

October 14, 2009

MINUTES**THE STATE MEDICAL BOARD OF OHIO****October 14, 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: Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Marchelle L. Suppan, D.P.M.; Nandlal Varyani, M.D.; William Ogg; W. Frank Hairston; Susan E. Stephens, M.D.; Darshan Mahajan, M.D. and Anita M. Steinbergh, D.O. The following did not attend the meeting: Jack C. Amato, M.D., Vice-President.

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; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

MR. ALBERT MOVED TO APPROVE THE MINUTES OF SEPTEMBER 9-10, 2009. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

EXECUTIVE SESSION

DR. SUPPAN 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. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

October 14, 2009

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.

REPORTS AND RECOMMENDATIONS & PROPOSED FINDINGS AND PROPOSED ORDERS

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

Dr. Madia asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Rafael A. Badri, M.D.; Ericka L. Davis, P.A.; Candy Hope, L.M.T.; Ravi Dutt Madan, M.D.; Randall Jay Smith, D.O.; and Rick D. St. Onge, M.D. A roll call was taken:

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

October 14, 2009

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.

Dr. Madia reminded all parties that no oral motions may be made during these proceedings.

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

RAFAEL A. BADRI, M.D.

Dr. Madia directed the Board's attention to the matter of Rafael A. Badri, M.D. He advised that objections were filed to Hearing Examiner Petrucci'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. Badri. Five minutes would be allowed for that address.

Dr. Badri was accompanied by his attorney, James McGovern, Esq.

Dr. Badri thanked the Board for allowing him the opportunity to say a couple of things. He stated that he has nothing to say but words of apology. Looking back at the kind of prescriptions he's written, and looking at the Board's guidelines, he has to confess that there is nothing more than having to admit that he has made a mistake of not adhering to the guidelines. When he was writing those prescriptions, he was trying to help his patients get into the surgery part of weight reduction, by proving that they had repeatedly failed. He stated that they did fail, and he witnessed this failure, but he had to submit these papers to different hospitals that do the weight loss surgeries in an attempt to prove that they would be a candidate for surgery since they have failed the medical part of weight loss.

Dr. Badri apologized for not being able to make it for the April 2009 hearing, and explained that he is working outside the United States in Saudi Arabia. It is very difficult to try to get out of the country since the employer there holds his passport. His employer decides when he can leave. They have to give him permission and an exit visa before he's able to leave.

Dr. Badri stated that he admits that he did violate the Board's rules, but added that it was because of ignorance. He apologized for that. He asked that the Board consider that he was, in good faith, trying to help his patients.

Mr. McGovern asked that the Board keep in mind that Dr. Badri had traveled from Saudi Arabia to Ohio to attend a deposition prior to the hearing. He made a lot of statements during that deposition that, quite frankly, were against his interests. That deposition testimony provided the basis for the charges. Mr. McGovern stated that the Board, on some level, was able to hear from Dr. Badri, even though he didn't

October 14, 2009

appear in person for the hearing.

Mr. McGovern advised that Dr. Badri is primarily a surgeon. That is what he is doing now in Saudi Arabia. He has no intention whatsoever of treating patients for weight loss through prescribing in the future. That's something that he has absolutely no interest in doing again.

Mr. McGovern stated that the one thing he did want to address is their request to amend or clarify the Proposed Order set forth in the Report and Recommendation. He stated that it's a rather simple change to Paragraph C, Permanent Limitation/Restriction. Mr. McGovern stated that it currently talks about prescribing controlled substance anorectic medications. He stated that he would like to see that clarified to state, "prescribing a controlled substance to assist in weight reduction." Mr. McGovern stated that he's concerned that the term, "controlled substance anorectic," may not be properly defined. He stated that his proposed change will eliminate any possibility of Dr. Badri not being able to use Schedule 2 medications during the course of his surgical practice.

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

Ms. Unver stated that Dr. Badri didn't go over the facts of this case, so she will take her time to do that now. Ms. Unver stated that Dr. Badri failed to adhere to the State Medical Board's rules set forth in the Ohio Administrative Code (OAC), Chapter 4731-11, that regulate a physician's use of controlled substances in a medical practice, specifically in the context, and especially with, helping a patient with weight loss. The facts in this case establish that between 2004 and 2008, Dr. Badri inappropriately prescribed controlled substance anorectics, including Adipex, a Schedule IV drug, and Dexedrine, a Schedule II drug, for the treatment of obesity in Patients 1 through 10. Dr. Badri was familiar with the Board's rules regarding the use of controlled substances for weight reduction, and he stated that in his deposition provided to the Board, but he didn't follow those rules. Ms. Unver stated that the evidence shows that Dr. Badri did not review records of the patients' prior treatment with a prior treating physician or weight loss program. She stated that he needed to do that in order to document that the patients had made a substantial effort to lose weight in a treatment program with things like caloric restriction, nutritional counseling, and behavioral modification and exercise. He needed to do that prior to using scheduled drugs, and he did not.

