

August 12, 2009

MINUTES

THE STATE MEDICAL BOARD OF OHIO

August 12, 2009

Dalsukh Madia, 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: Jack C. Amato, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Nandlal Varyani, M.D.; Marchelle L. Suppan, D.P.M.; W. Frank Hairston; Susan E. Stephens, M.D.; Darshan Mahajan, M.D.; and Anita M. Steinbergh, D.O. William Ogg, who was appointed to the Board on August 7, was unable to attend the August meeting..

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, David P. Katko, Angela S. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Sheldon Safko and Daniel S. Zinsmaster, Enforcement Attorneys; Karen A. Unver, Kyle C. Wilcox, and Melinda Snyder Osgood, 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; and Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

MR. ALBERT MOVED TO APPROVE THE MINUTES OF JULY 8-9, 2009. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

EXECUTIVE SESSION

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

VOTE:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

August 12, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

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.

At this time the Board congratulated Debra L. Jones, CME and Renewal Officer, who, after serving the Board for thirty years, will retire at the end of August. Ms. Jones thanked the Board and advised that she has enjoyed her employment here.

REPORTS AND RECOMMENDATIONS

Dr. Madia announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of George Jamil-Elias Boutros, M.D.; Matthew Reid Harris, D.O.; and Zuhayr T. Madhun, M.D. A roll call was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

Dr. Madia asked whether each member of the Board understands that the disciplinary guidelines do not 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. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Hairston	- aye

August 12, 2009

Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

Dr. Madia 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.

GEORGE JAMIL-ELIAS BOUTROS, M.D.

Dr. Madia directed the Board's attention to the matter of George Jamil-Elias Boutros, M.D. He advised that objections were filed to Hearing Examiner Davidson's Report and Recommendation and were previously distributed to Board members.

Dr. Madia continued that a request to address the Board has been timely filed on behalf of Dr. Boutros.

Ms. Debolt advised that Dr. Boutros has withdrawn his request to address, as he was unable to attend the meeting due to his recently undergoing surgery.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF GEORGE JAMIL ELIAS BOUTROS, M.D. DR. MAHAJAN SECONDED THE MOTION.

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

Dr. Varyani noted that Dr. Boutros is a practicing ophthalmologist. This case is before the Board because of behavior problems, as well as problems with his medical practice. Dr. Boutros let his Ohio license expire in 2007. Dr. Varyani stated that the Proposed Order notes that the license has expired and has been inactive for more than two years, and indicates that the Board shall not consider restoration of his certificate to practice medicine until certain conditions are met. Dr. Varyani stated that those conditions require psychiatric treatment, which Dr. Boutros is under right now. Dr. Varyani reviewed the other proposed conditions for restoration of Dr. Boutros license, noting that it's basically boilerplate language. Dr. Varyani stated that because Dr. Boutros isn't present today, he would suggest that the Board just go along with the Proposed Order.

Since Dr. Boutros' license is expired, Dr. Suppan asked whether it might not be appropriate to table this issue indefinitely, until such time as Dr. Boutros would seek to reapply for license. The Board could let it sit out there in limbo and not do anything with it.

August 12, 2009

Dr. Steinbergh stated that the Board did cite Dr. Boutros for an inability to practice according to acceptable and prevailing standards due to mental illness. She stated that the record itself is replete with information about Dr. Boutros. Although Dr. Boutros' license has expired, the Board has the obligation and responsibility to take action.

Dr. Steinbergh stated that she agrees with the Conclusion of Law that states that he is unable to practice according to acceptable and prevailing standards. She agrees with the rationale that is in place. If Dr. Boutros wants to practice in Ohio, he will have to reapply. She added that this Order only goes in place if Dr. Boutros decides he'd like to practice in Ohio.

Dr. Steinbergh stated that she did read Dr. Boutros' objections, and she felt that his attorney at this time was just simply developing an appeal to the courts. She thought the objections were very distracting and didn't really go to the case.

Dr. Steinbergh stated that she agrees with the Proposed Order.

Dr. Varyani stated that the only reason he didn't go into detail is because most of the Board have already read this case. He stated that he really likes the Proposed Order because it basically says that if Dr. Boutros applies for restoration of his license, he must meet certain conditions. Dr. Varyani stated that if the Board didn't put conditions on his application for restoration in Ohio, the Board would be leaving him totally uncovered.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

MATTHEW REID HARRIS, D.O.

Dr. Madia directed the Board's attention to the matter of Matthew Reid Harris, D.O. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

August 12, 2009

Dr. Madia continued that a request to address the Board has been timely filed on behalf of Dr. Harris. Five minutes would be allowed for that address.

Dr. Harris was accompanied by his attorney, Eric J. Plinke, Esq. Mr. Plinke noted that he did file objections to the Hearing Examiner's Report and Recommendation. He advised that this is an impairment case. Dr. Harris is currently subject to a summary suspension, which was issued following his self-report of impairment and admission for treatment at the Cleveland Clinic. He completed his inpatient stay there and the testimony on record shows that for the first time in Dr. Harris' history he has had an appropriate and complete diagnosis and is poised to have a successful recovery. Mr. Plinke commented that the record shows that he wasn't in the position to have a successful recovery before.

Mr. Plinke stated that the only issue they have objected to is the duration of the suspension, given that Dr. Harris has already been suspended for three months under the summary suspension, and based on Dr. Gregory Collins' testimony that a lengthy suspension such as the one proposed would actually have a diminishing return on the possibility of recovery. Mr. Plinke asked that that provision be considered for amendment.

Dr. Harris stated that he appreciates the opportunity to address the Board, and apologized for having to come before the Board today. He stated that Dr. Collins testified at his hearing about his evaluation, treatment and continuing care at the Cleveland Clinic. He stated that Dr. Collins is his treating physician, and added that Dr. Collins' program addressed his dual disorder and multiple diagnoses extremely well. That hadn't been done previously.

Dr. Harris stated that, concerning the requirements of the Proposed Order, he is prepared to comply with all of the items. He believes that it should be noted that his first treatment for alcohol dependence occurred in 1993 and was years before contemplation of medical school. Only after being forced to close his solo practice after fourteen years of continuous sobriety did he relapse. He has not been working since that time. At no time did he, or would he, endanger the safety of his patients. Dr. Harris stated that his deceased father was a radiologist and instilled in him the number one rule in medicine, to do no harm.

Dr. Harris stated that he now understands that he's a dual diagnosis individual with multiple problems that need to be addressed. His alcoholism would be considered a type 2, early-onset genetic alcoholism.

Dr. Harris again thanked the Board for its time.

Dr. Madia asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that he would. Mr. Wilcox stated that from his reading of the objections filed in this matter, it appears that Dr. Harris is requesting a lesser penalty as far as suspension time. He's requesting a total of six months of suspension. The Report and Recommendation recommends nine months as a minimum suspension period. Dr. Harris made this request and cited Dr. Collins as being the main reason why he was requesting the shorter suspension period. Mr. Wilcox noted that Dr. Collins testified that he believes Dr. Harris is capable of practicing, and needs to "get back on the horse and practice." Mr. Wilcox asked that the Board consider that Dr. Collins is an advocate for impaired physicians such as Dr. Harris.

August 12, 2009

Dr. Collins has the physician's interests in mind. Mr. Wilcox stated that this Board has the physician's interest in mind, but also has a much greater responsibility. This Board's first duty is public protection. Mr. Wilcox stated that the Board has to look beyond what Dr. Collins is requesting in this case. Given Dr. Harris' history, the Board must look at whether this is someone the Board wants to allow to return to practice that soon. Mr. Wilcox stated that the record shows that Dr. Harris has a dual diagnosis. There's a psychiatric impairment component as well as the alcohol impairment. The record shows that this physician has had two treatments and then relapsed on two different occasions. He stated that the minimum disciplinary guideline for someone with two treatments and two relapses is a minimum one-year suspension.

Mr. Wilcox continued that another factor the Board should look at is that Dr. Harris gave false answers to the Board when he renewed his license in the fall of 2008. Mr. Wilcox stated that the final thing the Board should look at is the judgment of this physician. The record shows that on two occasions this man drove a vehicle while being intoxicated. Given a history of such poor judgment, he doesn't think that the Board wants to return this man to practice soon. He recommended that the proposed nine-month suspension be increased to a minimum of 18 months.

DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF MATTHEW REID HARRIS, D.O. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Steinbergh stated that she appreciates Dr. Harris coming before the Board today, and she recognizes his desire to get back into practice. He hasn't practiced since March 2008. His license was summarily suspended in May 2009. Dr. Steinbergh noted, however, that Dr. Harris' sobriety date was just April 20, 2009, and that's a concern. She stated that this is a straight impairment case, with a dual diagnosis, which is significant. She stated that she agrees with the Conclusions of Law, including Conclusion number three, which deals with his making "a false, fraudulent, deceptive or misleading statement." She stated that she appreciates Dr. Collins' comments. She appreciates the fact that Dr. Collins is an advocate, and she recognized Dr. Collins for what he does and how he helps this Board.

Dr. Steinbergh stated that she took a good look at this case, and finds it difficult to decide how many months, exactly, that he should be out. Dr. Steinbergh stated that she thinks that completing what he needs to complete within six months is going to be a little bit more difficult than Dr. Harris anticipates. She is willing to debate months, but it's clear that it can't be real soon. She doesn't agree that he'll be prepared to return to practice within three months. Dr. Steinbergh stated that she thinks it will take a while for him to even find a practice, unless he goes into practice himself, which she suspects he probably won't. In order to be hired, those hiring him have to be assured that patient care will not be jeopardized. She appreciates Dr. Harris saying to the Board that he does not want to cause patient harm, and that he is aware that when physicians are ill, whether for chemical dependency and/or depression, it does put patients at risk. Poor judgment and the inability to diagnose and treat appropriately does put patients at risk. Dr. Steinbergh stated that she doesn't think this should be a short suspension, but she does appreciate the desire and need to get him back into practice.

August 12, 2009

Dr. Varyani had the same thoughts as Dr. Steinbergh. He looked at this case, and he read Dr. Collins' testimony many times, and he was moved as he was reading that. Dr. Collins says very candidly that a longer suspension time would be detrimental to his recovery. Dr. Varyani stated that he does realize that this would be the third time for Dr. Harris. Dr. Varyani stated that he thought about this a lot and is willing to give Dr. Harris a shorter suspension time, so as to increase his chances of staying where he is and making him productive. However, at the same time, if the Board does give him a shorter suspension time, and if he comes back before the Board again during Dr. Varyani's tenure, Dr. Harris knows what Dr. Varyani's vote is going to be.

Dr. Madia asked what Dr. Varyani is suggesting.

Dr. Varyani stated that he would go with Dr. Collins' recommendation. He stated that Dr. Harris is going to be monitored. He stated that he thought this over, and he knows it will be difficult for Dr. Harris. He thinks that the Board should suspend the license. He added that he would like to give Dr. Harris a chance, but recognized that it's not just up to him. He stated that he's okay with a six-month suspension.

Dr. Steinbergh asked whether the six months' suspension would be from this date.

Dr. Varyani stated that Dr. Collins said that the longer the Board keeps Dr. Harris out of practice, it will be worse for him. He stated that he doesn't want Dr. Harris to fail. He wants Dr. Harris to be sober. He would say six months starting from April 20. However, if Dr. Harris comes back and there's another Order, Dr. Harris knows what his vote will be.

Dr. Steinbergh stated that she believes that the summary suspension was dated May 13.

Dr. Madia stated that that was correct.

Dr. Amato stated that he has mixed feelings on this. He's concerned about the health and wellbeing of a fellow practitioner, but his charge here is the protection of the citizens of the State of Ohio. He would not necessarily be opposed to a nine-month suspension, giving credit for time served, which is hitting some kind of a median between what Dr. Steinbergh and Dr. Varyani are saying.

