogden stated that his mistake was in prescribing to two females: a long-time girlfriend and a medical school acquaintance who had had breast augmentation surgery. He wrote prescriptions for his girlfriend when he was a very young resident, at the beginning of his residency. He stated that he wrote a few prescriptions for antibiotics for UTIs, and he wrote one prescription for Ultram and three for Percocet for his girlfriend's menstrual cramps.

Dr. Ogden explained that that was a real changing point in his life. He had previously been married for seven years. He became separated from his wife when he moved to Ohio. He had been living a very conservative, religious life, never having tasted alcohol or experimented in any fashion. He moved to Ohio and in these new circumstances and with new freedom, he made some poor choices. He experimented with alcohol, with marijuana a few times and ecstasy one time.

Dr. Ogden stated that this all came out later in residency when he was in the process of getting a protection order in the court system against that same girlfriend. He stated that threats were made, and he didn't feel that he'd done anything malicious or bad and he pursued the protection order. In that context, he came to his residency director and he presented to him what he'd done concerning prescribing for her. He was advised to talk to the administrators at Ohio State University, which brought him here before the Board. Dr. Ogden stated that he underwent a three-day evaluation at the Woods at Parkside, and Dr. Jones felt that he didn't require further drug treatment. That wasn't his issue. His issue was poor judgment in using his medical license. He didn't create any charts on the two women, and he didn't do official examinations of any sort.

Dr. Ogden stated that his life is much better now. He practices mostly at Riverside Hospital and at Mt. Carmel East. He lives in New Albany, and has a new wife. They've been married about six months.

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He now has two stepchildren by this marriage, as well as his two daughters in Arizona. His practice has taken off and life is very good right now. He's very happy. Dr. Ogden stated that he's learned some very valuable lessons.

DR. KUMAR MOVED TO RELEASE DR. OGDEN FROM THE TERMS OF HIS JULY 13, 2005 CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

THOMAS A. RANIERI, M.D.

Dr. Ranieri appeared before the Board pursuant to his request for release from the terms of his January 8, 2003 Step II Consent Agreement.

In response to Board members' questions, Dr. Ranieri stated that he was practicing in State College, Pennsylvania, but he's now in New Castle, Pennsylvania. He is in his eighth year of recovery, and is still doing the same things he did when he first started in the program. The steps are the template to his daily life, and he spends a lot of time just taking life one day at a time.

Dr. Ranieri stated that his problems started with his marriage going down the tubes. He decided to escape that by getting into exercise. He was a football player, but he chose to go to medical school instead of playing in the pros, which probably would have been a bad idea, anyway. For the sake of the students in the room, Dr. Ranieri related his history of addiction to alcohol, steroids, benzodiazepines and hydrocodone, for which he received treatment through a board-approved provider. He also admitted that he had obtained controlled substances for his own use by self-prescribing or prescribing in the name of his wife. Dr. Ranieri also addressed prior action taken against his Pennsylvania and New York medical licenses based on his impairment and related conduct.

It was noted that the Dr. Ranieri's documentation is not up to date, and that the Board is still awaiting a drug screen.

DR. KUMAR MOVED TO RELEASE DR. RANIERI, M.D., FROM THE TERMS OF HIS JANUARY 8, 2003 STEP II CONSENT AGREEMENT, CONTINGENT UPON THE RECEIPT OF SATISFACTORY COMPLIANCE DOCUMENTATION. DR. MADIA SECONDED THE

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MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

LYNNE A. EATON, M.D.

Dr. Eaton made her initial appearance before the Board, pursuant to the terms of her December 12, 2007 Step II Consent Agreement.

In response to Board members' questions, Dr. Eaton stated that she is doing well. She stated that she initially took Percocet for migraine headaches. Then she had an acquaintance who gave her Percocet. She realized that she had a problem with that and went to a friend for help. She was admitted into Parkside. Dr. Eaton stated that she did well for almost three years, but then relapsed in December of last year. She relapsed due to recurrent kidney stones. She also had some issues at home. She took Percocet that her son had been prescribed following an appendectomy. Dr. Eaton stated that she re-entered treatment at that time and called the Medical Board. She stated that, since then, she has been doing really well.

Concerning questions about her current practice, Dr. Eaton stated that she hasn't done OB for a while. She's been doing GYN/ONC for the past 13 years. She does plan to return to a different group in town.

Dr. Eaton stated that she does believe she has come to grips with why she relapsed. She stated that she would go to meetings, but not be mentally present at them. She didn't use her sponsor effectively at all. She got up to about step nine, but didn't really continue with making amends, which is a big part. She stated that now she's much more involved with A.A. than she was, in terms of sharing.

Concerning questions about her family situation, Dr. Eaton stated that it's okay. She stated that the family is going through some things, but she has a good sponsor with whom she can speak, and other friends in A.A., and it will be okay.

In response to further questions, Dr. Eaton stated that the medical group she's going to join is very aware of her history. She stated that she's talked very openly about the issues and her step agreements. She'll be operating through Mt. Carmel West, and she understands that Mt. Carmel West is also aware of her situation.

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DR. KUMAR MOVED TO CONTINUE DR. EATON UNDER THE TERMS OF HER DECEMBER 12, 2007 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

ANTHONY GRAY, M.D., AND WILLIAM WAYNE HOLLIFIELD, M.D.

Although scheduled to appear before the Board, neither Dr. Gray nor Dr. Hollifield was present at the time of the meeting.

JOHN W. SHAW, M.D.

Dr. Shaw made his initial appearance before the Board, pursuant to the terms of his September 12, 2007 Step I Consent Agreement.

Mr. Albert advised that he was very disappointed in Dr. Shaw. He stated that the Board worked with Dr. Shaw, it gave him a break, and he didn't inform the Board when he relapsed. Mr. Albert stated that Dr. Shaw lied to him. He stated that both he and Ms. Bickers asked Dr. Shaw how he was doing, and he didn't tell them about the relapse. He stated that Dr. Shaw is getting another chance, but added that there's a limit to the chances the Board will give him. He stressed that probationers have to be truthful with the Board.

Dr. Shaw explained that his relapse occurred when he went to an amusement park in the last week of July and rode a roller coaster. He stated that he has had neck problems, and his neck really bothered him after the ride. He then took a total of eight Ultrams during the month of August. He stated that his wife had the Ultrams.

Dr. Steinbergh expressed concern that neither Dr. Shaw nor his wife had any control over his taking those Ultrams.