Ms. Unver stated that Dr. Badri also did not determine or document that the patients had a body mass index (BMI) of at least 30, or 27 with co-morbid factors, prior to using the scheduled drugs. Dr. Badri continued to prescribe controlled substances to patients, despite a weight gain. He prescribed Dexedrine to several of the patients for weight loss purposes, in direct contravention to OAC 4731-11-03(B), which states that "[a] physician shall not utilize a schedule II controlled substance stimulant for purposes of weight reduction or control." Ms. Unver commented that there are also a few charted instances when Dr. Badri failed to identify the quantity of, or the fact that scheduled drugs were prescribed to Patients 5 and 10.

Ms. Unver stated that, given the facts of the case and the evidence of Dr. Badri's violations, the State agrees with the Report and Recommendation that's been presented. She added that the State does not object to any clarifying language that Dr. Badri had presented, should the Board seek to utilize that.

October 14, 2009

DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RAFAEL A. BADRI, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Suppan stated that she thinks that the facts in this case were laid out pretty well and she won't go over them again. The issue here is the failure to determine, and to document in the medical record, that the patients had made a substantial effort to lose weight and that those efforts had been ineffective. She noted that there's also documentation that the patients were non-compliant. Dr. Suppan stated that the third piece of this case was the improper prescribing, in which drugs were used in ways that they were not indicated or intended to be used.

Dr. Suppan stated that when she read through the objections filed on behalf of Dr. Badri, she found those essentially to be Dr. Badri explaining his situation being in Saudi Arabia and employed by the Ministry of Health, and the difficulty for him to come to the United States. She stated that she finds that these circumstances are understandable for the time that he did not appear. She does think that Dr. Badi has made a good faith effort to appear. Dr. Suppan stated that, for the most part, she didn't find any objections in the document, other than Dr. Badri trying to explain his mitigating circumstances, and also the fact that he was sorry for what he did.

Dr. Suppan stated that she agrees with the Proposed Order, and added that she has no objection to the requested change in Paragraph C.

Dr. Varyani stated that most of the time he agrees with Dr. Suppan's assessment, but he is bothered by the fact that Dr. Badri would prescribe the treatment that he prescribed just to prove that the patient failed to lose weight and thus should be eligible for surgery. He stated that Dr. Badri didn't really follow through with the weight reduction patients and look at their overall status, but he did go ahead and prescribe multiple times for patients without checking whether they lost weight, or whether the comorbid factors were there. Dr. Varyani stated that that bothers him a lot. Dr. Varyani stated that Dr. Badri's concern seems to be for patients to have surgery, which is probably because Dr. Badri is a surgeon and wanted to get a procedure out of it. However, the bothersome part here is that Dr. Badri really didn't look into the patient's status, the patient's motivations and the comorbid factors.

Dr. Varyani stated that he is in agreement with the Proposed Order.

Dr. Stephens stated that she thinks it is common that a lot of physicians and general surgeons prescribe medications to help patients get into the gastric bypass or weight-loss surgeries. She doesn't believe that Dr. Badri does, or did, the weight-loss surgery. She doesn't think that his motivation was to get a case out of it. She stated that she doesn't know Dr. Badri personally, but she knows that he served in an underserved area. He served and treated some very difficult patients that no one else wants to treat. He's a very respected teacher in that hospital. She stated that she cannot believe that Dr. Badri was doing it to get a case out of it. Dr. Stephens stated that it's very common for physicians other than the ones that do the actual surgery to try to prescribe medications or start the beginning of the treatment to allow the patient to

October 14, 2009

get gastric bypass. She stated that in the underserved, poorer communities, it's harder to get those patients in for those procedures.

Dr. Steinbergh stated that she's looking at this case from her primary care background. She stated that she reviewed the charts. She agrees with the bulk of the Report and Recommendation, but she does have some other thoughts. She did review the charts and she had some sincere concerns about things already discussed: providing Adipex without proper monitoring when the patient was gaining weight; and the BMI issue. Dr. Steinbergh stated that she thinks that Dr. Badri was clear that these people were obese, and she doesn't disagree with why he would use it. He doesn't have a BMI, but these were obese patients. Dr. Steinbergh stated that the improper use of Schedule 2 controlled substances is clear.