Dr. Amato stated that it bothers him that the Board just heard conflicting reports about Dr. Collins and the way the Board is viewing him. He stated that Dr. Collins is one of the people that the Board relies on to do evaluations. He would hope that Dr. Collins is a patient advocate as all physicians should be, that's one of the things physicians take an oath to. By the same token, the Board relies on Dr. Collins' evaluations. The Board sends people to Dr. Collins for evaluation. Dr. Amato stated that the Board members can pretty much believe what Dr. Collins is telling them. Dr. Amato stated that, somewhere, the Board needs to hit the balance of protecting its citizens and helping this practitioner get back, if he's capable of it. Dr. Amato stated that he wouldn't be opposed to the idea of giving a suspension period of nine months, but giving credit for time served. He stated that, by his calculations, Dr. Harris has only served three months' suspension.

August 12, 2009

Dr. Madia asked whether Dr. Amato wished to offer an amendment.

Dr. Amato stated that he's just throwing out ideas that he would feel comfortable accepting. He stated his concern that the conditions of restoration must be strictly adhered to. He stated that, as Dr. Varyani indicated, he would take a very dim view if the Board had to address this situation again with this practitioner. He noted that Dr. Harris indicated that he did not harm any patients, but the whole purpose of the Board's acting on impairment is that the Board knows that patients are being harmed. Physicians cannot practice impaired. They're harming patients when they're practicing impaired.

Dr. Suppan agrees with the concept of physicians doing no harm in the context of the practice, but, actually, that extends into daily life, too. Physicians have the responsibility not to drive while intoxicated, not to have automobile accidents that threaten the health and safety of people, too. That's another piece of this that weighed heavy on her mind.

Dr. Suppan stated that, concerning the question of whether three months really makes a big difference in the spectrum of things, if Dr. Harris' recovery is so fragile that three months makes a difference, she's wondering whether he's as far down in recovery as he needs to be.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER BY MAKING THE SUSPENSION PERIOD RETROACTIVE TO THE SUMMARY SUSPENSION DATE.

Dr. Steinbergh stated that this would give Dr. Harris credit for the three months of suspension, and he would have another six months to complete. She stated that it seems reasonable that Dr. Harris would be able to fulfill the stipulations of the Order. She stated that she thinks that the Board should talk a little bit about what happens then when he goes into probation, which is another thing that is put in place for patient protection. The probation period is for at least five years, during which he will be required to get approval of a practice plan, where he will be under a supervised structured environment. Dr. Steinbergh stated that she thinks that that will allow the Board to feel comfortable with his getting back into practice.

MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 12, 2009

DR. SUPPAN MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF MATTHEW REID HARRIS, D.O. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ZUHAYR T. MADHUN, M.D.

Dr. Madia directed the Board's attention to the matter of Zuhayr T. Madhun, M.D. He advised that objections were filed to Hearing Examiner Stehura's Report and Recommendation and were previously distributed to Board members.

Dr. Madia continued that a request to address the Board has been timely filed on behalf of Dr. Madhun. Five minutes would be allowed for that address.

Dr. Madhun was accompanied by his attorney, Jay Milano.

Dr. Madhun apologized to the Board, stating that what he has done is inexcusable. He stated that physicians should do no harm, but he did harm, and he's sorry for that. Dr. Madhun stated that he understands that there is a punishment, and he understands that he deserves the punishment. He stated that his objective here is to do no further harm by appealing to the Board's logic and rationale, and by not doing more harm to his practice. He's a solo practitioner, an endocrinologist, and he has no safety net in his practice for his patients and for his staff members. He stated that he has five staff members with five families. Dr. Madhun stated that the economy is bad in northeast Ohio, as it is in Columbus. Dr. Madhun appealed to the Board's logic to not allow further harm, from his point of view, by trying to suspend his license. Instead, he stated that the Board could put him on probation or whatever the Board deems necessary.

Dr. Madhun stated that five years of anguish have passed since this incident. He stated that, believe it or not, his colleagues in northeast Ohio selected him physician of the year five of these years.

Dr. Madhun stated that he proposes that the Board transfer the punishment from harm only to him and make it good. He stated that he will work, the practice will give him a salary. He noted that he works in

August 12, 2009

three or four hospitals, and every hospital in which he works has a charity foundation, and he suggested that whatever he makes would be given to those foundations. This means that the five members of his staff will not be disrupted. This further means that the flow of patient care will not be disrupted, and he thinks that that will be harm only to him, and there will be no harm for others.

Dr. Madhun stated that, last but not least, he begs for forgiveness from God and from each member of the Board, from the patients, and from his family members.

Mr. Milano stated that he'd like to take a moment to point out what Dr. Madhun is proposing, and what that would mean. He stated that it must be very clear now that Dr. Madhun is not in any way intending to talk the Board into not punishing him. They believe that the punishment of no pay whatsoever, in any form, for the term of the suspension is punishing to Dr. Madhun. He stated that the second part is easy to understand: Dr. Madhun's patients won't suffer, his staff won't suffer, but Dr. Madhun will.

Mr. Milano stated that he thinks that it's important that there's a secondary issue. He stated that that is Dr. Madhun showing himself not to be exploitive, because he could have come here and argued that he shouldn't be suspended for all these reasons. The second thing, the thing that the Board hasn't heard but may have seen through the papers about Dr. Madhun not being exploitive is that what he did was wrong, but the delay, the four- to five-year delay presented a great difficulty because he was never able to show the range of what he did was wrong – from totally exploitive, say a psychiatrist being purely exploitive on a patient for sex, to Dr. Madhun's position, which would have been the least exploitive but wrong nonetheless. When Dr. Madhun was asked by the Hearing Examiner why he didn't call the woman as a witness, he responded that "I've already done enough harm with this, I don't want to harm her again." Mr. Milano stated that the patient is married now, was married then, and has been married for some time. Dr. Madhun made the point that the punishment is his, the harm that he's done is his, and he's not going to go back to bring her into this in order to somehow try to save himself. It's legally significant, and he's not suggesting that any legalities other than the great fairness mean anything here, but it's legally significant because the Hearing Examiner said that there's evidence in the e-mails that Dr. Madhun was exploitive. Mr. Milano stated that he never had a chance to defend that because the Board didn't charge him for four or five years.

Mr. Milano stated that that means little compared to what he's hoping to do. He's hoping that the Board, understanding that this is a very novel request, finds that his suggestion fits the situation perfectly. Punish the physician for doing his wrong, but don't punish his patients and don't punish his staff. Mr. Milano stated that that would protect the public absolutely. He stated that there's no real chance that Dr. Madhun is going to engage in this type of behavior again. There's no history of it.

Mr. Milano stated that that's their suggestion, their hope – that the Board modify the Proposed Order to the extent that Dr. Madhun practices without any compensation whatsoever.

Dr. Madia asked whether the Assistant Attorney General wished to respond.

Ms. Osgood stated that she does. She stated that she will pick up where Mr. Milano left off. She stated that the State didn't call the patient to testify because this Board and the AMA have already decided that if

August 12, 2009

a physician has sex with a patient, that's a violation of ethics. There is no consent. Ms. Osgood stated that what the Board hasn't heard from Dr. Madhun is that he believes that that is true. Dr. Madhun testified in the hearing that he believes that it's possible for a patient to consent to a sexual relationship with her doctor. Ms. Osgood stated that that's not possible in this case. She added that his entire case is based on that belief. Ms. Osgood stated that the Board hasn't heard Dr. Madhun stand her before the Board and say that he knows that that's not possible.

Ms. Osgood noted that Mr. Milano stated that there's no chance that Dr. Madhun will do this again. She stated that there is a chance that he'll do it again. She noted that Dr. Madhun is serving a very emotionally vulnerable patient population. For instance, he's working with pregnant women with diabetes, who are fighting to hold onto their pregnancies. At his hearing, Dr. Madhun had a patient testify on his behalf that he thought he would die if Dr. Madhun wasn't his physician. Ms. Osgood stated that if that isn't power over a patient, she doesn't know what is. She stated that Dr. Madhun still hasn't owned the fact that the patient cannot consent to sex with the doctor.

Ms. Osgood stated that there are 34 endocrinologists in the Cleveland area. She noted that a lot of Dr. Madhun's argument is that he provides a unique service in this area and that is not the case as well. She stated that Dr. Madhun is essentially asking the Board for a slap on the wrist. She stated that his argument is that there is a range of this behavior, a range of trying to manipulate patients. She stated that there is no range. It's a per se violation. You have sex with a current patient, and that's an ethical violation. There is no question in this case that the patient was a current patient of Dr. Madhun. In fact, she had to terminate the physician/patient relationship in October. There was a series of four months where she was basically in limbo, not really knowing who her doctor was to treat her diabetes at that time.

Ms. Osgood stated that she supports the Hearing Examiner's Report and Recommendation, and the recommended six months of suspension. Ms. Osgood stated that she believes that that is more than a fair punishment.

Dr. Mahajan stated that this happened in 2004, but the Board got involved in 2006. He asked who initiated this.

Ms. Osgood stated that information as to who the complainant was is confidential information.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. STEHURA'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ZUHAYR T. MADHUN, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Mahajan stated that, as everybody realizes, it is totally against physicians' ethics to engage in any kind of sexual relationship with a patient. Physicians realize that patients are vulnerable and look up to the physician. Physicians have to be careful when patients are vulnerable to guard themselves.

Dr. Mahajan stated that it bothered him a lot that Dr. Madhun started the kiss the first time. The patient

August 12, 2009

was not sure where it was going, from looking at the e-mails. Dr. Mahajan stated that he does realize that Dr. Madhun tried to tell the patient, about three months into the relationship, that she should find another physician, which did not happen until sometime around October.

Dr. Mahajan stated that Dr. Madhun did not repeat this behavior again. He added that if he hears a similar complaint about Dr. Madhun from anybody else, he shall be really upset about it. But if nothing happened from 2004 to 2009, he doesn't feel that the Board needs to be very harsh on Dr. Madhun. He stated that, looking at the availability of endocrinologists, taking care of pregnant diabetics is a special animal. Pregnant diabetics are not regular, run-of-the-mill patients. Dr. Mahajan commented that he's not far from where Dr. Madhun practices, and in his own hospital they've had difficulty getting endocrinologists to come in and cover for the last three years.

Dr. Mahajan stated that going off salary and not taking anything for six months, the way Dr. Madhun is proposing, is not a minor thing for a physician. It's not a slap on the wrist. Dr. Mahajan stated that he feels that it's a relatively good gesture on Dr. Madhun's part. He added that he was even looking at requiring Dr. Madhun to work for a free clinic, or doing community service, but Dr. Madhun's proposal sounds even better to him. He added that if the Board hears anything further for the next five years, he shall be willing to be very harsh. However, now he would say that probation is fine, and that the Board should let Dr. Madhun practice and not take any salary. If the Board wants to suspend him still, it could divide that in the middle, giving him a three-month suspension total, with no salary.

Dr. Steinbergh disagreed with Dr. Mahajan. She stated that sexual boundary issues are a grave concern to this Board. There is no reason, and there is no time when it is appropriate for a physician to take advantage of a patient like this. This was a woman who had been in Dr. Madhun's practice for many, many years. He'd seen her through a couple of pregnancies, diabetes, and so forth. The woman was married. He encouraged her by his kissing. With the e-mails in the record, the Board didn't need her to be a witness in order to understand what went on. He led her on, and he damaged the bonds of her marriage. Dr. Steinbergh stated that sexual boundary issues are important, and she can't personally trade money for discipline in a case like this, and that's what Dr. Madhun is asking the Board to do. It would be no different than if the Board fined him \$5,000 for having sex with a patient. Dr. Steinbergh stated that she doesn't find that appropriate, and again stated that you cannot trade money for a violation of this nature.

Dr. Steinbergh stated that she feels that the Proposed Order is more than fair. It falls well below the Board's guidelines for sexual misconduct in practice. She stated that she doesn't think that there is any physician who is so valuable to the medical profession that the Board would say that he should be treated different from somebody else because he practices endocrinology and he practices with pregnant diabetics. She stated that she appreciates his education and his service to the patients, but there is not one doctor who is so valuable who shouldn't be judged in the same way as any other person. Dr. Steinbergh again stated that the Proposed Order is more than fair for this particular violation.