Dr. Shaw stated that, for sure, they didn't have good enough control. He stated that his wife keeps them for herself. He stated that he has been tested for Ultram since the beginning and it has not been a problem

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before. He added that he thinks that his wife's guard was down. Dr. Shaw stated that he'd probably taken two the last time he came for a conference, and he didn't admit that he relapsed. He stated that that was definitely dishonest. He commented that, at that moment, he didn't feel that it was dishonest; he didn't know that he had really, truly relapsed. Clearly, it was a relapse.

Dr. Steinbergh stated that Dr. Shaw should know from his Consent Agreement that he cannot take anything that is not prescribed by his own physician.

Dr. Shaw stated that he absolutely knows that. He stated that he was not thinking properly. He added that, to answer Dr. Steinbergh's question, he and his wife do have to have better control. He stated that this has been a wakeup call for them. He stated that he'd been in recovery for about two and a half years, and he thinks that they both let their guard down. He also advised that his program wasn't where it should have been, either. Since then, he's done 90 meetings in 90 days, and has actually attended one to two meetings every day. His wife is just going to have to keep the Ultrams away from him and out of sight. More importantly, he has to keep his recovery and his health in better shape. Dr. Shaw stated that it hadn't been a problem for two and a half years, and his wife didn't anticipate that it would be a problem after that long. Now she keeps them in her purse, not out in the open or where he knows where they are.

Dr. Steinbergh stated that his wife needs to secure the drug in a place that is not in her handbag, but in a place to which only she has access.

Mr. Albert stated that, if he's going to practice medicine, Dr. Shaw will be exposed and have access to medication all of his life. His wife shouldn't have to lock it up in a safe or something at home. Mr. Albert asked where Dr. Shaw underwent inpatient treatment.

Dr. Shaw stated that he went to the Cleveland Clinic.

Mr. Albert suggested that he go back to the Cleveland Clinic and talk with Dr. Collins or another addictionologist about his recovery program and about what he needs to do to get himself together.

In response to Dr. Madia's questions, Dr. Shaw stated that he practices general surgery at the Defiance Clinic. There are two other surgeons with whom he works. He stated that the Clinic has been very supportive of his compliance.

Dr. Steinbergh noted that Dr. Shaw's Consent Agreement suspends his license for a minimum of 180 days. She cautioned Dr. Shaw that that doesn't mean that he'll get through it. The Board has to see that he's on his way to recovery or he can't go back to work.

Dr. Shaw stated that he understands.

DR. STEINBERGH MOVED TO CONTINUE DR. SHAW UNDER THE TERMS OF HIS SEPTEMBER 12, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. EGNER SECONDED THE MOTION. A vote was taken

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VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye

The motion carried.

SUSAN GAIL SWEDA, M.D.

Dr. Sweda made her initial appearance before the Board, pursuant to the terms of her November 15, 2007 Step II Consent Agreement.

In response to Board members' questions, Dr. Sweda stated that she didn't renew her D.E.A. certificate because her license was suspended. She advised that the D.E.A. retires your number after six months, so she's applied for a new certificate. She will be working with Dr. Govier once she gets her D.E.A. situation squared away. She doesn't have a supervising physician yet because she's not currently working.

Dr. Sweda stated that, as far as her family, she loves them because they are her family. She added, however, that when she went into treatment, she gave her sister financial power of attorney, and her sister promptly cleaned her out. Dr. Sweda stated that they are working on that now. She stated that she's always supported multiple households, and one thing she's learned is that people treat her the way she teaches them to treat her. She has taught her family that she is a doormat, so she's addressing that issue.

DR. MADIA MOVED TO CONTINUE DR. SWEDA UNDER THE TERMS OF HER NOVEMBER 15, 2007 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. KUMAR SECONDED THE MOTION. A vote was taken

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Steinbergh	- aye

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The motion carried.

Dr. Sweda at this time stated that she would like to recommend Shepherd Hill as the facility to go to for treatment. She stated that she doesn't think that she would be here today had she not gone through the 28-day program there.

RICHARD ALLAN ZINNI, D.O.

Dr. Zinni made his initial appearance before the Board, pursuant to the terms of his October 10, 2007 Step I Consent Agreement.

In response to Board members' questions, Dr. Zinni stated that he is doing very well. He thanked the Board for the opportunity to reiterate for the students present that what he's learned in this program is that there's nothing wrong with asking when you don't know the answer. It's better just to ask, even you do know the answer. He stated that he didn't know that before, and added that, unfortunately, it took his disease of addiction to reach the realization that he should ask.

Dr. Zinni stated that when he made his first appearance before the Board three years ago, he felt intimidated by the Board from Day 1. When he was confronted by Mr. Albert and Dr. Talmage, it was a load off his shoulders. He stated that he has a life today, and he hasn't had one since he was a child. He realizes that his defects of behavior started when he was young. That's what the recovery program has allowed him to understand.

Dr. Zinni stated that using is not an option. When he got into recovery, he realized that when he was five, six, seven years old, his lying, cheating, stealing behavior, is really what got him through life. He didn't have any consequences. He was able to study, changing from alcohol to different drugs. He commented that certain drugs did scare him, so he stayed away from them. Dr. Zinni stated that, to have the ability today to work a program, to have friends, to have a spiritual program, to have people inside and outside A.A. to share is something that he never did before. He just didn't think he needed to.

Dr. Steinbergh asked how old Dr. Zinni was when he started drinking and/or using drugs.

Dr. Zinni stated that what he's come to realize in this program, in going to aftercare and talking with his sponsor and other people in and out of A.A., is that he's really an "olic." Everything he does is about more. He's the youngest of a family, with three older brothers, all of whom are recovering alcoholics. But when he was younger and his parents had cocktail parties, they would only have one or two drinks. He never saw his parents drunk. He stated that he guesses that he forgot that. He added that he actually finished the drinks when he cleaned up. There was never a consequence. His parents woke up in the morning and the place was spotless. What consequence was there? He was a good boy. Dr. Zinni stated that he didn't know that then, and those are things that he believes that people suppress when they are in the disease process.

Dr. Steinbergh asked how he got through medical school and training with this type of behavior.

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Dr. Zinni stated that he got through by the grace of God. God was watching over him and did for him what he couldn't do for himself. Dr. Zinni stated that, as far as he knows, he didn't harm anybody, he's never caused any problems. He enjoyed his work, he was a workaholic. Everything was about the patient. His philosophy has always been to ask what's best for the individual. He always helped the elderly people in his neighborhood when he was a little kid. He was always helping everyone else.