Dr. Steinbergh expressed concern about Patient 1. She stated that the medical records were not clear, and the point about bariatric surgery – nowhere in any of these charts is there any decisionmaking that he's considering bariatric surgery, or that he's talked with the patient about bariatric surgery. Dr. Steinbergh stated that there's no evidence that there was ever any discussion whatsoever about preparing patients for bariatric surgery.

Dr. Steinbergh stated that there were some legitimate concerns she had. Patient 1 had bilateral leg pain, and without really good documentation saying that he'd done a Doppler duplex and this type of thing, that he'd put the patient on Coumadin, and then the next several visits, there's absolutely no mention of doing an IMR. Dr. Steinbergh stated that she can discern no follow-up or concise medical thinking going on in these charts. Dr. Steinbergh stated that, when reviewing the medical record, she tries to imagine what the physician is thinking. She noted that there were vitamin B injections without any documentation of pernicious anemia.

Dr. Steinbergh expressed concern about Dr. Badri's prescribing Adipex to patients who already have some hypertension. She noted that patient 6 had some normal blood pressures, then she had high blood pressure, and Dr. Badri continued to prescribe phentermine, where there is a contraindication to the use of that product in a patient with hypertension. She continued that in most of the patient charts, Dr. Badri talks about depression; yet, depression can be a side-effect of phentermine, as can insomnia and dysphoria. Dr. Steinbergh stated that she doesn't see any indication that there's a thought process that indicates to her that he's thinking about the medication.

Dr. Steinbergh stated that she looks back at some other, similar, cases the Board has had and she thinks that in this case she would suggest a course in medical recordkeeping as well as requiring the Controlled Prescribing Course. She also would lower the suspension time. She stated that the Proposed suspension is indefinite, but not less than a year. Dr. Steinbergh stated that when she looked back at other similar cases, the egregious cases were suspended for a year, and she feels that a minimum six-month suspension would be appropriate in this case.

Dr. Talmage left during the previous discussion.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO CHANGE THE MINIMUM SUSPENSION PERIOD TO SIX MONTHS, AND TO ADD THAT DR. BADRI

October 14, 2009

SUCCESSFULLY COMPLETE A MEDICAL RECORDKEEPING COURSE AS A CONDITION FOR REINSTATEMENT OR RESTORATION.

Dr. Steinbergh stated that, concerning the suggestion to change the language in Paragraph C of the Proposed Order from “prescribing controlled substance anorectic medications,” she finds that language is clear in its meaning. She stated that it’s in the Board’s rules. She added, however, that she would have no problem with changing that, if the Board members feel that the language should be changed.

Board members indicated that the language should be amended to prohibit Dr. Badri from “prescribing a controlled substance to assist in weight reduction.”

DR. STEINBERGH FURTHER MOVED TO CHANGE PARAGRAPH C OF THE BOARD ORDER TO READ AS FOLLOWS:

Upon reinstatement or restoration, Dr. Badri’s certificate to practice medicine and surgery in the State of Ohio shall be permanently LIMITED and RESTRICTED to prohibit Dr. Badri from prescribing a controlled substance to assist in weight reduction.

DR. SUPPAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF RAFAEL A. BADRI, M.D. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Dr. Madia - aye

The motion carried.

Dr. Talmage left the room during the previous discussion.

.....

ERICKA L. DAVIS, P.A.

Dr. Madia directed the Board’s attention to the matter of Ericka L. Davis, P.A. He advised that objections were filed to Hearing Examiner Petrucci’s Report and Recommendation and were previously distributed to Board members.

Dr. Madia advised that a *Motion to Reopen the Hearing Record to Introduce Newly Discovered Evidence* has been submitted by the Respondent and was previously distributed to Board members. A *Memorandum Contra* has been filed by the Assistant Attorney General.

Ms. Debolt advised that those documents were not previously distributed.

At this time, the documents mentioned were distributed to all Board members. Time was allowed for their review.

Dr. Madia asked for a motion concerning the motion to reopen.

DR. STEINBERGH MOVED TO DENY MS. DAVIS’ MOTION TO REOPEN THE HEARING RECORD. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

Ms. Davis was accompanied by her attorney, Eric J. Plinke, Esq.