Dr. Varyani stated that he thinks that his record stands as far as sexual misconduct is concerned. He stated that his feelings are the same as Dr. Steinbergh's at this point. He noted that the Board usually imposes a minimum one-year suspension for this violation. This proposed sanction is for six months' suspension. Dr. Varyani stated that for Dr. Madhun to come in and say that the Board should do no harm to his patients

August 12, 2009

because he made a mistake, he doesn't understand where those feelings were in 2004 or 2003.

Dr. Varyani agreed with Dr. Steinbergh in that he doesn't go for money either. He stated that some Boards do impose monetary fines for these kinds of things, but Ohio doesn't. Dr. Varyani stated that he thinks that the Board is being more than reasonable with Dr. Madhun. He stated that, practicing on the west side of Cleveland, he knows that there are plenty of choices and plenty of endocrinologists who will be able to take care of patients, and he's sure that it is the same in the east side.

Dr. Varyani stated that the fact still remains that Dr. Madhun did something wrong. He added that when he was first confronted, Dr. Madhun denied the whole thing. A month later, he accepted it. Now, because of the system, getting patient records, personnel issues, etc., he is sorry that the Board is late, but sometimes it takes time. Dr. Varyani stated that he doesn't like that either. He was also upset that it took the Board three years to get to this; however, he feels that the proposed six-month suspension is more than reasonable. He stated that he thinks that that is because the Board took time with this case. He also thinks that the Board should say that it is because of the time that the proposal isn't for appropriate justice. He stated that he would be opposed to reducing the sentence any further.

Dr. Madia stated that he feels exactly the same as Dr. Varyani and Dr. Steinbergh. He thinks that the Board cannot trade on this. He will not take money. That would be like Band-Aid justice in his opinion. Dr. Madia noted that the proposed six-month suspension is below the minimal standard of one year. Dr. Madia stated that Dr. Madhun isn't asking for this because he wants to donate the money. If he leaves the practice for six months, he will lose some patients forever. That's the main reason behind his proposal. Dr. Madia stated that he doesn't think that the Board can trade the punishment for money.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

FINDINGS, ORDERS AND JOURNAL ENTRIES

Dr. Madia advised that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of service for each was received. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final

August 12, 2009

disposition.

JOHN A. HALPIN, M.D.

Dr. Steinbergh noted that Dr. Halpin had failed to do some CME. He violated an August 14, 2008 Board Order by not paying the fine and by not documenting and reporting his CME and the number of Category 1 credits he was supposed to get.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 14, 2008 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, REVOKING DR. HALPIN'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

PERRY WILLIAM ROBINSON, M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 14, 2008 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER THE PROPOSED ORDER, EFFECTIVE IMMEDIATELY. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

August 12, 2009

The motion carried.

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

KRISTINE MARIE BLAZEY, 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 MS. BLAZEY. DR.VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ADAM LEE FOWLER – 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. VARYANI MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MR. FOWLER. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

August 12, 2009

Dr. Madia - aye

The motion carried.

MARCELLUS JAJUAN GILREATH, M.D., AKA STEPHEN WAYNE GILREATH, M.D. – NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice Of Immediate Suspension And Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. GILREATH. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

NARENDRA KUMAR GUPTA, 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. GUPTA. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

August 12, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

EHTESHAMUL HAQUE, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. HAQUE.
MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MARTIN R. HOBOWSKY, D.O. – 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. HOBOWSKY.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

August 12, 2009

The motion carried.

HAROLD MCNAUGHTON JONES, D.P.M. – 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.

MR. HAIRSTON MOVED TO SEND THE CITATION LETTER TO DR. JONES. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

STEPHEN ALAN STRAUBING, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. STRAUBING. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 12, 2009

JOHN KEITH KREBS, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. KREBS. DR. STEPHENS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

Board members were provided with copies of settlement agreements negotiated by Board staff and/or the staff of the Office of the Attorney General, as authorized by the Board's Secretary and Supervising Member, and as appropriate, the Board President, as well as copies of summaries of the agreements. The names and license numbers of the licensee or applicant subjects of such settlement agreements were removed from the documents.

JEFFERY DAVID MILLER, M.D.– VOLUNTARY RETIREMENT

DR. STEINBERGH MOVED TO RATIFY DR. MILLER'S VOLUNTARY RETIREMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

August 12, 2009

Dr. Madia - aye

The motion carried.

ANDREW JOHN NUTINI, M.D. – VOLUNTARY RETIREMENT

DR. VARYANI MOVED TO RATIFY DR. NUTINI'S VOLUNTARY RETIREMENT. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

KURT J. PALAZZO, M.D. – STEP II CONSENT AGREEMENT

DR. VARYANI MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. PALAZZO. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

CYNTHIA D. WESTER-BRONER, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. WESTER-BRONER. DR. VARYANI SECONDED THE MOTION. A vote was taken:

August 12, 2009

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MALCOLM WARREN HENDERSON, M.D. – SURRENDER OF CERTIFICATE TO PRACTICE
MEDICINE AND SURGERY

**DR. VARYANI MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF
DR. WARREN'S LICENSE TO PRACTICE MEDICINE AND SURGERY. MR. HAIRSTON
SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

TIMOTHY R. HALSTEAD, P.A. – STEP II CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT
WITH MR. HALSTEAD. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye

August 12, 2009

Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

AIYAPPAN MENON, M.D. – STEP II CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

STEVEN TODD PATTERSON, D.O. – STEP II CONSENT AGREEMENT

DR. VARYANI MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. PATTERSON. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 12, 2009

KMR, MD – CONSENT AGREEMENT

DR. VARYANI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH KMR, MD. MR. HAIRSTON SECONDED THE MOTION.

Dr. Steinbergh stated that she has a great deal of difficulty with a physician who practices below minimal standards for this problem. He admitted that “prior to leaving for an extended vacation in or about November 2007, he signed two prescriptions, one for Darvocet and one for Percocet, for a patient bearing a date other than when it was issued” and that “he left pre-signed blank prescriptions in his office that were ultimately stolen by an office employee and used to acquire Percocet.” She stated that she feels that the reprimand is inappropriate, adding that she personally feels that there should be a suspension period attached to the discipline of this physician. She does not disagree with the probationary requirements, but she has to vote “no” on this consent agreement.

Dr. Amato stated that he agrees totally with Dr. Steinbergh. He stated that the Board members recently anguished over a physician who did a similar situation, trying to care for his patients. Nothing was stolen. The Board suspended him for a short period of time, yet the Board is going to enter into a consent agreement with no time off? Dr. Amato stated that Dr. Steinbergh is right on this one.

Dr. Varyani stated that the case to which Dr. Amato is referring was a couple of months ago, and he believes that the Board issued a very short suspension. Sometimes the problem is that circumstances are such that you cannot pin people down. That’s why the President went along with this settlement, and that’s why he voted to go along with it. This was signed off by the Secretary, Supervising Member and the President because it was below the minimum disciplinary guideline.

Dr. Steinbergh stated that she has tremendous respect for the process; she simply disagrees with this, and she can’t vote for this.

Dr. Madia asked whether the Secretary and Supervising Member can participate in this discussion to explain their thinking process.

Ms. Debolt stated that they cannot.

Ms. Marshall stated that this consent agreement was patterned after the Board Order in the case of Dr. Mahendra Mahajan, which has almost identical facts and after a lot of discussion at the Board level. This consent agreement is exactly the same as the Board Order in that case.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- nay
	Mr. Hairston	- aye

August 12, 2009

Dr. Amato	- nay
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- nay
Dr. Madia	- abstain

Needing six votes to ratify a settlement agreement, the motion failed.

DARRELL SEILER, M.T. – WITHDRAWAL OF APPLICATION

DR. VARYANI MOVED TO RATIFY THE WITHDRAWAL OF MR. SEILER’S APPLICATION FOR A CERTIFICATE TO PRACTICE MASSAGE THERAPY. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

JOSEPH P. SITARIK, D.O. – STEP II CONSENT AGREEMENT

DR. VARYANI MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. SITARIK. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- abstain
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 12, 2009

MADELYN RENEE SARTAIN, D.O. – CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

TIMOTHY ALLEN SCROGGINS, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. SCROGGINS. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

FRANKLIN DONALD DEMINT, D.O.– STEP I CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. DEMINT. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye

August 12, 2009

Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- abstain

The motion carried.

Dr. Stephens left the meeting at this time.

PROBATIONARY APPEARANCES

STEVEN R. ALLEN, SR., M.D.

Dr. Allen appeared before the Board pursuant to his request for release from the terms of his August 9, 2007 Consent Agreement.

Ms. Bickers reviewed Dr. Allen's history with the Board.

Dr. Suppan requested that Dr. Allen share his experiences with the Board and with the students present in the room.

Dr. Allen stated that he had some issues with depression throughout medical school and the early part of his surgery residency. He's now a trauma surgeon. He had some family issues. He was subsequently diagnosed with bipolar disorder, as the root of those issues, and has undergone a significant amount of psychiatric and behavioral therapy over the last three years. Dr. Allen stated that he's been doing very well, actually.

In response to questions asked by Dr. Suppan, Dr. Allen stated that the coping skills that he's developed have been, basically, learning to rely on his family and friends as a support network when he does have issues or a bad day. He's also learned to keep some balance in his life. He's returned to working out, cycling, his family, and things that he enjoys. Over the last few years he's become much more in tune with how he feels, and rather than just chalking things up to a bad day, he tries to analyze himself, which is hard sometimes, but which has allowed him to say, "Am I going one way or the other?" He added that he has the help of his therapist, Dr. Wright, whom he sees every other week.

In response to further questions asked by Dr. Suppan, Dr. Allen stated that the amount of time he's on call varies, and that he's usually on call five to six times a month, depending on whether he's on trauma or whether he's in the ICU. He stated that in Philadelphia, the trauma department is quite busy and he could have one to six gunshot wounds coming in every night. He stated that it can be very stressful, but he

August 12, 2009

enjoys it. It doesn't stress him out as it might some.

In response to further questions, Dr. Allen stated that, away from work, he enjoys running. He's run a couple half marathons over the last couple of years. He cycles. He spends a lot of time with his family. Those are the things that allow him to relax.

DR. SUPPAN MOVED TO RELEASE DR. ALLEN FROM THE TERMS OF HIS AUGUST 9, 2007 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

TRACY A. KOTNIK, M.D.

Dr. Kotnik appeared before the Board pursuant to her request for release from the terms of her February 13, 2008 Consent Agreement.

Ms. Bickers reviewed Dr. Kotnik's history with the Board.

In response to questions posed by Dr. Varyani, Dr. Kotnik stated that she is doing generally well. She stated that her issue involved a boundary violation with a patient. She attended ethics courses to better understand why those types of occurrences do occur, how to be more cognizant of potential situations, and to realize that the doctor is always in control. Physicians have the power and need to remain in charge and control situations. She stated that if a situation arises, it needs to be diffused immediately or as soon as possible. Dr. Kotnik added that the physicians themselves are under stress and a lot of times they're desensitized to a lot of things in their training and so physicians are just as vulnerable as the next person. Dr. Kotnik stated that the ethics courses were helpful in pointing that out and reminding her that nobody is perfect, but you need to try to be your best.

DR. VARYANI MOVED TO RELEASE DR. KOTNIK FROM THE TERMS OF HER FEBRUARY 13, 2008 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

MICHAEL G. STRAYER, M.T.

Mr. Strayer appeared before the Board pursuant to his request for release from the terms of the Board's Order of May 9, 2007.

Ms. Bickers reviewed Mr. Strayer's history with the Board.

In response to Dr. Madia's questions, Mr. Strayer stated that he is doing well. He was charged with possession of drugs. He no longer deals drugs. He stated that his family is doing very well. He added that they're actually moving down to Texas in a month or so. He'll practice in Austin. He does have a job there. He'll be doing massage therapy in Texas.

DR. MADIA MOVED TO RELEASE MR. STRAYER FROM THE TERMS OF THE BOARD'S

August 12, 2009

ORDER OF MAY 9, 2007. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

HEATHER LOUISE WHITTY, M.T.

Ms. Whitty appeared before the Board pursuant to her request for release from the terms of her July 11, 2007 Consent Agreement.

Ms. Bickers reviewed Ms. Whitty's history with the Board.