Dr. Steinbergh stated that her question goes to the concept that he is an alcoholic, chemically dependent all through medical school training and postgraduate years.

Dr. Zinni stated that he didn't really suspect until he couldn't stop taking the opiates. That was really his drug of choice. He started taking Vicodin when he injured his back and neck in the early 1990s. He didn't think he was high, but he continued to take more and more and more because he got dependent upon it. He was originally getting it from his pain specialist, and then he got it from a wholesaler, where he got a lot of supplies from his office. That's when it was finally brought to his attention by the Board, through its investigation.

In response to questions about his relapse, Dr. Zinni stated that on September 24 it was brought to his attention that he had a positive urine screen from August 31. It was positive for Tramadol. That was his third urine that week, and the previous two were negative. He had been prescribed Tramadol by his pain specialist several years earlier, and the last prescription he had was refilled in January 2005. He thought he'd thrown everything away when he got home from treatment in March 2005, but there were obviously a few left over. Dr. Zinni stated that, until last Thursday, he took 600 mg of Gabapentin every morning, afternoon and evening for his neuropathy. He also took two 500 mg Tylenols along with Ibuprofen in the morning and occasionally in the afternoons, but never at bedtime. Dr. Zinni stated that this is a routine he started at Glenbeigh. He only used to take Tramadol in the mornings when he got up, prior to his entering treatment. Dr. Zinni stated that it was never anything he got high off of. His drug of choice was opiates. Due to a recent adverse reaction to his medication, he stopped taking the Gabapentin and only takes Tylenol now.

Dr. Egner asked Dr. Zinni whether he is saying that he doesn't know how he had a positive urine screen.

Dr. Zinni stated that he took the drug inadvertently. It was an old prescription that he had in a bottle that he used to travel with. He used to put his pills in there.

Dr. Egner asked whether these pills look exactly alike.

Dr. Zinni stated that he assumed that the prescribed Tramadol and Tylenol look alike.

Mr. Albert told Dr. Zinni to never tell him that he took something inadvertently. He stated that that excuse has been tried on the Board before.

Dr. Zinni stated that he did have to wonder whether this was a subconscious relapse. He stated that this is all new to him. When this happened, he called Ms. Bickers, he met with Dr. Alan Shein of Laurelwood Hospital, he called his sponsor, and he called some other people in A.A. Also, when he went to his next

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aftercare meeting, he brought it up. He stated that they were pretty brutal in the aftercare. Dr. Zinni stated that the bottom line is that sample tested positive and he had to admit it and take the consequences for it. He got a relapse questionnaire from Glenbeigh, filled it out and went over it with them. He also went to see Dr. Collins at the Cleveland Clinic.

Ms. Bickers stated that both Dr. Zinni and Dr. Shaw, before they get their licenses back, they have to get certification from a Board-approved provider that they have been reassessed and that no further treatment is needed.

DR. MADIA MOVED TO CONTINUE DR. ZINNI UNDER THE TERMS OF HIS OCTOBER 10, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

The motion carried.

STRATEGY FOR EVALUATING SCOPE OF PRACTICE LEGISLATION

At this time the Board reviewed the draft "Scope of Practice White Paper," a copy of which shall be maintained in the exhibits section of this journal. Dr. Steinbergh explained that this paper was drafted with input from Mr. Miller, The Federation of State Medical Boards, and some specialty groups in response to limited branch practitioners seeking to expand their scopes of practice. The Scope of Practice Committee felt that the Board needs a better way to identify appropriate educational standards for the Legislature and provide the Legislature with the types of questions they should ask. She stated that the most important thing to consider is the education of the various individuals, and what that education should allow them to do. She suggested that this matter also be taken to the Board of Regents for Higher Education.

Dr. Varyani stated that he's not in disagreement with the Committee, but he feels that the Board should be discussing what its own response should be.

Dr. Kumar suggested a meeting with legislative leaders might be in line.

Mr. Browning stated that the Board needs to reach some type of consensus on how it wants to proceed. He suggested calling legislators and asking them not to pass any bills related to health care without talking to

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the Board first.

Dr. Madia stated that he doesn't think that any physician on the Board has gone to the State House and talked to people. He stated that a Board member meeting with legislators would hold more weight than Mr. Miller meeting with them.

Mr. Browning stated that the Board needs to reorganize itself.

Dr. Kumar stated that the Board will do better if it starts the dialogue.

Dr. Egner stated that she doesn't know how much the Board will be heard.

Dr. Kumar stated that the Board needs to convince the Legislature to create an ad hoc committee to look at areas of health care.

Mr. Browning suggested that the Board could go to Speaker of the House, Jon Husted, and Senate President, Bill Harris, and explain what the Board is grappling with. The Board wants to work with them to help them do the best job that they can do.

Board members agreed that this is a priority.

Dr. Varyani asked Mr. Browning to work with Mr. Miller to formulate suggestions for Board discussion in February.

MANAGEMENT COMMITTEE

Dr. Varyani asked for input from Board members on the topics the Management Committee should address.

Dr. Steinbergh stated that, because Board members only come into the office two days a month, they don't see problems that arise in the Board offices. She noted that some problems were discovered a few years ago when the Board began its search for a new executive director. She stated that the appropriate time to discuss concerns is when issues arise. Dr. Steinbergh stated that the Management Committee should be an active committee that meets regularly, and she suggested that a quarterly meeting would be sufficient.

Dr. Varyani stated that, unless there are issues to address, he doesn't see the need to hold a meeting.

Dr. Robbins stated that he believes that the Management Committee should meet at the behest of the Board president and serve as an adjunct in helping the Executive Director do his job.

Mr. Albert stated that the Board should have a Management Committee and it should hold regularly scheduled meetings or at the behest of the President. He stated that the Board should, through the Committee, give the Executive Director guidance. Mr. Albert stated that the Committee should meet on a quarterly basis, at least.

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Dr. Kumar stated that there has to be significant involvement of Board members outside the Executive Committee in the Management Committee. He stated that he's not sure that the Committee needs to meet quarterly; however, if members of the Board or Committee have topics for the Committee to discuss, they should bring that to the President's attention.

Dr. Egner stated that there should be a Management Committee, and it should be comprised of members not on the Executive Committee. Dr. Egner stated that the Committee should meet quarterly, if only to say that things in the office are going well. She stated that the Committee should have a couple of charges: evaluation of the Executive Director; and oversight of the Board's financial state. She added that she's not looking for the Committee to micromanage the office, but it should keep abreast of where it stands, budget-wise. If the need arises, the Committee might handle some personnel issues, but it should work in conjunction with the Executive Director. The Committee should also carry over issues from year to year. Dr. Egner noted that the need for additional Hearing Examiners has been addressed, but the Committee needs to watch that to make sure that the case backlog is really decreased.