October 14, 2009

Mr. Plinke stated that in his objections, he addressed the issue that he believes that there was a negative inference based upon an inference that hadn't been addressed in the record, and he was trying to clear that up, regarding what Ms. Davis' discharge instructions were from Evergreen. He stated that he filed objections, and he's sure that the Board has reviewed them. The one legal point he was attempting to address in the objections relates to Dr. Adelman's opinion, expressed in a number of cases, that a diagnosis of abuse under the Board's impairment rules automatically makes a person impaired. Mr. Plinke stated that if you read the rules, it contemplates at various times, a diagnosis of dependency under the DSM. Mr. Plinke stated that he raises that not as an issue as to whether his client will be compliant with the Order the Board adopts, or has been compliant with Glenbeigh, but because from his reading of the Board's rules and his having it interpreted by other treatment facilities, other facilities make a case-by-case interpretation of whether a diagnosis of abuse constitutes impairment. That often comes up in cases where you have historical use that may constitute abuse. In those facilities they make some connection with whether or not the abuse in that particular case constitutes a current impairment under the way impairment is defined. Glenbeigh and Dr. Adelman take the different position that once they put you in that basket of falling under the DSM category of abuse, there's no professional judgment as to whether there's current impairment. Mr. Plinke stated that that was the point he was pursuing with Dr. Adelman.

Mr. Plinke stated that he believes that in this case Ms. Davis, as the Hearing Examiner correctly notes, has been completely transparent, forthcoming, honest, compliant and cooperative with the Board's process and has done the same with Glenbeigh's assessment. She has pledged to maintain her abstinence, she will follow the Board's directions. Mr. Plinke stated that Ms. Davis just wants to start her career in health care as a P.A. Her application has been pending for more than a year. Mr. Plinke stated that they don't necessarily disagree with the Proposed Order, but they request that the Board take into consideration the points in the objections and consider making accommodation based on that for, perhaps, a limited duration of probation.

Ms. Davis thanked the Board for hearing her today. She stated that she is sorry for the mistakes she made in her past. She stated that she wishes that she could erase those, but she can't. The only thing she can do is learn from those mistakes. She stated that she feels that she has learned, and she stated that she can guarantee that they won't happen again. Ms. Davis stated that she feels confident in saying that because she's made a personal decision to abstain from alcohol. She's also complied with everything that the Board has recommended: A.A. meetings, aftercare, random urine screens. She stated that she will continue to comply with anything that the Board deems necessary for her. Ms. Davis again thanked the Board for its time today.

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

Ms. Unger stated that Ms. Davis applied with the Board in December 2008 for a certificate to practice as a physician assistant. That application is currently pending and before the Board today. Ms. Davis was ordered to undergo a 72-hour inpatient assessment at Glenbeigh Hospital based upon her history of two DUI convictions in 1998, an automobile accident in 2002, and an Operating a Motor Vehicle while Impaired charge in 2007, where she received intervention in lieu of conviction. There was unrefuted testimony at the hearing in this case from Dr. Adelman of Glenbeigh, who diagnosed Ms. Davis with

October 14, 2009

alcohol abuse and opined that she was impaired in her ability to practice as a physician assistant according to acceptable and prevailing standards of care. Dr. Adelman recommended 28 days of inpatient treatment, and Ms. Davis completed those days of treatment following the assessment that took place at Glenbeigh. Ms. Unger continued that Ms. Davis also entered into an aftercare contract and an aftercare program, and she is taking steps to remain compliant.

Ms. Unger stated that the Objections filed indicate that, although Ms. Davis has done those positive things to be in compliance with the impairment rules, she's still sort of contesting the impairment finding. Ms. Davis is specifically contesting the diagnosis of alcohol abuse, and tries to label it as "historic alcohol abuse." The objections indicate that, because she's not currently abusing alcohol, she cannot be considered actually impaired under the Board's rules. Ms. Unger stated that the Report and Recommendation, though, set out the time line of Ms. Davis' alcohol use, as reported by her. Ms. Unger stated that she would like to review that, and talk about this supposed historical use.