In response to Dr. Mahajan's questions, Ms. Whitty stated that she is doing very well. She stated that she has no questions of the Board. Ms. Whitty advised that Ms. Gilman has answered all questions she had. She stated that she has a position with a doctor in Perrysburg, Ohio, and she is an independent contractor, and she's also looking for a second position, possibly with a chiropractor. She stated that she just started getting patients, and with the economy, it's been slow. She asked Ms. Gilman whether she had to give a copy of her consent agreement to an employer. She stated that she feels confident with Ms. Gilman's response.

DR. MAHAJAN MOVED TO RELEASE MS. WHITTY FROM THE TERMS OF HER JULY 11, 2007 CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

EMAD S. ATALLA, M.D.

Dr. Atalla made his initial appearance before the Board, pursuant to the terms of the Board's Order of May 13, 2009.

Ms. Bickers reviewed Dr. Atalla's history with the Board.

In response to Dr. Steinbergh's questions, Dr. Atalla stated that he's fine. He added that he's had a fever for the last few days so he may sound weak, but he's not weak. He stated that in 2005 he did not truthfully answer a question on the renewal application regarding the very difficult circumstances through which he was going. Whatever happened in 2003 and 2004 has no impact with him now because he has a new family and he has a new life. What is impacting him now is the Board disciplinary action, the effect of which he's trying to minimize. So far he's been successful. He was able to get all his credentials settled, everyone was able to understand the background and the circumstances behind the violation. His malpractice insurance did not have any problem after he explained everything. What he needs to do now is to comply with the Board's Order, in full, finish his probation, and get back to his life.

Dr. Varyani stated that he remembers Dr. Atalla's situation very well, and he believes that Dr. Atalla did what he did because he didn't want to get into too much trouble.

Dr. Atalla explained that at the time he was fighting with immigration and with custody. He was on call every other day. He had to travel three to four hours between his workplace and the immigration courts, so

August 12, 2009

he could not afford having another investigation, or hiring another lawyer. Being on call every other day, he was taking all the off time possible just go to Akron and Cleveland from St. Marys. Intentionally, he lied to avoid the Board's investigation. He stated that he failed to disclose a disorderly conduct conviction, a fourth degree misdemeanor, which is not disciplinary. If he could go back now he would not lie, but at the time this was all he could think of. He could not afford it.

In response to further questions, Dr. Atalla stated that he doesn't have any questions about the Board Order, and that he understands it completely.

DR. STEINBERGH MOVED TO CONTINUE DR. ATALLA UNDER THE TERMS OF THE BOARD'S ORDER OF MAY 13, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH FURTHER MOVED TO GRANT DR. ATALLA'S REQUEST FOR APPROVAL OF THE ETHICS COURSE, *INTENSIVE COURSE IN MEDICAL ETHICS, BOUNDARIES AND PROFESSIONALISM*, OFFERED BY CASE WESTERN RESERVE UNIVERSITY. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

PAUL LEWIS BLANCHARD, M.D.

Dr. Blanchard made his initial appearance before the Board, pursuant to the terms of his July 8, 2009 Step II Consent Agreement.

Ms. Bickers reviewed Dr. Blanchard's history with the Board.

In response to Dr. Amato's questions, Dr. Blanchard stated that he is doing very well. His sobriety date is October 20, 2008. He was treated at Shepherd Hill, and that was his admission date to Shepherd Hill. He stated that he has been sober for over nine months. He initially appeared before the Board in February of this year. He then met with Mr. Albert one time. His license has been reinstated and he's back before the full Board for his initial appearances after return of his license. Dr. Blanchard stated that he goes to Aftercare once a week at Bethesda in Cincinnati. He attends approximately four meetings a week between A.A. and Caduceus. He has a sponsor with whom he meets at a minimum of once a week. Dr. Blanchard stated that he's doing a lot of growing.

Dr. Amato commented that Dr. Blanchard looks content, and he likes that.

Dr. Blanchard stated that one thing about recovery is that it's an extreme growing process. He stated that he's ashamed to admit it, but he had a big ego before he became sober, and he's ashamed about that. He's a much different individual now. He's learned that it's not about him. He's doing a lot of growing.

Dr. Amato stated that his training background was also in Cincinnati, and he always felt that the University of Cincinnati worships at the altar of general surgery, and he recommended that Dr. Blanchard keep some of his ego for the operating room. He commented that at times you need that ego to carry through for the wellbeing of the patient.

August 12, 2009

Dr. Blanchard agreed.

Dr. Steinbergh noted that Dr. Blanchard is requesting the approval of Dr. Sachs, to serve as his treating psychiatrist.

Dr. Blanchard stated that Dr. Sachs is also an addictionologist, and he felt that the dual training would be beneficial for him.

In response to further questions by Dr. Steinbergh, Dr. Blanchard stated that he's an internist. He stated that it gets a little confusing because he also trained in aerospace medicine, so he's also referred to as a flight surgeon. He's not a general surgeon.

Dr. Blanchard advised that he does understand the terms of his consent agreement, which was ratified in July of this year. He does not have any questions.

DR. STEINBERGH MOVED TO CONTINUE DR. BLANCHARD UNDER THE TERMS OF HIS JULY 8, 2009 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH FURTHER MOVED TO APPROVE RONALD A. SACHS, M.D. TO SERVE AS DR. BLANCHARD'S TREATING PSYCHIATRIST. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

RANDALL JAY BOLAR, M.D.

Dr. Bolar made his initial appearance before the Board, pursuant to the terms of the Board's Order of May 13, 2009.

Ms. Bickers reviewed Dr. Bolar's history with the Board.

In response to Mr. Hairston's questions, Dr. Bolar stated that he is doing okay, but that he just drove about 450 miles to get here, and will have the same amount to drive back after this meeting, but he's fine. For the sake of the medical students present, Dr. Bolar explained that he had settled out of a malpractice case in the summer of 2002. He thought that all the licenses he had at the time were yearly renewals. When he renewed his Ohio license in October 2003, he made the very bad assumption that he had reported the malpractice settlement in October 2002, which he had not. He didn't realize at the time that Ohio's renewal was every two years. He stated that it was his fault, but it was purely an oversight on his case.

Dr. Bolar stated that the other violation was from January 2007, after he had closed his practice in Lexington, Kentucky and had begun his move to Clarksville, Tennessee, where he practices now. He had actually resigned his privileges and done all of his last cases. The C.E.O. of the hospital issued a summary suspension to him on around June 15. The Medical Executive Committee met and reviewed the facts, found that there was no merit to a summary suspension, or a suspension of any kind. In fact, their words were that it was unwarranted and issued in a manner that was inconsistent with the bylaws. They also found him not guilty of having done anything to warrant that. Dr. Bolar stated that he was happy, because

August 12, 2009

he thought it was over, until the C.E.O. of the hospital sent him a letter about five months later saying that, even though the Medical Executive Committee had reversed the C.E.O.'s action and had found that he had done nothing to warrant it, he was still, in fact, suspended for six days, pending the investigation. His attorney got involved with the hospital. The hospital, in the interim, had actually begun to go bankrupt, and the hospital agreed to rescind the suspension if he would sign an agreement that he wouldn't sue them. He agreed to that. He thought that it was actually already a done issue, but it wasn't. When he renewed his license on January 8, 2007, and answered "no" to the suspension, it was wrong because the hospital never did rescind it.

Dr. Bolar stated that he thinks people would find all of this pretty hard to deal with, but it is his fault. He's not trying to claim that it's not. He added that he's had, and still has, a hard time with the fact that the medical staff found that he didn't do anything wrong, that he was innocent of those charges, and he should have answered "yes," but he didn't.

Mr. Hairston asked Dr. Bolar whether he has any questions of the Board.

Dr. Bolar stated that he's done everything that the Board Order has asked him to do, with the exception of not having taken the C.M.E. course yet. He stated that he didn't know if, when he tries to get approval for that, he will have to appear before the Board again for that approval.

Dr. Madia stated that he wouldn't.

Dr. Steinbergh stated that he'll submit that application to Ms. Bickers, who will place the request on the agenda.

Dr. Varyani advised Dr. Bolar to contact Ms. Bickers with any questions such as that. He added that anytime an action is taken against a physician, even if the action is subsequently withdrawn, the physician should report that the action took place and then explain that it was subsequently withdrawn. He stated that had Dr. Bolar done that, he would not have had to drive 450 miles today. He stated that once an action is on paper, it will come to light, and it's better to explain it at the beginning.

Dr. Bolar stated that he accepts what Dr. Varyani is saying, and that he agrees with that.

MR. HAIRSTON MOVED TO CONTINUE DR. BOLAR UNDER THE TERMS OF THE BOARD'S ORDER OF MAY 13, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MAHAJAN SECONDED THE MOTION. All members voted aye. The motion carried.

SAMUEL FRANCIS CORNICELLI, JR., M.D.

Dr. Cornicelli made his initial appearance before the Board, pursuant to the terms of his May 14, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. Cornicelli's history with the Board.

August 12, 2009

Dr. Suppan stated that it is her understanding that, following the Board's Order of May 2009, he was going to find a psychiatrist to begin to work with him.

Dr. Cornicelli stated that he has been under the care of a psychiatrist since February. He stated that that is going well for him, and he does feel that he is making progress in terms of his bipolar disorder. He stated that he gauges that just based on how he feels.

In response to questions asked by Dr. Steinbergh, Dr. Cornicelli stated that he doesn't really have a support system right now. He's living in a group home for mental health patients in Columbus. His family is in Tiffin, Ohio. Dr. Cornicelli stated that he attended NEOUCOM, and he trained at the Detroit Medical Center of Wayne State University Hospitals. He finished his training in 1991.

Dr. Steinbergh noted that the information provided to the Board indicates that Dr. Cornicelli has yet to nominate a psychiatrist for Board approval.

Ms. Bickers noted that a psychiatric report has been submitted, but she asked Dr. Cornicelli whether he had requested approval of a specific psychiatrist.

Dr. Cornicelli asked whether there is a specific form he's supposed to use.

Ms. Bickers stated that she will talk with Dr. Cornicelli about nominating a psychiatrist. She asked who he has been seeing since February.

Dr. Cornicelli stated that he's been seeing Dr. Nahar.

DR. SUPPAN MOVED TO CONTINUE DR. CORNICELLI UNDER THE TERMS OF HIS MAY 14, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

Dr. Steinbergh noted that Dr. Cornicelli's suspension was for a minimum of 90 days, which have passed. She asked whether he senses for himself that he's made some progress in the last few months.

Dr. Suppan asked whether Dr. Cornicelli has a plan with his psychiatrist to return to independent living.

Dr. Cornicelli stated that that's his plan right now. He stated that he hasn't talked to anybody yet, but he would like to move out within the month.

Dr. Madia stated that he knew Dr. Cornicelli from when he worked at Wyandot Memorial Hospital. He asked how Dr. Cornicelli's problem with anger is.

Dr. Cornicelli stated that he no longer has an anger problem.

In response to Dr. Steinbergh's questions, Dr. Cornicelli stated that he is currently taking the following

August 12, 2009

medications: Invega, Celexa and Lithium. He sees his psychiatrist once a month.

In response to Dr. Suppan's questions, Dr. Cornicelli stated that he's currently on a dose of lithium that he anticipates he'll stay on, or are they looking to taper that down.

Dr. Cornicelli stated that he's not on a real high dose right now. He guesses that it's a dose he'll continue.

Dr. Varyani stated that he's not very comfortable with Dr. Cornicelli at this point. He believes that Dr. Cornicelli should have to appear before the full Board for reinstatement after conditions are met.

Dr. Madia agreed with Dr. Varyani.

DR. STEINBERGH MOVED TO CONTINUE DR. CORNICELLI UNDER THE TERMS OF HIS MAY 13, 2009 STEP I CONSENT AGREEMENT, WITH HIS NEXT APPEARANCE BEFORE THE FULL BOARD, PRIOR TO HIS ENTERING INTO A STEP II CONSENT AGREEMENT. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

At the end of this session of the meeting, Dr. Suppan stated that she had some concerns about Dr. Cornicelli's affect today. He seemed to be extremely out of it. She added that she was concerned about even thinking of him getting into a car and driving. She noted that he's in a group home situation. She didn't feel that he was doing well, and she wondered whether there was anything the Board could do to expedite care for him.