Dr. Talmage stated that he agrees with most of what has been said, but added that a Committee is a portion of the whole. The Committee should take input and make recommendation to the entire Board. It doesn't make any decisions itself. The Committee would make recommendations to the Executive Director, who will carry out those suggestions, but it's the Board's responsibility to make the final decision.

A suggestion was made that the Committee could consist of the members of the Executive Committee with one additional Board member.

Dr. Egner again stated that it needs to be a separate Committee. The Executive Committee may have its own agenda.

Dr. Varyani spoke in favor of an expanded Executive Committee, asking why there should be two committees addressing issues that will go to the full Board anyway.

Dr. Kumar commented that staffing for Committees needs to be reorganized.

Dr. Steinbergh advised that any Board members can attend the Management Committee meetings, they just can't vote.

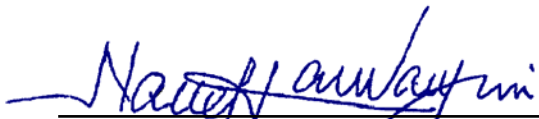
At this time, Dr. Varyani adjourned the meeting.

Thereupon at 5:45 p.m. the January 9, 2008 session of the State Medical Board of Ohio was duly adjourned.


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We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on January 9, 2008, as approved on February 13, 2008.



Nandlal Varyahi, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)



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MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Nandlal Varyani, M.D., President, called the meeting to order at 8:10 a.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Deepak Kumar, M.D.; R. Gregory Browning, Ph.D.; Whitney Frank Hairston, Jr.; and Andrew F. Robbins, Jr., M.D.; The following joined the meeting at a later time: Carol L. Egner, M.D. The following did not attend the meeting: Jack C. Amato, M.D.; David S. Buchan, D.P.M., and Anita M. Steinbergh, D.O.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Rebecca J. Marshall, Chief Enforcement Attorney; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Cathy Hacker, P.A. Program Administrator; and Susan Loe, Administrator, Fiscal/HR/IT.

RATIFICATION OF SETTLEMENT AGREEMENTS

Dr. Varyani removed the above-captioned topic from the table.

WILLIAM CLARK HARLAN, D.O. – CONSENT AGREEMENT

DR. MADIA MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. HARLAN. MR. BROWNING SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

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LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Varyani advised that at this time he would like the Board to consider the probationary reports, the probationary requests, and the licensure applications on today's consent agenda. Dr. Varyani asked whether any Board member wished to consider either an application for licensure or a probationary report or request separately. He noted that all probationers are in compliance.

There was no request to consider an item separately.

DR. KUMAR MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON DECEMBER 10 AND DECEMBER 11, 2007, WITH: GERALD B. APPLGATE, M.D., MICHAEL B. BURGHARDT, M.D.; TODD S. CARRAN, M.D.; RICHARD J. DEFRANCO, M.D.; GREGORY G. DUMA, M.D.; TANIA RENEE ECK, M.T.; WILLIAM H. FIEGENSCHUH JR., M.D.; MARY JO FOOTE, P.A.; DEBORAH LYNNE FRANKOWSKI, M.D.; LAMBERTO T.R. GALANG, JR., M.D.; CAREY K. GROSS, D.O.; ARLAN MARCUS GUSTILO-ASHBY, M.D.; ADAM P. HALL, D.O.; MARK O. HENSON, M.D.; TIMOTHY J. HEYD, M.D.; ROBERT L. HUBLEY, D.O.; GREGORY KARASIK, M.D.; JAMES M. KENNEN, D.O.; DONALD C. MANN, M.D.; MARK S. MCALLISTER, M.D.; FRANCINE R. MOSLEY, M.D.; CARLA M. MYERS, D.O.; THOMAS A. NGUYEN, M.D.; ASHOK V. PADHIAR, M.D.; ALAN J. PARKS, M.D.; NATHAN THOMAS PENNEY, D.P.M.; DALE PRATT-HARRINGTON, D.O.; CHARLES CHRISTIAN RICKEY, P.A.; WILLIAM DENNY ROBERTSON, M.D.; WILLIAM A. ROMER, M.D.; WILLIAM L. SCHLOTTERER, D.O.; CHRISTOPHER S. SHAW, M.D.; JOSEPH COOPER SIMONE, D.O.; BRIAN D. SOUTHERN, M.D.; PATRICIA A. SPIESS, M.D.; WILLIAM C. STEVENSON, M.D.; ALAN B. STORROW, M.D.; DAVID E. SUBLER, M.D.; ROSS PUTMAN TURNER, D.O.; MICHAEL J. VJECHA, M.D.; JOSEPH G. WERNER, M.D.; RANDALL G. WHITLOCK, JR., P.A.; PAUL W. WILSON, D.O.; AND JAMES F. ZIMMERMANN, D.P.M. DR. KUMAR FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **TO GRANT DAVID E. ALLEN, M.D.'S, REQUEST TO REDUCE PSYCHIATRIC SESSIONS FROM ONCE A MONTH TO EVERY THREE MONTHS;**
- **TO GRANT ASHRAF S. BADOUR, M.D.'S REQUEST FOR APPROVAL OF STEVE R. TIMMS, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH;**
- **TO GRANT ROBERT L. BELLUSO, D.O.'S REQUEST TO DISCONTINUE COUNSELING SESSIONS;**
- **TO GRANT ALLAN W. CLARK, M.D.'S REQUESTS TO REDUCE HIS ALCOHOL AND DRUG REHABILITATION MEETINGS TO THREE PER WEEK WITH NO MANDATORY CADUCEUS; TO REDUCE HIS PSYCHIATRIC SESSIONS TO EVERY THREE MONTHS;**

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AND TO REDUCE HIS DRUG SCREENS TO ONCE A WEEK;