Ms. Unger indicated that the Report and Recommendation shows that Ms. Davis started drinking at age 17 or 18. When she started college, she drank so heavily that she was placed on academic probation. She had to drop out and she went to a different college to finish school. In 1998, when she was 19 years old, she was stopped while driving and charged with a DUI, and later convicted. A few months later, in 1998, she received another DUI conviction. She attended a weekend drivers intervention program, so there was a point where she got some treatment. Ms. Unger continued that in 2002, Ms. Davis was involved in an automobile accident. She denied alcohol playing a part at that time, but she did admit to having a glass of wine that evening, which happened before the accident. In 2007, at the age of 29, Ms. Davis was charged with OVI and received an intervention in lieu of conviction for that charge. She received outpatient treatment at that time. Ms. Unger advised that Ms. Davis testified to consuming alcohol on four occasions between July and November 2008. Her sobriety date would be November 2008.

Ms. Unger stated that that's the historical use, and that was about one year ago. Ms. Unger stated that Ms. Davis wants the Board to believe that her alcohol troubles all happened so long ago that she's cured, and that the DUIs were purely historical; but as pointed out by Dr. Adelman in testimony, and noted by the Hearing Examiner in the Report and Recommendation, there was the continuance of drinking, despite the recurrent problem in 2007 from that OVI charge. Ms. Unger stated that Dr. Adelman specifically testified at the hearing:

Well, a person who has -- who has a diagnosis of alcohol abuse or alcohol dependence, then the accepted treatment for that is -- is to not drink ever again and to be actively involved in a recovery program.

And even after each of these episodes, Ms. Davis continued to drink, although, you know, she -- she minimizes the amount.

Ms. Unger advised that in testimony, Dr. Adelman talks about and equates looking at a person that is diagnosed with diabetes -- they have that throughout their life. Just because they may not have all of the symptoms of it at a certain period of time doesn't mean that they still don't live with that diagnosis. Ms. Unger stated that this is the same thing.

October 14, 2009

Dr. Madia advised that Ms. Unger has one more minute to conclude her statement.

Ms. Unger stated that, in the objections, Ms. Davis talks about the use of actual impairment. She stated that there's no literal requirement of "actual impairment" in the ability to practice as a P.A. in the Board's rules. The Board's definition utilizes a broad definition and only requires a showing of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability to practice. Ms. Unger stated that the State agrees with the proposed Report and Recommendation, as written, in this matter.

DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ERICKA L. DAVIS, P.A. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Varyani spoke in support of the Hearing Examiner's Report and Recommendation. He reviewed the terms of the Proposed Order. He advised that he's happy that Ms. Davis has chosen to work in the health care field and has decided to not drink anymore, and he would not object to lessening the term of probation. He advised, however, that he would not make a motion to amend the Proposed Order, stressing the Board's duty to protect the public.

Dr. Steinbergh stated that she absolutely agrees with the Conclusions of Law. She stated that Ms. Davis doesn't quite get it yet, but she will. After going through the Board Order, she thinks that Ms. Davis will understand why the Board is doing what it's doing. A personal commitment to not drink is not enough for this Board. If you want to practice and be a physician assistant and take care of patients in the State of Ohio, the Board's commitment is to patient care and the protection of patients, and she doesn't see Ms. Davis as being different from any other impaired physician or physician assistant. She stated that this is certainly not the most egregious case the Board has seen, but she certainly falls under the Board's rules, and she absolutely agrees with the Board's Order.

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

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

The motion carried.

October 14, 2009

CANDY L. HOPE, M.T.

Dr. Madia directed the Board's attention to the matter of Candy L. Hope, M.T. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

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

Ms. Hope was accompanied by her attorney, Elizabeth Y. Collis, Esq. Ms. Collis stated that she did not file objections to the Report and Recommendation, as they substantially agree with the Findings of Fact and the Proposed Order. Ms. Collis advised that Ms. Hope has not practiced for several months, and she asked that, if the Proposed Order does go into effect, the proposed 60-day suspension period be stayed and that Ms. Hope be given credit for that time out of practice.

Ms. Hope thanked the Board for giving her the opportunity to appear before it. She stated that she has been a massage therapist for 15 years. This is her full-time job, her professional calling. She stated that she loves what she does.

Ms. Hope advised that in 1998 she and her husband purchased a home, and they renovated it to set up her office on the first floor. They live on the second floor. She stated that this arrangement has worked out well for her clients. Her practice is strictly word-of-mouth. She doesn't advertise. Over the years she's built up a strong following of 300 to 400 patients. She has a waiting list. She works hard to meet the needs of her clients. Many of her clients are disabled and rely on her treatments as an integral part of their recovery process. She stated that she's also created a good relationship with many physicians and chiropractors, and she routinely receives referrals from them.