Dr. Mahajan indicated that he might need a medication adjustment.

Ms. Bickers stated that she can call Dr. Cornicelli's psychiatrist and let him know the Board's concerns.

CHRISTINE M. GRAHAM, M.T.

Ms. Graham made her initial appearance before the Board, pursuant to the terms of her May 13, 2009 Consent Agreement.

Ms. Bickers reviewed Ms. Graham's history with the Board.

In response to Dr. Varyani's questions, Ms. Graham stated that she is feeling very well. Her sobriety goes back to September 2, 2006. She is currently working as an independent massage therapist. Ms. Graham indicated that she is also a registered nurse, and will look for a nursing job since her nursing registration was restored this past July. She stated that she will look for a part-time nursing position. She added that her overall goal is to practice massage therapy on a full-time basis.

DR. VARYANI MOVED TO CONTINUE MS. GRAHAM UNDER THE TERMS OF HER MAY 13, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

August 12, 2009

In response to Dr. Steinbergh's questions, Ms. Graham stated that her nursing registration was under probation for three years. She attended monthly meetings with the Nursing Board as part of that probation. She must take any nursing job offers she gets to the Nursing Board for approval.

TIMOTHY ROSS HALSTEAD, P.A.

Mr. Halstead made his initial appearance before the Board, pursuant to the terms of his May 13, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Mr. Halstead's history with the Board.

In response to Mr. Albert's questions, Mr. Halstead stated that he is currently working at Firelands Regional Medical Center. He stated that he has been sober since April 18, 2009. His drug of choice was alcohol. He stated that he never used marijuana or cocaine. He is not married, but does have a good support system. He added that the physician for whom he works is behind him 100%. Mr. Halstead stated that he attends three A.A. meetings a week, plus a Caduceus meeting. He also attends Aftercare once a week. Mr. Halstead stated that his family lives out of state, but he does talk to his father about once a week. He has a girlfriend who is very supportive. His girlfriend manages a bank in the Columbus area, and has been with this bank for 21 years.

DR. STEINBERGH MOVED TO CONTINUE MR. HALSTEAD UNDER THE TERMS OF HIS AUGUST 12, 2009 STEP II CONSENT AGREEMENT, WITH HIS NEXT APPEARANCE IN THREE MONTHS BEFORE THE FULL BOARD. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

JEROME D. HOMISH, D.O.

Dr. Homish made his initial appearance before the Board, pursuant to the terms of his May 13, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. Homish's history with the Board.

In response to Dr. Madia's questions, Dr. Homish stated that he is doing well. He advised that he relapsed after ten years when his father became ill in May 2008 with an inoperable brain tumor. Up until that point he'd been doing three to four A.A. meetings a week, and doing quite well overall. When his father became ill, he began splitting his time between work, his home life, as well as traveling to Toledo to help with his father and his mother. He stated that he cut back on his A.A. meetings and, ultimately, cut them out. He relapsed on alcohol after his funeral. Dr. Homish stated that he knew that cutting back on A.A. meetings would ultimately fail in terms of sobriety, and he now knows by personal experience that that is true.

In response to further questions, Dr. Homish stated that he was prescribed hydrocodone for lower back pain through "hallway consults." He hadn't written anything for himself.

August 12, 2009

Dr. Varyani asked how common it is for a hallway colleague to not examine him and give him a prescription for pain.

Dr. Homish stated that it doesn't happen very often. He acknowledged that it wasn't difficult.

Dr. Steinbergh asked how this time is going to be different.

Dr. Homish stated that he knows this time, and by personal experience, that staying with the A.A. meetings is the number one priority. That's what had kept him sober for the years before. He got away from doing that and everything else that he'd been told would transpire, did. He didn't see it coming when he was cutting back on the A.A. meetings, but looking back now it's very easy to see and identify, but he didn't see when he was cutting back on them. He recognizes now that he was becoming more isolated, more irritable, restless and discontent, but he didn't see it at the time. He does know now, looking back, that that's what happened. He stated that he had all the tools in front of him, he just wasn't using them.

Dr. Madia asked how Dr. Homish is passing his time right now.

Dr. Homish commented that he didn't think he'd have time to work if he was actually back in practice. He stated that his wife's family has a farm that they've been helping to fix up. He's doing a lot of farm work. His stepdaughters have animals in a 4-H project. Essentially, he's been going out to the farm and working every day almost. Some time is consumed with traveling back and forth to A.A. meetings because his home is 25 to 30 minutes away from the nearest meeting. He currently attends seven A.A. meetings a week.

Dr. Steinbergh asked Dr. Homish how many steps he got through the first time and where he is in the process now.

Dr. Homish stated that he had made it through all the twelve steps the first time and now, on a daily basis, he's working all of them.

Dr. Madia asked Dr. Homish whether he realizes that getting prescriptions in a hallway without any documentation or examination is inappropriate.

Dr. Homish stated that he does. He added that it was mostly out of convenience, but that was also at a time when so much else is going on.

DR. STEINBERGH MOVED TO CONTINUE DR. HOMISH UNDER THE TERMS OF HIS MAY 13, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

SCOTT BRIAN LINDSAY, D.P.M.

Dr. Lindsay made his initial appearance before the Board, pursuant to the terms of the Board's Order of

August 12, 2009

April 8, 2009.

Ms. Bickers reviewed Dr. Lindsay's history with the Board.

In response to Dr. Steinbergh's questions, Dr. Lindsay stated that this has been a period of reengagement, reestablishing his practice. He's self-employed. The main thing that has been on his mind is compliance. During his reengagement for hospital privileges and insurance panels, he basically checked with the authorities for their rules for the things that he wants to do prior to doing them. That's been occupying most of his time. He stated that he's identified a personal and professional ethics course at Case Western that he will be taking.

Dr. Steinbergh stated that he'll need to request the Board's approval prior to doing that.

Dr. Suppan stated that she looked at the program flyer and thought it was a really good program.

In response to Dr. Suppan's questions, Dr. Lindsay stated that he sees about ten patients a day. He has been excluded from Medicare. He has not been able to reengage with any third-party payers. He added that he's still in the process of doing that. He sees patients on a cash basis now. Dr. Lindsay stated that prior to his conviction, he took a leave of absence from his hospital and from the panels, and they said that they'd talk about the best way for him to come back in after everything was done. That's what he's doing now. He is making a living at this point. He's also been doing consulting. Dr. Lindsay stated that he has a technical background and has done a lot of work with the stimulus bill and health care reform. He helps physicians with the technical aspects in getting their money from the stimulus bill to begin using electronic records, and such. He stated that he does feel that he's pulling himself out of this.

Mr. Albert asked Dr. Lindsay whether he has many an arrangement to pay back his student loan.

Dr. Lindsay replied that he has. He stated that that's been in progress. His loan is now down to about \$120,000.

Dr. Talmage and Dr. Steinbergh left the meeting at this time.

DR. VARYANI MOVED TO CONTINUE DR. LINDSAY UNDER THE TERMS OF THE BOARD'S ORDER OF APRIL 8, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

WILLIAM JOHN NIEMES, M.D.

Dr. Niemes made his initial appearance before the Board, pursuant to the terms of his May 13, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. Niemes' history with the Board.

In response to Board members' questions, Dr. Niemes stated that he is doing fine. He attends at least five

August 12, 2009

A.A. meetings a week, as well as one Caduceus meeting and one Aftercare meeting a week. He hasn't seen a psychiatrist. Dr. Niemes stated that he was initially admitted at Shepherd Hill Hospital in Newark on April 30, and he was there for ten weeks. His sobriety date is April 24, 2009. He advised that he does understand the terms of his Consent Agreement, and added that he doesn't have any questions about it at this point.

DR. MAHAJAN MOVED TO CONTINUE DR. NIEMES UNDER THE TERMS OF HIS MAY 13, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

DALE PRATT-HARRINGTON, D.O.

Dr. Pratt-Harrington made his initial appearance before the Board, pursuant to the terms of his April 8, 2009 Step II Consent Agreement.

Ms. Bickers reviewed Dr. Pratt-Harrington's history with the Board.

In response to Board members' questions, Dr. Pratt-Harrington acknowledged that there was a long interval between when he got his Step I Agreement in 2004 and his Step II Agreement in 2009. He explained that he got a teaching job at Hocking College, teaching anatomy, physiology, etc., and he was struggling with the question of whether or not he wants his license back. He stated that Mr. Albert kept prodding him to get his license back, so he finally decided to take the COMVEX and he passed. Now that he has his license back, he realizes that he can, with the Board's permission, do some part-time practice. He stated that he's never going to leave teaching because he loves it. He could do some part-time practice, though, and he's beginning to investigate those possibilities. He stated that he's thinking of starting a student health clinic at Hocking College, and things along that line.

DR. AMATO MOVED TO CONTINUE DR. PRATT-HARRINGTON UNDER THE TERMS OF HIS APRIL 8, 2009 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MAHAJAN SECONDED THE MOTION. All members voted. The motion carried.

JON BERKLEY SILK, JR., M.D.

Dr. Silk made his initial appearance before the Board, pursuant to the terms of his June 10, 2009 Step II Consent Agreement.

Ms. Bickers reviewed Dr. Silk's history with the Board.

In response to Board members' questions, Dr. Silk stated that he is doing well. He recently attained 16 months of sobriety and he feels wonderful. He is in a family-practice residency, and his hours are more rigorous than they've been in the past. He did go 14 months without any work at all, which was very difficult for him. He was unable to find a teaching position. He stated that he was on food stamps for a

August 12, 2009

while and was donating plasma on a regular basis to make ends meet, so he's definitely been through it. Dr. Silk stated that he's very excited to be working his 80 hours a week now. In addition to that, he spends about seven hours a week in something sobriety-related, such as going to meetings. He's also found an aftercare program. He's moved from Cincinnati to Dayton, so he's getting a new psychiatrist. He stated that he's already seen the new psychiatrist, but has yet to get him approved by the Board. He had been seeing a psychiatrist for over a year in Cincinnati, and he'd seen her up until this point.

Mr. Hairston asked that Dr. Silk talk a little about his sobriety program.

Dr. Silk stated that he was about six months into his psychiatry residency program when he was very tired of his pattern of drinking, which was approximately twice a month, but to the point where he was blacking out. He tried to ask the people above him in the program what he should do about it, and they recommended an outpatient program, which he completed. He was able to stay sober for about four months for the first time in his life. Unfortunately, the very next time he drank he was arrested for public intoxication. He was taken to jail. After that he self-reported to the Board and he was given 48 hours to go into a 28-day treatment program. He completed that at Glenbeigh. After that, the program released him, although they didn't have to. That left him out of a job and he had to wait until the next opening of residency positions. During the 14 months he was off, he did 90 meetings in 90 days, then another 90 meetings in 90 days. He's attended approximately three meetings a week since then. Dr. Silk stated that it's been difficult with the 80-hour work week now, but he still finds time to go to three meetings a week.

In terms of family support, Dr. Silk stated that right now he's closer to his family than he's ever been. However, due to a family emergency, most of his immediate family is in Florida. He stated that he does have good support from his family. He added that he's dating someone new in the community in which he lives, and that's going well. Mostly, he's noticed that he gets a lot of support from the other residents in his current program. He stated that he didn't feel that kind of closeness in his psychiatry residency. People were a lot more independent. He feels a kind of connection to the people he's now with.

In response to further questions, Dr. Silk stated that the medications he is currently taking are: Welbutrin 150 NSR and Celexa 60 mg. He stated that he's been on those medications for approximately one year at the same dosages.

Dr. Silk stated that he didn't have any questions about his Consent Agreement. He stated that he did find out today that he needs to report to the D.E.A. and give them a copy of his Consent Agreement. He stated that he should have known that, and added that it will be done as soon as possible.

MR. HAIRSTON MOVED TO CONTINUE DR. SILK UNDER THE TERMS OF HIS JUNE 10, 2009 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

RODNEY E. STONE, M.D.