- **TO GRANT WENDY KAY DEAN, M.D.'S REQUEST FOR APPROVAL OF JAY R. SEIDLER, D.O., TO SERVE AS HER SUPERVISING PHYSICIAN;**
- **TO GRANT PAUL E. DUNCAN, M.D.'S REQUEST FOR APPROVAL OF KRISTOPHER R. BRICKMAN, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH TEN CHARTS REVIEWED PER MONTH;**
- **TO GRANT RYAN STEVEN FRYMAN, D.O.'S REQUESTS FOR: A REDUCTION IN DRUG SCREENS TO TWICE A MONTH; REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; AND ELIMINATION OF PSYCHIATRIC SESSIONS;**
- **TO GRANT DANN WILLIAM GANZHORN, M.D.'S REQUESTS FOR A REDUCTION IN HIS DRUG SCREENS TO TWICE PER MONTH AND A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS;**
- **TO GRANT DAVID R. GOTHAM, JR., D.O.'S REQUEST FOR APPROVAL OF THE 2007 *IMQ PROFESSIONALISM PROGRAM FOR PHYSICIANS*, OFFERED BY THE INSTITUTE FOR MEDICAL QUALITY, A SUBSIDIARY OF THE CALIFORNIA MEDICAL ASSOCIATION, IN FULFILLMENT OF PARAGRAPH 2.b, OF HIS JANUARY 10, 2007 CONSENT AGREEMENT;**
- **TO GRANT ANIL H. JHANGIANI, M.D.'S REQUEST FOR A REDUCTION IN APPEARANCES TO ANNUALLY;**
- **TO GRANT GREGORY S. MASIMORE, M.D.'S REQUEST TO DISCONTINUE HIS CONTROLLED SUBSTANCE LOG REQUIREMENT;**
- **TO DISCONTINUE FRED R. MOSS, M.D.'S CHART REVIEW REQUIREMENT;**
- **TO GRANT JOSEPH ALOYSIUS RIDGEWAY, IV., M.D.'S REQUEST FOR APPROVAL OF GREGORY B. COLLINS, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO GRANT MATTHEW ALLAN SNYDER, L.M.T.'S REQUESTS TO REDUCE DRUG SCREENS TO TWICE A MONTH, AND TO REDUCE APPEARANCES TO EVERY SIX MONTHS;**
- **TO GRANT DEBORAH L. TAYLOR, M.D.'S REQUEST TO ELIMINATE HER CHART REVIEW REQUIREMENT, CONTINGENT UPON RECEIPT OF ALL MISSING DOCUMENTATION; AND**
- **TO GRANT GARY W. WALTZ, M.D.'S REQUEST FOR APPROVAL OF DOUGLAS**

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A. SMITH, M.D., TO SERVE AS A SECONDARY MONITORING PHYSICIAN.

DR. KUMAR FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A," THE P.A. APPLICANTS LISTED IN EXHIBIT "B," THE ACUPUNCTURE APPLICANTS LISTED IN EXHIBIT "C;" TO APPROVE THE RESULTS OF THE DECEMBER 2007 PMLEXIS (EXHIBIT "D") AND THE DECEMBER 2007 MASSAGE THERAPY EXAMINATION (EXHIBIT "E"), AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THEIR EXAMINATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION; AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE SCHOOLS OF MASSAGE THERAPY, LISTED IN EXHIBIT "F" DR. MADIA SECONDED THE MOTION.

A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

LICENSURE

DANIEL HOWARD BRUMFIELD, M.D.; SANDRA KAY HAREWOOD, M.D.; AND ROBERT LEIGHTON HUBLEY, D.O.

Ms. Schmidt advised that the Board ratified consent agreements with the above-named applicants on the previous day.

MR. BROWNING MOVED TO APPROVE THE LICENSURE APPLICATIONS OF DANIEL HOWARD BRUMFIELD, M.D., SANDRA KAY HAREWOOD, M.D., AND ROBERT LEIGHTON HUBLEY, D.O., CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. MR. HAIRSTON SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Varyani	- aye

The motion carried.

EXECUTIVE DIRECTOR POSITION; POSITIONS EXEMPT FROM CLASSIFIED CIVIL SERVICE

Dr. Varyani referred to his memorandum of January 3, 2008, which advises that state law requires that the Board appoint an Executive Director and give him the authority to sign personnel actions and fiscal documents on behalf of the Board. The Board must also designate staff positions that are exempt from classified civil service.

DR. VARYANI MOVED THAT THE BOARD CONTINUE RICHARD A. WHITEHOUSE IN THE UNCLASSIFIED POSITION OF EXECUTIVE DIRECTOR.

DR. VARYANI FURTHER MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN, ON BEHALF OF THE BOARD, ANY PERSONNEL ACTIONS, FISCAL DOCUMENTS AND ANY DISCIPLINARY DOCUMENTS THAT WOULD OTHERWISE HAVE TO BE SIGNED BY THE BOARD AS THE APPOINTING AUTHORITY, FOLLOWING RESOLUTION OF THE BOARD TO TAKE SUCH ACTION.

DR. VARYANI FURTHER MOVED TO GRANT THE EXECUTIVE DIRECTOR THE AUTHORITY TO DELEGATE CERTIFICATION OF DOCUMENTS TO OTHERS, AS THE NEED ARISES.

DR. VARYANI FURTHER MOVED THAT, PURSUANT TO SECTION 124.11(A)(8), REVISED CODE, THE BOARD DESIGNATE THE FOLLOWING POSITIONS AS UNCLASSIFIED: ADMINISTRATIVE ASSISTANT 3, POSITION NUMBER 20070925, AND SECRETARY, POSITION NUMBER 20070945.

DR. ROBBINS SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Dr.

REPORT OF DECEMBER 7, 2007 RULES HEARING

Mr. Miller referred the Board to the Report of Rules Hearing and the Hearing Record contained in the Board's table file. He asked that Board members review the record carefully, and, should they wish to make any revisions to the rules, based on testimony at the hearing, contact him with those proposed revisions.

ADMINISTRATIVE REPORT

Mr. Whitehouse reviewed his written report, a copy of which shall be maintained in the exhibits section of this journal.

At this time, Susan Loe, Administrator, Fiscal/HR/IT, reported to the Board on the status of the *2nd Quarter FY 08 Revenue Report*, and she reviewed the *1st Quarter FY08 Revenue Report*, which was distributed to the Board in December.

Dr. Varyani stated that he would work with Ms. Loe in preparing a report that would answer all the Board members' questions and would keep the Board current on what is happening with the Board's fiscal status.

Mr. Whitehouse referred the Board to Attachment A of his written report, which includes operational statistics for calendar year 2007. He noted that it was a record-breaking year in many aspects:

- Highest number of licensure applications processed on record;
- Highest number of complaints received in a calendar year – 4118; also set record for highest number of complaints resolved in a calendar year – 4088;
- Highest number of minimal standards cases handled in a year: 13 out of 175 actions;
- Calculated non-disciplinary actions in addition to disciplinary actions to demonstrate the scope of board decisions in calendar year; highest number of non-disciplinary actions taken;
- 116 cases processed through QIP in 2007; steady increase in cases resolved through this program

Mr. Whitehouse noted that, over time, the Board is bringing in a little larger number of complaints than it resolves. The Board probably has too large of an active caseload than it can support with the staff it has, which will cause the Board, in the next couple of months, to ask some questions regarding capacity. He stated that the Board will also need discuss how it wants to deal with some cases that are in the backlog of complaints. Active open cases need to be addressed. Mr. Whitehouse stated that he thinks that the Board is probably carrying too many open cases, and with the current trend, it's getting bigger. He stated that that's a point of concern, but it also shows good activity.

Mr. Whitehouse stated that other numbers really point to the fact that the Board is moving along the lines as set forth in its Strategic Plan. He noted that in 2007 the Board dealt with about twice as many minimal standards cases than it had dealt with in 2006. He stated that he thinks that that is significant. He added that the 116 cases processed through QIP is a 50% increase over the previous year.

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Mr. Whitehouse stated that the Board is also seeing more non-disciplinary actions, noting that there were 30 such actions taken, as compared to the three taken in 2005. He stated that the Board can expect that number to grow a little bit more.

Mr. Whitehouse stated that, in terms of looking at outcomes from the year past and measuring where the Board is, two years into the strategic plan, he feels that the numbers strongly suggest that the plan is working.

Mr. Whitehouse stated that the Board will be halfway through the time allotted in its Strategic Plan in June or July. He stated that at that time he would like to spend some time discussing the progress with the Board.

Mr. Whitehouse advised that he has distributed to Board members a book entitled, *Measuring Medical Professionalism*. He stated that this is a textbook from a class that he was unable to attend, but because he felt that the subject matter was important, he ordered the book. When he had a chance to look at it, he felt it was something that should be shared with the Board members. He asked that members return it to the Board's library when they have finished with it.

Dr. Robbins stated that when he reviewed Mr. Whitehouse's report, he found that minimal standards violations were very close to being the third most common types of complaints the Board addressed last year. He stated that he thinks that that is incredible. With an additional two cases, it would have been third, behind impairment and criminal actions.

Dr. Varyani stated that he is not satisfied with the report concerning hearings. He stated that the Board still created more backlog, although hearings were more timely. Dr. Varyani stated that adding to the backlog creates more concern for him, and that is not a good status for him. Dr. Varyani stated that the Board needs to figure out what the backlog is, and a plan needs to be developed on how that backlog will be cleared in 2008. He stated that he wants to sit down with Mr. Whitehouse to discuss how this will be addressed, and they should have a plan within three months.

Mr. Whitehouse explained that there is already a plan to deal with the backlog in the Hearing Unit. A plan to address the issue relating to the expanding number of open complaints is being developed.

Mr. Browning stated that it is his understanding that one of the plans is to hire additional hearing examiners.

Dr. Varyani stated that he wants a plan for the Board members' approval in February. The backlog needs to be decreased, and the Board needs to be more timely.

Mr. Whitehouse stated that a plan is being developed. There are performance measures going into place that will tell the Board its capacity and how deep into the priority codes the staff will be able to dig and, therefore, how many cases will be resolved and what will be left. The staff will know that pretty soon. Then comes the question as to whether the Board adds resources or finds other ways to deal with the cases.

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Dr. Varyani stated that he will work with Mr. Whitehouse to have a plan for the Board's review and approval in February.

Dr. Kumar stated that he wants to make certain that the quality remains high.

Mr. Albert stated that the Board needs to see how they can better prioritize things.

REPORTS OF ASSIGNED COMMITTEES

IMPAIRMENT COMMITTEE

Mr. Albert stated that the Committee discussed a proposal for an alternative drug testing program. Materials from FirstLab - Professional Health Monitoring Program (FirstLab) were reviewed. Mr. Albert stated that the program is more efficient than the current program and will also be more economical for probationers. He stated that the Committee is not asking for any action today, but he would like for Board members to take the materials home to study. He stated that if Board members have any questions, they can call him, Ms. Bickers, or Ms. Gillman.

Mr. Albert stated that this is a more professional way of doing the screens. Probationers will call in every morning and they'll be told whether or not they have to submit a urine sample. He advised that, currently, urine screens are required once a week for the first year, and then they're reduced to two a month. Mr. Albert stated that his idea is that, except for those in Step 1 consent agreements, probationers will have to do two urine screens a month. He stated that he'll bring that proposal to the Board at a later time.

Mr. Albert stated that, under the current system, the probationer goes to a doctor's office to submit his sample. After a while, the physician gets to know the probationer and the samples are no longer witnessed.

Ms. Pfeiffer asked whether FirstLab conducts the analysis itself or sends the samples out to other labs.

Ms. Bickers stated that FirstLab is just the third-party administrator. They send the specimens to Quest Diagnostics laboratories for analysis.

Ms. Pfeiffer asked whether that lab is the one the Board typically uses.

Ms. Bickers stated that the Board uses LabCorp. right now, but many of the states use Quest Diagnostics.

Ms. Pfeiffer stated that sometimes when a cite gets issued, one of the things the Board has to show is the dirty screen result. The Board often needs someone from the lab to testify.

Ms. Bickers stated that there will be a Medical Review Officer assigned to the Board. She added that the Nursing Board, the Pharmacy Board and the Lawyer's Assistance Program all use FirstLab and Quest Diagnostics.

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Mr. Albert stated that FirstLab also collects specimens on weekends.

Mr. Albert stated that the Committee also reviewed a brochure on the compliance guidelines that had been approved by the Board in December. He asked that Board members review the brochure and contact him or Ms. Bickers with comments.

LICENSURE COMMITTEE

Dr. Robbins stated that the Committee reviewed a number of licensure applications.

Rajpal Kohli, M.D.

Dr. Robbins advised that Dr. Kohli is over the seven-year time limit by 15 months. He passed Steps 1, 2 and 3 on the first attempt with scores of 80, 85, and 86. Dr. Kohli sent a letter of explanation claiming he went over the seven-year limit for USMLE due to family health and financial difficulties, and he delayed his entrance into his residency until July 2004.

Dr. Robbins stated that Dr. Kohli graduated from the American University of the Caribbean in June 2000. Dr. Kohli began a transitional training year at Aultman Hospital in July 2004 until June 2005. Dr. Kohli then transferred to University of Cincinnati and entered an Anesthesiology residency in July 2005 and is planning to complete that program in June 2008.