Dr. Stone made his initial appearance before the Board, pursuant to the terms of his May 13, 2009 Step I

August 12, 2009

Consent Agreement.

Ms. Bickers reviewed Dr. Stone's history with the Board.

In response to Board members' questions, Dr. Stone stated that he's feeling pretty good today. He's a lot better than he was last September. He stated that he's had a long-time depressive illness and last September he was the worst he's ever been. He's a lot less depressed now, but he doesn't think that he's normal. His sleep is a lot better, his spirits are a lot better, and he feels more like doing things. Dr. Stone stated that he thinks a large part of that is the medication that his psychiatrist has him taking. She changed his medicine around a lot and continues to adjust it. His sleep is a lot better, he feels like doing things, he doesn't feel as guilty about himself. He hopes to return to practice eventually, but at the moment he's trying to find out what is available in the community to lead up to maybe having his own practice again. He stated that he's going to see if he can get a psychologist to work with on a part-time basis. He'd like to see a psychologist more frequently than that, but he doesn't have insurance so he has to work with what he can afford. He is not currently attending any type of support groups. Concerning his family support, he lives with his 20-year-old son, who goes to Wright State University. His son is being very supportive and helpful. His son is a very positive individual. Dr. Stone advised that he also has a girlfriend who is very positive.

Dr. Stone stated that he's trying to get some exercise every day, to do some reading every day, and other things rather than just sitting around doing nothing.

DR. SUPPAN MOVED TO CONTINUE DR. STONE UNDER THE TERMS OF HIS MAY 13, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. SUPPAN FURTHER MOVED TO APPROVE SUNITA AGARWAL, M.D., TO SERVE AS DR. STONE'S TREATING PSYCHIATRIST. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

JORDAN E. HOPKINS, M.D.

Dr. Hopkins appeared before the Board pursuant to his request for release from the terms of his August 11, 2004 Step II Consent Agreement.

Ms. Bickers reviewed Dr. Hopkins' history with the Board.

In response to Board members' questions, Dr. Hopkins stated that he's doing very well. He stated that he's had a long relationship with the Board, and at the beginning there was some resentment against the Board. However, over time, he's realized how much better his life is with recovery, and now he feels gratitude toward the Board. Dr. Hopkins stated that during the five years of his probation there were small frustrations, but looking at the grand scheme of things, it's worked out very well. He stated that he's not even close to wanting to lodge any complaints. He's very happy and very satisfied.

In response to further questions, Dr. Hopkins stated that he finished his fellowship program a year and some months ago. He did a subspecialty program, which was finished in June of this year. He's taken a

August 12, 2009

position in Tampa, Florida in interventional cardiology.

Dr. Amato stated that the materials provided to the Board indicate that Dr. Hopkins hopes to stay in Florida because he likes the different perspectives on medicine. He asked whether it was the state or interventional cardiology that gave him the different perspective.

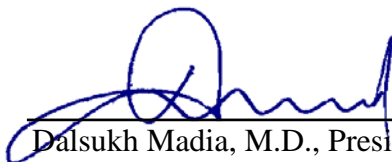
Dr. Hopkins stated that he decided to stay in Florida because he enjoys the weather in Florida, and he enjoys being by the water. He stated that it has nothing to do with the practice of medicine, and added that he hasn't recognized a tremendous difference in the practice of medicine between Florida and Ohio. He added that that didn't weigh into the decision.

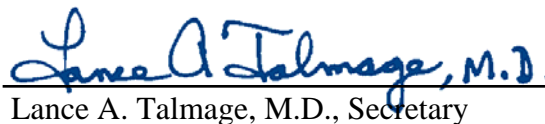
DR. VARYANI MOVED TO RELEASE DR. HOPKINS FROM THE TERMS OF HIS AUGUST 11, 2004 STEP II CONSENT AGREEMENT, UPON RECEIPT OF ALL DUE DRUG SCREENS FROM THE FLORIDA BOARD. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

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

Thereupon at 4:40 p.m. the August 12, 2009 session 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 August 12, 2009, as approved on September 9, 2009.


Dalsukh Madia, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)



August 13, 2009

MINUTES

THE STATE MEDICAL BOARD OF OHIO

August 13, 2009

Dalsukh Madia, 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: Jack C. Amato, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Nandlal Varyani, M.D.; W. Frank Hairston; Anita M. Steinbergh, D.O.; and Darshan Mahajan, M.D. The following joined the meeting at a later time: Marchelle L. Suppan, D.P.M. The following did not attend the meeting: William Ogg; Susan E. Stephens, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; 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; Kay Rieve, Administrative Officer; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; and Barbara Jacobs, Public Services Administrator.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Madia 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. Madia 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.

Dr. Steinbergh asked to consider the probationary request of Adam P. Hall, D.O., separately.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON JULY 6 AND 7, 2009, WITH: MOHAMMAD A. ADAS, M.D.; MARK D. BALDWIN, D.O.; JOHN D. BROWNLEE, M.D.; ANDREW J. CASTELLANOS, M.D.; PATRICK R. DENNISON, D.O.; JANICE ELECTA GREEN DOUGLAS, M.D.; PAUL E. DUNCAN, M.D.; MATTHEW H. EVENHOUSE, M.D.; PAUL H. GOODMAN, D.O.; SANDRA K. HAREWOOD, M.D.; WILLIAM WAYNE HOLLIFIELD, M.D.; RONALD M. JOHNS, P.A.; SRIPRIYA DOSS KOLAKALUR, M.D.; BYRON C. LEAK, M.D.; RAVI DUTT MADAN, M.D.; ROBERT E. MARSICO, JR., M.D.; FLORENCE B. MATYAS, M.D.; MICHAEL J. O'BRIEN, D.O.; THOMAS R. PICKETT, P.A.; NYKOLAI VASIL PIDHORODECKYJ, M.D.; STEVEN THOMAS REED, M.D.; ROBERT S. REEVES, JR., M.D.; WILLIAM A. ROMER, M.D.; FRANK M. STRASEK, D.P.M.; SUSAN GAIL SWEDA, M.D.; AND SCOTT R. WELDON, M.D.

DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S

August 13, 2009

RECOMMENDATIONS AS FOLLOWS:

- **TO GRANT DAVID E. ALLEN, M.D.’S REQUESTS TO DISCONTINUE HIS ADVOCACY CONTRACT WITH THE OHIO PHYSICIANS HEALTH PROGRAM, AND TO APPROVE MARK A. SMITH, M.D., TO SERVE AS HIS NEW SUPERVISING PHYSICIAN;**
- **TO GRANT MARK E. BLAIR, M.D.’S REQUEST FOR APPROVAL OF CHRISTOPHER J. CORNER, M.D., TO SERVE AS THE MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH;**
- **TO GRANT CYNTHIA LYNN BROWN, M.D.’S REQUEST FOR APPROVAL OF JOHN A. HEATHER, M.D. TO SERVE AS HER TREATING PSYCHIATRIST;**
- **TO GRANT DANIEL H. BRUMFIELD, M.D.’S REQUEST FOR A REDUCTION IN HIS DRUG SCREENS REQUIREMENT TO TWO SCREENS PER MONTH;**
- **TO GRANT RYAN STEVEN FRYMAN, D.O.’S REQUEST FOR APPROVAL OF BRADLEY A. LISKO, M.D., TO SERVE AS HIS NEW SUPERVISING PHYSICIAN;**
- **TO GRANT KYLE E. HOOGENDOORN, D.P.M.’S REQUEST FOR APPROVAL OF THE RECORD KEEPING COURSE *MEDICAL RECORDS: HOW TO MANAGE THEM PROPERLY, WISELY, SAFELY, AND RISK FREE*, OFFERED BY THE TEXAS MEDICAL ASSOCIATION;**
- **TO GRANT ROBERT L. HUBLEY, D.O.’S REQUEST FOR APPROVAL OF THE SOUTH DAKOTA HEALTH PROFESSIONALS ASSISTANCE PROGRAM [SD HPAP], TO SERVE AS HIS NEW SUPERVISING “PHYSICIAN;”**
- **TO GRANT ANIL H. JHANGIANI, M.D.’S REQUEST FOR APPROVAL OF BRENDA J.B. ROMAN, M.D., TO SERVE AS A MENTAL HEALTH PROFESSIONAL CONDUCTING PSYCHOTHERAPY;**
- **TO GRANT BOBBY C. LENOX, JR., D.O.’S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE TO EVERY SIX MONTHS;**
- **TO GRANT JASON R. MOLDER, M.T.’S REQUEST FOR APPROVAL OF AN ETHICS COURSE TAILORED BY DONNA HOMENKO, PH.D.;**
- **TO GRANT FRANCINE R. MOSLEY, M.D.’S REQUESTS FOR: APPROVAL OF A NEW PRACTICE PLAN THAT WOULD ALLOW THE DOCTOR TO WORK AT LINDENWALD MEDICAL ASSOCIATES; AND APPROVAL OF RAKESH SHARMA, M.D., TO SERVE AS HER MONITORING PHYSICIAN;**

August 13, 2009

- **TO GRANT MARK ALLEN RENZ, M.D.’S REQUEST FOR APPROVAL OF A MODIFICATION TO HIS APPROVED PRACTICE PLAN TO, AS PART OF HIS HOSPITALIST FELLOWSHIP, PROVIDE IN-HOUSE NIGHT-TIME EMERGENCY COVERAGE AT REGENCY MANOR;**
- **TO GRANT DAVID P. SPEARS, D.O.’S REQUEST TO CHANGE HIS PRACTICE PLAN TO INCLUDE HAVING A NURSE PRACTITIONER ASSIGNED;**
- **TO GRANT STEVEN H. SUESS, M.D.’S REQUEST FOR APPROVAL OF JAMES F. GRAHAM, JR., M.D., TO PERFORM ONE OF THE CHEMICAL DEPENDENCY ASSESSMENTS REQUIRED FOR REINSTATEMENT;**
- **TO GRANT JEROME R. SWITCH, D.O.’S REQUEST TO WAIVE HIS NEXT APPEARANCE, WITH HIS FINAL APPEARANCE BEING IN APRIL 2010; AND**
- **TO GRANT ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O.’S REQUEST FOR APPROVAL TO INCREASE HIS WORK HOURS TO 40 HOURS PER WEEK.**

DR. STEINBERGH 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 ACUPUNCTURISTS LISTED IN EXHIBIT “C,” THE ANESTHESIOLOGIST ASSISTANTS LISTED IN EXHIBIT “D,” AND THE RADIOLOGIST ASSISTANTS LISTED IN EXHIBIT “E;” AND TO APPROVE THE RESULTS OF THE JUNE 2009 MASSAGE THERAPY EXAMINATION (EXHIBIT “F”), AND CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE LIMITED BRANCH PORTION OF THE EXAMINATION AND A SCORE OF 68 OR GREATER ON THE BASIC SCIENCES PORTION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE LIMITED BRANCH PORTION OR A SCORE OF LESS THAN 68 ON THE BASIC SCIENCES PORTION OF THE EXAMINATION. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 13, 2009

ADAM P. HALL, D.O.

Dr. Steinbergh stated that Dr. Hall has requested that the Board remove his restriction from administering, personally furnishing or possessing controlled substances so that he can complete his training in anesthesiology. She stated that Dr. Hall then goes on to describe his particular condition and says that he was attaching an affidavit from Dr. Blackwell, citing the restriction as one of the reasons for denial.

Dr. Steinbergh stated that her personal question in this case was whether the Board is looking to allow Dr. Hall to administer, furnish or possess controlled substances because it finds that he's appropriate at this time to do so because of his wellness, or is it doing this in order to comply with Dr. Hall's desire to return to a residency in anesthesia.

Dr. Steinbergh stated that she asked to look at the affidavit of Dr. Blackwell, which was not in the agenda materials. She stated that Dr. Blackwell is the Vice President of medical education for Doctors Hospital. After reviewing Dr. Hall's disciplinary record and receiving a recommendation from the Anesthesia Department, Dr. Blackwell had determined that Dr. Hall could not be reinstated to the anesthesia residency program. The decision to not reinstate him was based solely on Dr. Hall's documented performance and behavior problems, his violation of multiple Ohio Health policies and of his residency contract, and the seriousness of his proven misconduct. Dr. Steinbergh noted that the decision was in no way related to Dr. Hall's alleged disabilities. In making her decision not to reinstate Dr. Hall, Dr. Blackwell and the residency program took into account that Dr. Hall would have ready access to controlled substances, which they find is inappropriate for him.