DR. ROBBINS MOVED TO APPROVE THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14(C) (3), AND ACCEPTING HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE. DR. KUMAR SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Babajide Rusnewe, M.D.

Dr. Robbins advised that Dr. Runsewe is over the seven-year time limit by 15 months. He passed Step 1 on the second attempt with an 86, Step 2 (CK) on the first attempt with a 75, and Step 3 on the first attempt

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with an 85. Dr. Runsewe sent a letter of explanation claiming he went over the seven-year limit for USMLE because he was denied a Visa, and could not enter the U.S. to take the Clinical Skills portion of Step 2 or Step 3 until after the seven-year deadline.

Dr. Robbins further advised that Dr. Runsewe graduated from the University of Ibadan, Nigeria, in July 1982. Dr. Runsewe practiced in various hospitals in Nigeria from July 1982 until October 1987, when he began a Diagnostic Radiology residency at Lagos University Teaching Hospital in Nigeria from November 1987 until May 1992. He continued to practice in Nigeria until he immigrated to the United States in November 2003. He did an observership and worked as an endoscopy tech in Maryland until he began training in Family Medicine at MetroHealth Medical Center in June 2004 until June 2007. Dr. Runsewe continues at MetroHealth as a fellow in Geriatrics through the present time. Dr. Runsewe holds a training certificate in Ohio, and is not yet board-certified.

DR. ROBBINS MOVED TO APPROVE DR. RUNSEWE'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14(C) (3), AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE. DR. MADIA SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Dong-Sik Kim, M.D.

Dr. Robbins advised that Dr. Kim has two requests, the first being for an exception to the seven-year rule. He stated that Dr. Kim is over the seven-year time limit by 30 months. He passed Steps 1, 2 and 3 on the first attempt with scores of 84, 81 and 77. Dr. Kim graduated from Korea University in Seoul, S. Korea in February 1996. Dr. Kim reports in his letter that his delay in passing Step 3 was due to his three years of mandatory service in the South Korean Army, his decision to complete training in South Korea, his pursuit of a Ph.D. from Korean University, and his completion of the C.S.A. exam before being eligible to take Step 3 of USMLE, which wasn't possible until he was over the seven-year time frame.

DR. ROBBINS MOVED TO APPROVE DR. KIM'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14 (3), AND ACCEPTING HIS EXAMINATION SEQUENCE. MR. BROWNING SECONDED THE MOTION. A vote was taken

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VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Robbins stated that, additionally, Dr. Kim is seeking licensure based on the applicability of ORC Section 4731.14(B)(2), which permits the Board to determine an equivalence to the graduate medical education training requirement of two years through the second-year level.

Dr. Kim graduated from Korean University in Seoul, Korea, in February 1996. He trained at the Korean University Medical Center as an intern and Surgery resident from March 1996 until February 2001.

Dr. Kim then served his mandatory Military Service in the South Korean Army from March 2001 until April 2004. In May 2004 until February 2006, Dr. Kim served as a clinical fellow in Surgery and Liver Transplantation at the Asan Medical Center in Seoul. Dr. Kim immigrated to the U.S. in April 2006, and began the Surgery/Transplant Surgery fellowship at the University of Cincinnati from April 2006 until the present (to be completed in March 2008). Dr. Kim holds a current Ohio training certificate.

Dr. Robbins advised that Dr. Kim is requesting that the Board deem his training and experience in Korea and his 20 months of clinical fellowship in the United States to be equivalent to the 24 months of graduate medical education through the second-year level of GME so that he may be granted a license.

DR. ROBBINS MOVED TO FIND THAT DR. KIM'S PREVIOUS TRAINING AND EXPERIENCE ARE EQUIVALENT TO 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND-YEAR LEVEL, AND TO ISSUE A LICENSE TO DR. KIM ON FEBRUARY 29, 2008, ALLOWING DR. KIM TIME TO PROCESS HIS NEW VISA. DR. MADIA SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

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The motion carried.

Javier Alvarez-Tostado, M.D.

Dr. Robbins advised that Dr. Alvarez-Tostado graduated from the University La Salle in Mexico City, Mexico, in July 1996. He completed the mandatory Social Service requirement in Mexico from September 1997 until February 1998, and then trained at the Instituto Nacional de Ciencias Medicas y Nutrucion “Salvador Zubiran” in Mexico City in a Surgery residency from March 1998 until February 2002.

Dr. Alvarez-Tostado immigrated to the U.S. in March 2004, and began a Research fellowship in Surgery at the University of Alabama from March 2004 until July 2004. Dr. Alvarez-Tostado then immigrated to Spain, and completed a Surgery/Vascular Surgery Fellowship in Barcelona from December 2004 until June 2005. He then returned to the U.S., and entered the Fellowship in Surgery/Vascular Surgery at the Cleveland Clinic in July 2005, and continues there until the present. Dr. Alvarez-Tostado holds a current training certificate in Ohio.

DR. ROBBINS MOVED TO GRANT DR. ALVAREZ-TOSTADO’S REQUEST THAT THE BOARD DEEM HIS TRAINING AND EXPERIENCE IN MEXICO AND SPAIN, AND HIS 24 MONTHS OF CLINICAL FELLOWSHIP IN THE UNITED STATES TO BE EQUIVALENT TO 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND-YEAR LEVEL SO THAT HE MAY BE GRANTED A LICENSE. DR. MADIA SECONDED THE MOTION. A vote was taken

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Robbins	- aye
Dr. Kumar	- aye
Dr. Varyani	- aye

The motion carried.

Dr. Robbins stated that Dr. Alvarez-Tostado also requested a waiver for good cause for his USMLE scores. In fact, he is one month over the 10-year limit, and he will be required to retake Step 1. The Board staff will be advising the doctor regarding this matter.

LEGISLATIVE LIAISON & RULES COMMITTEE

Mr. Browning and Mr. Miller reviewed the Committee’s written report, a copy of which shall be maintained in the exhibits section of this journal.

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At 9:44 a.m., the Board took a brief recess. The meeting reconvened at 9:59 a.m.

P. A. COMMITTEE

Dr. Talmage advised that the Committee reviewed two requests for provisional certificates to prescribe.

DR. TALMAGE MOVED TO GRANT PROVISIONAL CERTIFICATES TO PRESCRIBE TO THE FOLLOWING: CYNTHIA M. BJERSTEDT, PA-C, AND DAVID LENHOF, PA-C.