Mr. Albert advised that after reviewing this new information, he and Dr. Talmage withdrew their recommendation for approval.

Ms. Bickers explained that the affidavit was received following the probationary conference at which Dr. Hall initiated his request.

MR. HAIRSTON MOVED TO DENY DR.HALL'S REQUEST FOR PERMISSION TO ADMINISTER, PERSONALLY FURNISH OR POSSESS CONTROLLED SUBSTANCES. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 13, 2009

REINSTATEMENT REQUESTS

GREGORY M. THOMAS, M.D.

Dr. Thomas' request for reinstatement of his certificate to practice medicine and surgery, which was suspended for a minimum of two years by Board Order of April 11, 2007, was presented to the Board for consideration at this time.

Dr. Steinbergh noted that Dr. Thomas took the required courses prior to seeking approval from the Board. She stated that she looked into this and found that there was a series of miscommunications.

DR. STEINBERGH MOVED TO APPROVE THE INTENSIVE COURSE IN CONTROLLED SUBSTANCE MANAGEMENT; INTENSIVE COURSE IN MEDICAL ETHICS, BOUNDARIES AND PROFESSIONALISM; AND THE INTENSIVE COURSE IN MEDICAL RECORD-KEEPING WITH INDIVIDUAL PRECEPTORSHIPS, AS REQUIRED FOR RESTORATION, AND THAT THE APPLICATION FOR THE RESTORATION OF THE LICENSE OF GREGORY M. THOMAS, M.D., TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO BE APPROVED, SUBJECT TO THE PROBATIONARY TERMS AND CONDITIONS AS OUTLINED THE APRIL 11, 2007 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ROBERT L. TURTON, D.O.

Dr. Turton's request for reinstatement of his certificate to practice osteopathic medicine and surgery, which was suspended for an indefinite period of time by Board Order on May 13, 2009, was presented to the Board for consideration at this time.

Dr. Steinbergh noted that Dr. Turton has complied with the ordered requirements.

DR. STEINBERGH MOVED THAT THE REQUEST FOR THE REINSTATEMENT OF THE LICENSE OF ROBERT L. TURTON, D.O., TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY, BE APPROVED, SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED THE BOARD ORDER OF MAY 13, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

August 13, 2009

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ADMINISTRATIVE REPORT

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

Mr. Whitehouse noted that the FY10-11 state operating budget was approved on July 17, 2009. The agency appropriation was \$8.1 million for FY10 and \$8.1 million for FY11. This amount reflects a 2.9% reduction from the flat funding recommended by the Executive Budget. Since July 2009, he's received a memo from the Office of Budget and Management, indicating that they welcome non-GRF agencies, in particular, to try to have their budgets restored to the Executive recommendation, which would fill that 2.9% gap. Mr. Whitehouse stated that if the Board is unable to be restored to that recommendation, the Board will have to continue to make some difficult decisions, which would adversely impact the Board's ability to fulfill its mission. He stated that he is optimistic, however, about the Board's chances of being able to get back to the Executive recommendation.

Mr. Whitehouse continued that he has asked the Governor's Office whether they would be supportive of an effort to restore the Board beyond the Executive Recommendation. He stated that he made a case for the Board to get additional funds in order for the Board to backfill an investigative position in Cincinnati. He stated that he hopes he left them with the impression that, if the Board isn't able to backfill the position, money won't be saved sending investigators from surrounding areas to that area. Mr. Whitehouse stated that he also made a case for the hiring of a fourth hearing examiner.

Mr. Whitehouse reviewed Key Performance Measures in the areas of Enforcement, Quality Intervention, Licensure and the Hearing Unit.

Dr. Varyani asked that staff prepare a report with the average number of days to completion of an application, excluding the outliers.

Dr. Suppan joined the meeting during the previous discussion.

August 13, 2009

REPORTS BY ASSIGNED COMMITTEES

LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Miller stated that the Legislators went home after the budget and will return in September. A budget corrections bill will be discussed upon the Legislature reconvening.

Mr. Miller continued his report by advising that S.B. 229 which became effective in September 2008 required the State Medical Board to regulate the practice of radiologist assistants beginning in June 2009. In reviewing licensure applications it has been discovered that certain radiologist assistants do not meet eligibility requirements despite holding the required certification from the American Registry of Radiologic Technologists (ARRT) because they were not required to meet the “standard certification requirements.” Instead, they obtained the certification via a temporary pathway established by ARRT for persons holding the credential Registered Radiology Practitioner Assistant, and without having to document clinical education.

Mr. Miller advised that, in the course of deliberations on S.B. 229, it was agreed that language should be included to recognize the temporary pathway established by ARRT as it would serve as a “grandfather” clause for those individuals who were certified by the Certification Board for Radiology Practitioner Assistants rather than ARRT. Unfortunately this language was inadvertently left out of the final version of S.B. 229 and has delayed the licensure process for certain applicants. The following suggested language would recognize the temporary pathway as a valid path toward licensure.

An individual who attained certification as a “Registered Radiologist Assistant” from the “American Registry of Radiologic Technologists” through the temporary pathway established for “Registered Radiology Practitioner Assistants” on or prior to December 31, 2011, shall be considered by the medical board as having met the requirements of division (B)(4) of section 4774.03 of the Revised Code.

DR. STEINBERGH MOVED TO APPROVE THE AMENDMENT RECOGNIZING THE TEMPORARY PATHWAY CREATED BY ARRT. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

LICENSURE COMMITTEE

Dr. Varyani advised that the Committee reviewed a number of applications.

Andre U. Aguilon, M.D.

Dr. Varyani advised that Dr. Aguilon has requested to take the Computer-based USMLE Step 3 with special accommodations under the Americans with Disabilities Act of 1990 (ADA). He has been diagnosed with Dyslexia and a reading/learning disorder. Dr. Aguilon requested extra time (time and one-half). Dr. Varyani stated that Dr. Aguilon did request and was granted accommodations for Step 1 and Step 2.

August 13, 2009

DR. VARYANI MOVED TO APPROVE DR. AGUILLON'S ACCOMMODATION REQUEST OF EXTRA TIME (TIME AND A HALF) DURING THE ADMINISTRATION OF THE STEP 3 OF THE USMLE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

Sharon Annisa Ali, M.D.

Dr. Varyani advised that Dr. Ali has applied for licensure in Ohio. She has indicated that she has not been engaged in the clinical practice of medicine since June of 1999. Dr. Ali is a graduate of the University of West Indies, St. Augustine, and W.I. in December of 1990. She has requested endorsement of her USMLE exam. Dr. Ali trained in the West Indies from January 1991 until September 1994, and then practiced in the U.K. from October 1994 until July 1996 when she immigrated to the United States. Dr. Ali completed training in Internal Medicine at St. Barnabas Hospital in the Bronx, N.Y. from June 1996 until June 1999. Dr. Ali then essentially stayed home to care for her family, with only two months of observerships at two separate hospitals from June 1999 to the present. Dr. Ali holds licenses in Indiana and New York. Dr. Ali is American Board certified in Internal Medicine since August 1999.

DR. VARYANI MOVED TO APPROVE DR. ALI'S REQUEST FOR OHIO LICENSURE PENDING SUCCESSFUL COMPLETION OF THE SPEX OR INTERNAL MEDICINE BOARD RECERTIFICATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 13, 2009

Ulla Braeutigam, M.D.

Dr. Braeutigam has applied for licensure in Ohio through endorsement of her USMLE exam. Dr. Braeutigam has indicated that she has not been engaged in the clinical practice of medicine since July 2007. Dr. Braeutigam is a graduate of the University of Wurzburg in Wurzburg, Germany in May 2003. She completed training in Pediatrics at Georgetown University Hospital in Washington, D.C., from June 2004 until June 2007. Dr. Braeutigam then began maternity leave in July 2007. Dr. Braeutigam holds licenses in the District of Columbia and Virginia. Dr. Braeutigam does not report any American Board certification.

DR. VARYANI MOVED TO APPROVE DR. BRAEUTIGAM'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR PEDIATRIC BOARD CERTIFICATION EXAM. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

Pradeep K. Narotam, M.D.

Dr. Varyani advised that Dr. Narotam is a May 1985 graduate of the University Natal in Durban, South Africa. He trained and practiced in South Africa from January 1986 until June 1994. Dr. Narotam immigrated to the United States in June 1994, and began a Neurological Surgery Fellowship at the University of Arizona from July 1994 until June 1995. Dr. Narotam served as Assistant Professor of Surgery-Neurosurgery at the University of Manitoba from July 1995 until December 2000, and as Assistant Professor of Surgery-Neurosurgery at Creighton University Medical Center from January 2001 until February 2008. He has been a Staff Neurosurgeon at the Union Hospitals Medical Group in Terre Haute, Indiana since February 2008. Dr. Narotam holds licenses in Indiana, Nebraska, Arizona, Iowa, Kentucky, and Manitoba. He does not report any American Board certification.

DR. VARYANI MOVED THAT THE BOARD DEEM DR. NAROTAM'S TRAINING AND EXPERIENCE IN SOUTH AFRICA AND THE UNITED STATES, AND HIS 12 MONTHS OF FELLOWSHIP IN THE UNITED STATES TO BE EQUIVALENT TO THE 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND-YEAR LEVEL OF GME AND TO APPROVE HIS APPLICATION FOR LICENSURE. DR. AMATO SECONDED THE MOTION. A vote was taken:

August 13, 2009

ROLL CALL:

Mr. Albert	- aye
Dr. Varyani	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Federico Seifarth, M.D.

Dr. Seifarth has applied for a license and has requested a waiver of the USMLE ten-year rule on the basis of Rule 4731-6-14(C)(3)(c)(ii) OAC, which allows the applicant to “demonstrate good cause, as determined by the board, for not having passed all three steps or levels within the ten year period, and otherwise meet the requirements set forth in paragraph (C)(3)(a) of this rule.” Dr. Seifarth is over the 10-year time limit by three months. He passed Steps 1, 2, and 3 on the first attempt with scores of 80, 78 and 81. Dr. Seifarth sent a letter of explanation advising he went over the 10-year limit because he took Steps 1 and 2 in Switzerland, and didn’t immigrate to the U.S. until 2007. Dr. Seifarth graduated from the University of Zurich in November 1999. Dr. Seifarth trained and practiced in Switzerland and Germany from November 1999 until June 2007. Dr. Seifarth then immigrated to the U.S. and began a Pediatric Surgery Fellowship at Miami Children’s Hospital from July 2007 until June 2009. Dr. Seifarth holds a training license in Florida, and does not report American Board Specialty Certification.

DR. VARYANI MOVED TO APPROVE THE GOOD CAUSE EXCEPTION OF THE 10-YEAR RULE AS OUTLINED IN 4731-6-14(C)(3)(C)(II), OAC, TO ACCEPT DR. SEIFARTH’S EXAMINATION SEQUENCE AND TO GRANT HIM A LICENSE. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Varyani	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- nay

The motion carried.

August 13, 2009

Joseph Andrew Stasiak, L.M.T.

Dr. Varyani advised that Mr. Stasiak applied for restoration of his LMT license in Ohio. Mr. Stasiak indicated on his application that he has not practiced massage therapy since August 2005.

DR. VARYANI MOVED TO APPROVE MR. STASIAK'S REQUEST TO RESTORE HIS OHIO LICENSURE SUBJECT TO THE SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MESSAGE EXAMINATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

MICHAEL JOHN BICA, L.M.T.

Dr. Varyani advised that Mr. Bica applied for restoration of his LMT license in Ohio. He indicated on his application for restoration that he has not practiced Massage Therapy since August 2003.

DR. VARYANI MOVED TO APPROVE MR. BICA'S REQUEST TO RESTORE HIS OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MESSAGE THERAPY EXAMINATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

August 13, 2009

IMPAIRMENT COMMITTEE

Ms. Bickers advised that the Committee reviewed Arrowhead Behavioral Health's application for a Certificate of Good Standing as a Treatment Provider for Impaired Practitioners. She stated that following review of the application materials the Committee recommended approving the application.

DR. STEINBERGH MOVED TO APPROVE ARROWHEAD BEHAVIORAL HEALTH'S APPLICATION FOR A CERTIFICATE OF GOOD STANDING AS A TREATMENT PROVIDER. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

EXECUTIVE COMMITTEE

Mr. Whitehouse advised that the Committee discussed plans for the annual Medical Board retreat, which will be held on Thursday, October 15, 2009. It is anticipated that the retreat will be held in a conference room in the Rhodes Tower from 8 a.m. until 2:30 p.m. Committee members suggested a working lunch be included in the retreat plans. Following discussion, it was determined that the retreat will include interactive case studies to illustrate the Board's enforcement processes. The retreat will also provide opportunity for informal discussion of operational and procedural issues.

Policy Statement/Rules Regarding Motions for Reconsideration

Ms. Debolt stated that after the Board issues an order following deliberation of a Report and Recommendation, generally, the process for a licensee or applicant who doesn't like the results is to file an appeal with the Courts. That appeal must be filed within 15 days after the Order is mailed. However, during that 15-day period, the Board still has jurisdiction over that particular decision. It keeps jurisdiction until either the 15 days run or an appeal has been filed. The Ohio Supreme Court has said that during that time, the subject of the order, can file a motion for reconsideration.

Ms. Debolt stated that this hasn't been much of a problem for this Board, but this year the Board is seeing more use of that. Ms. Debolt stated that the Ohio Supreme Court has suggested that agencies have rules on how to proceed when motions for reconsideration have been filed.

Ms. Debolt advised that this matter was thoroughly discussed at the Executive Committee meeting, and that Committee recommends adoption of the following procedures, which incorporate the language changes requested by the Executive Committee. The proposed policy will apply to any motion for reconsideration subsequent to the issuance of a Medical Board order in any administrative case (disciplinary or non-disciplinary) conducted under Chapter 119 of the Ohio Revised Code:

- I. All motions for reconsideration shall be made on the day the Order was determined.
- II. A Medical Board member may make a motion for reconsideration, which motion need not be in writing.

August 13, 2009

- III. All motions for reconsideration made by the Respondent or the State shall be in writing and shall specify the factual or legal error that is the basis for the motion.
- IV. The non-moving party shall be offered the opportunity to respond orally to the motion for reconsideration.
- V. The Medical Board shall consider a motion for reconsideration in two steps.
 - A. The first step is to decide whether to grant or deny reconsideration.
 - B. Based on the decision to grant or deny the motion, the Medical Board shall then do one for the following:
 - 1. If the decision is to deny reconsideration, no further action is required.
 - 2. If the decision is to grant reconsideration, the Medical Board must reconsider the case and issue a new Order, which may be the same as originally issued or different from the original one.

DR. STEINBERGH MOVED TO ADOPT THE RECOMMENDED POLICY FOR MOTIONS FOR RECONSIDERATION. DR. STEINBERGH FURTHER MOVED TO DIRECT THAT RULES BE PROMULGATED REFLECTING THE POLICY ADOPTED. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

P.A. COMMITTEE

Dr. Talmage advised that the Committee reviewed Special Services Plans filed by the following:

Orthopaedic Surgeons, Inc.

Dr. Talmage advised that the Committee reviewed the above-captioned's application for its P.A.s to perform subacromial bursa shoulder injections. He noted that this has been approved in the past for other P.A. groups.

August 13, 2009

DR. TALMAGE MOVED TO APPROVE ORTHOPAEDIC SURGEONS, INC.'S REQUEST FOR ITS P.A.S TO PERFORM SUBACROMIAL BURSA SHOULDER INJECTIONS, IN AN OFFICE SETTING, UTILIZING 100% ON-SITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

Dermatology Laser Center

Dr. Talmage advised that the requests filed by the above-captioned were considered and tabled by the PAPC, so there is no action for the Board to take at this time. He stated that the concern was that the off-site was totally off-site. He stated that the Board's policy has been that whenever a surgical or minor surgical procedure is performed, the lesion on the patient should be evaluated by the physician. This was not part of the application. All three requests were tabled to allow either modification or personal appearance by the requestor.

Dr. Talmage advised that the Committee also reviewed Applications for Provisional Certificates to prescribe from the following:

Jennifer Garand, PA-C

Dr. Talmage stated that Ms. Garand completed a non-ARC-PA Masters of Education from the University of Toledo. Her course of education is not specifically listed in the Ohio Administrative Code of various courses of study that have been determined as "acceptable" or "clinically relevant." Review by Board staff failed to find any clinical relevance in her education that would make her eligible for a certificate to prescribe. Dr. Talmage stated that the Committee, after review the materials, recommends denial.

DR. TALMAGE MOVED TO DENY MS. GARAND'S APPLICATION. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

August 13, 2009

Donald McKenzie, PA-C

Dr. Talmage advised that Mr. McKenzie applied through the “10 years of clinical experience” route, and therefore needs his previous employer to complete Form B of his application. He previously worked as a P.A. in the U.S. Air Force for eleven years and submitted a Department of Defense Form 214 as documentation. He asked that the Board accepted this form, along with other Form Bs, as verification of the ten years of work experience.

DR. TALMAGE MOVED TO APPROVE MR. MCKENZIE’S REQUEST TO ACCEPT THE DOCUMENTATION FILED AS VERIFICATION OF YEARS OF CLINICAL EXPERIENCE AS A P.A. , AND TO GRANT HIM A PROVISIONAL CERTIFICATE TO PRESCRIBE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

Raquel Grant-Venable, PA-C

Dr. Talmage stated that Ms. Grant-Venable also applied through the “10 years of clinical experience” route, and therefore needs her previous employers to complete Form Bs as part of her application. Ms. Grant-Venable has worked for several different employers, and has submitted Form Bs for all employment except her experience with Dr. Lewis and Dr. Clayton at Prison Health Services in Philadelphia, Pennsylvania, for the period October 1997 through January of 2000. Ms. Grant-Venable is asking the Board to accept her personal letter in lieu of the Form B from Prison Health Services.

DR. TALMAGE MOVED TO DENY MS. GRANT-VENABLE’S REQUEST TO ACCEPT HER PERSONAL LETTER IN LIEU OF FORM B VERIFYING HER CLINICAL EXPERIENCE AT PRISON HEALTH SERVICES. MR. HAIRSTON SECONDED THE MOTION. Dr. Varyani abstained. All other members voted aye. The motion carried.

Dr. Talmage stated that the Committee also discussed a request for clarification on the P.A. formulary. The formulary rules requires that either a combination medication itself or each component in a combination medication be listed as “may prescribe” on the formulary. He advised that the gist of the matter is the need to clarify on the P.A. Formulary that Tylenol #3 and #4, which are Tylenol with codeine, are “may prescribe” drugs for PAs with the DEA license since they are not Schedule II drugs. He stated that this was investigated by the pharmacist members of the PAPC, and it was found that, in fact, Tylenol with codeine is a different salt of codeine and therefore considered not as addictive. There was some discussion of the Tylenol issues that have been brought by the FDA, but those are yet to be decided. Dr. Talmage stated that the PAPC and the P.A. Committee recommend that Tylenol with codeine be in the “may prescribe” category, consistent with the APN formulary.

DR. TALMAGE MOVED TO INCLUDE TYLENOL WITH CODEINE IN THE “MAY PRESCRIBE” CATEGORY FOR PRESCRIBING BY P.A.S WITH CERTIFICATES TO PRESCRIBE. DR. VARYANI SECONDED THE MOTION.

Dr. Madia asked whether Tylenol 3 is a Schedule 2 drug.

August 13, 2009

Dr. Talmage stated that it isn't. He stated that codeine phosphate, which is in Tylenol, is not Schedule 2. Codeine sulphate, which is apparently a more quickly released drug and therefore more likely to be abused, is.

Dr. Mahajan stated that he has a problem with that. He feels that both are equally addictive.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- abstain
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- nay
	Dr. Mahajan	- nay
	Dr. Steinbergh	- aye
	Dr. Madia	- nay

The motion carried.

LIMITED BRANCH COMMITTEE

Mr. Hairston stated that the Committee reviewed a request from Stark State College to teach massage therapy at Wayne State College. He referred to Ms. Rieve's memorandum of August 4, 2009, which indicates that Wayne State teachers are going to teach three of the Basic Science classes, Anatomy, Physiology 1 and 2 and Pathophysiology that are currently taught at both Wayne State and Stark State as part of the Allied Health curriculum. If approved, Wayne State will transfer these classes to the Stark State students and Stark State will complete the rest of the massage curriculum.

MR. HAIRSTON MOVED TO GRANT A CERTIFICATE OF GOOD STANDING TO STARK STATE COLLEGE FOR THEIR MASSAGE THERAPY SATELLITE PROGRAM AT WAYNE STATE UNIVERSITY. DR. VARYANI SECONDED THE MOTION. Dr. Suppan abstained. All other members voted aye. The motion carried.

Dr. Suppan stated that she abstained, as her brother is one of the teachers involved in this program.

Mr. Hairston stated that the Committee also discussed the staff's proposal to replace the medical Board's Massage Therapy examination with the Massage and Bodywork Licensing Examination (MBLEX). He asked Ms. Thompson to address this issue.

Ms. Thompson advised that the MBLEX was developed specifically to test massage therapists for licensure around the country. She stated that the Board staff would like to stop developing, creating and administering Ohio's exam and use this instead. She stated that it's a computer-based examination that would be available around the country, all the time. Applicants would not have to wait six months to take

August 13, 2009

an exam. The results are essentially immediate. Applications would not be made to this Board until they have passed this examination. Ms. Thompson stated that this would save the Board so much staff time because it would cut down on the number of applications that the staff has to process. The Board will have input into the exam. It will have access to what it's testing. If the Board at some point feels that it's not rigorous enough, there is the option for an Ohio addendum that is also computer-based.

Dr. Varyani asked whether revenue won't be lost.

Ms. Thompson stated that the staff will ask for legislation. She stated that right now the statutes only speak to applying to sit for the exam. Statutory change would be necessary. As part of that legislative change, staff is suggesting a change in the fee structure, both for the initial application and the renewal fees for massage therapists. She stated that that would bring the Board a little bit ahead.

MR. HAIRSTON MOVED TO APPROVE THE STAFF'S RECOMMENDATION TO SWITCH TO THE MBLEX EXAM FOR MASSAGE THERAPISTS. DR. TALMAGE SECONDED THE MOTION. All members voted aye. The motion carried.

DISCIPLINARY POLICY & GUIDELINES COMMITTEE

Dr. Suppan stated that the Committee will begin reviewing the Board's current guidelines, including the possibility of adding fines and community service as sanctions. She asked that an ad hoc committee be appointed to include Mr. Albert, Dr. Amato, Dr. Steinbergh, Mr. Hairston and herself. Staff members she wants to participate are Ms. Debolt, Ms. Anderson, Ms. Marshall and Ms. Davidson.

Dr. Madia stated that he will appoint the committee, as recommended.

Dr. Madia referred to Mr. Whitehouse.

Mr. Whitehouse noted that the past two months, the Board met briefly at the end of the Thursday sessions to discuss general public policy issues. Topics it has wanted to address have not yet been addressed. He asked whether the Board wished to meet again this morning or postpone further discussions to a time when more members are present.

Board members indicated that they would rather wait until more Board members are present.

EXECUTIVE SESSION

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye

August 13, 2009

Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

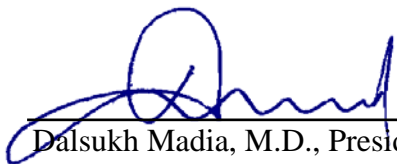
The motion carried.

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


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

Thereupon at 9:52 a.m. on August 13, 2009, the August 12-13, 2009 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 August 12-13, 2009, as approved on September 9, 2009.



Dalsukh Madia, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