DR. KUMAR SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Talmage stated that special services plan applications from Youngstown Orthopaedic Associates, Inc. were previously tabled to find out if there are national standards. He stated that there are none. During the Committee's discussion, it became apparent that there are different educational systems that are now adding particular skills, particularly hands-on skills, in certain areas, such as orthopaedics. In Pennsylvania, most of the schools have an extended educational process because of the demand for orthopaedic P.A.s. Ohio's schools, from the testimony the Committee heard, are still teaching a general medicine type of curriculum, without any of these specializations.

Dr. Talmage stated that the Committee heard testimony from two orthopaedists, in this large, busy practice. They had two hand surgeons who do probably themselves ten to twelve CMC injections per week. Therefore, the educational process would not be overly prolonged. At the meeting, the applicant agreed to modify their request, as follows:

Intra-articular hand injections: Dr. Talmage stated that approval would be for injection into the CMC joint only.

Aspiration of fluid from the shoulder of adults only: Dr. Talmage stated that this would include the subacromial bursa only. They do not have any intent to make this a glenohumeral joint.

Sacro-iliac joint injections: Dr. Talmage stated that the Committee recommends approving this request, as presented. He stated that this is a cartilaginous joint with limited motion.

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Intra-articular and extra-articular elbow joint injections: Dr. Talmage stated that this would be limited to the olecranon bursa, lateral and medial epicondyles, and not the joint space itself.

Intra-articular and extra-articular Subacromial Shoulder Joint Injections: Dr. Talmage stated that this request was withdrawn for Intra-articular glenohumeral injections. The injections requested would only be for the bursa, the AC joint and the subacromial space.

All requests were with 100% on-site supervision, in an office setting, with the P.A. observing a physician performing 25 procedures, and the physician observing the P.A. performing 25 procedures.

Dr. Talmage stated that, given those conditions, and the condition that the P.A. to undertake this education would have to have had two years of experience as an orthopaedic P.A., the PAPC and the P.A. Committee recommends approval.

DR. TALMAGE MOVED TO APPROVE YOUNGSTOWN ORTHOPAEDIC ASSOCIATES, INC.'S SPECIAL SERVICES PLANS, AS OUTLINED ABOVE. DR. KUMAR SECONDED THE MOTION.

Dr. Madia stated that, concerning the sacro-iliac joint, some do that under fluoroscopy. whether the P.A. will be doing the procedure under fluoroscopy.

Dr. Talmage stated that the Committee asked the representatives of the group about fluoroscopy, and they said that, in those patients in whom there's easy palpation of the joint, in other words, the patients who are within at least 10 to 20% of their ideal weight, they do not find that fluoroscopy is necessary.

Dr. Madia asked whether the P.A. will make the determination that the patient would or would not need fluoroscopy.

Dr. Talmage stated that one of the conditions is that the orthopaedist will make the diagnosis and then, after appropriate training, will delegate the injection to the P.A.

Dr. Robbins asked whether the Orthopaedic surgeons teach the P.A. to do these procedures.

Dr. Talmage stated that they do, and added that that is part of the application. The P.A. will observe the orthopaedist doing 25 of these procedures, and they will then do 25, under observation, to be deemed qualified to continue to do the procedures.

Dr. Robbins asked whether this could potentially follow the P.A. What if the P.A. leaves orthopaedic group 1 and is able to do these with that group, and this P.A. two years from now joins another group and says, "you know, I can do all these things; I've been doing them the last two years?"

Dr. Talmage stated that these applications for extended privileges are dependent on the physician/P.A. pairing. If they change practices, they would have to go through the same process. That new practice will have had to make successful application to the Board to do that training and to qualify the

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P.A. to do the procedures.

Mr. Hairston asked whether the information Dr. Robbins asked about would be given to the physicians and the P.A.

Dr. Talmage advised the limitations of each area that can be injected will be in the notice to the group. The two-year rule requirement for the P.A. is also in that. As far as Dr. Robbins' inquiry, that information is in the statutes and rules already.

Mr. Browning had left the meeting at some point during the previous discussion.

A vote was taken on Dr. Talmage's motion:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- nay
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Robbins stated that the Committee also reviewed the special services plans of the Crystal Clinic and has tabled that clinic's plans in order to get clarification of some items.

SCOPE OF PRACTICE COMMITTEE

Dr. Kumar stated that the Committee reviewed a letter from Kim Cathey, LMT, who has inquired as to the use of essential oils for aromatherapy, particularly for Raindrop therapy, by unlicensed massage practitioners. She also seeks guidelines for the application and use of aromatherapy.

Dr. Kumar stated that Ms. Debolt has drafted a response to Ms. Cathey's inquiry. He remarked that Ms. Debolt did an excellent job in drafting this letter. He advised that the Committee made some minor, non-substantive changes to Ms. Debolt's letter, and recommends approval.

DR. KUMAR MOVED TO SEND THE LETTER TO MS. CATHEY. DR. MADIA SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye

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Mr. Hairston - aye
Dr. Robbins - aye
Dr. Kumar - aye
Dr. Varyani - aye

The motion carried.

EXECUTIVE COMMITTEE

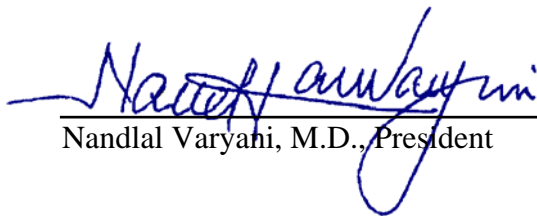
Dr. Varyani stated that the Committee discussed the appointment of a voting delegate to the Federation of State Medical Board's annual meeting. It also discussed scholarships for the voting delegate and the Executive Director to attend the meeting at the Federation's expense.

DR. VARYANI MOVED TO APPOINT HIMSELF AS VOTING DELEGATE AND TO SEEK SCHOLARSHIPS FOR BOTH HIMSELF AND MR. WHITEHOUSE. DR. ROBBINS SECONDED THE MOTION. All members voted aye. The motion carried.

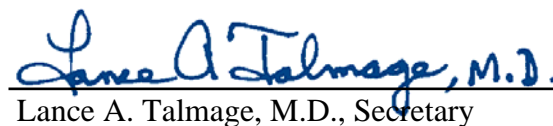
MR. ALBERT MOVED TO ADJOURN. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 10:10 a.m. on January 10, 2008, the January 9-10, 2008 meeting of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on January 9-10, 2008, as approved on February 13, 2008.



Nandlal Varyani, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