Ms. Hope stated that she's here today because she unknowingly allowed her professional license to lapse, and then she worked on a lapsed license. At the hearing she was advised that in 2005 a license renewal application was sent to her home. She stated that she's lived and worked in the same location since 1998, and her address on file with the Board has been the same since 1998; however, she has no memory of ever receiving that license application. She didn't know that the Board was taking applications online now until the hearing itself.

Ms. Hope stated that, as she testified at the hearing, she understands that it is her responsibility to maintain and monitor her certificate, and she understands that it's her responsibility to renew her professional license. She added, however, that 2005 was a very stressful time for her family and her. In 2002 her husband had a stroke and in 2005 he underwent catheter ablation at the Cleveland Clinic. At that time, she and her husband were recovering from the loss of her mother-in-law and dealing with his weakened health. In 2005 she doesn't recall receiving the Board's renewal notice. She added that, to be honest, given everything else that was going on in her life, she didn't think about renewing her license.

Dr. Madia advised Ms. Hope that she has one more minute to complete her statement.

Ms. Hope stated that she was focused on her husband. In 2007, since she hadn't renewed her license, she

October 14, 2009

did not receive a renewal notice from the Board and she continued to work until 2008, when she was notified by a friend that her license had lapsed. She stated that she was shocked. Ms. Hope stated that she immediately contacted the Board and requested paperwork to renew her license. Since it had been more than two years since her license lapsed, she had to complete a restoration process, which included a criminal background check, character references, photo, and a fee. Her husband was still experiencing serious health problems in 2008 and she was overwhelmed with the renewal process and all that was going on with him at the time.

Ms. Hope stated that she did not hear from the Board for many months, but in the past she'd found that it often took several months to get her renewal card anyway, so she continued to work. She continued to practice as a massage therapist until July 2009 and in all of her calls to the Board and all of the paperwork she received from the Board, she was never informed that she should cease practicing. She stated that she hired a local attorney to help her, to no avail. She didn't know until July 2009, when she retained Ms. Collis, who told her that she should stop working, that she needed to stop. At that point she immediately stopped, and she has not worked for the last three and a half months.

Ms. Hope stated that she knows that she erred in not renewing her license, but she never meant to violate the Board's laws or rules. She advised that since she has not worked since July, her license has, in essence, been suspended for three and a half months. She stated that she agrees with all of the terms of the Hearing Examiner's Proposed Order, but she is requesting that the Board restore her license and give her credit toward the 60-day suspension that has been recommended by the Hearing Examiner for the three and a half months that she has been out of practice.

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

Mr. Wilcox stated that he thinks that the Report and Recommendation in this matter, as the Board has reviewed it, does a good job of laying out the factual circumstances of this case. There's obviously no real dispute about the facts of what happened here. The record is clear that Ms. Hope let her massage therapy license expire on or about August 31, 2005. She continued to practice massage therapy without a license until July 2009. Mr. Wilcox stated that Ms. Hope was certainly aware of her license status by December 2008, because at that time she filed an application for restoration; yet, she continued to practice for more than six months, up until July 2009 without a license from this Board.

Ms. Wilcox stated that Ms. Hope presents a sympathetic figure. The record shows that she was dealing with many issues in her family at the time, including her husband's health problems. It is understandable that she could have missed her reapplication deadline. Mr. Wilcox stated that the glaring issue here is the length of her unlicensed practice. He asked whether it is reasonable for a licensee of this Board to claim that they were unaware of their license status for over three years. He stated that he can see missing a few weeks or months because of problems or distractions of life, but she practiced without a license from August 31, 2005 until July 2009.

Mr. Wilcox stated that, obviously, the Board has to decide what penalty is appropriate in this matter. The Board has to decide whether the unlicensed practice of massage therapy, which is equivalent to a felony offense in this state, merits a penalty either equal to or greater than the 60-day suspension proposed by the

October 14, 2009

Hearing Examiner. He stressed that he wants the Board to look at the length of time of unlicensed practice and consider that strongly when it makes its decision.

DR. STEPHENS MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF CANDY L. HOPE, M.T. DR. VARYANI SECONDED THE MOTION.

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

Mr. Hairston stated that, after what he's read and what he's heard today, he kind of agrees with Ms. Hope that the proposed suspension should be cut down from six months to three months. He stated that people go through some things in life and stresses of family play into it. He again stated that the Board should give her credit for the three months she was out of practice.

Dr. Stephens disagreed, adding that she feels that the proposed suspension is quite lenient. If you're so overwhelmed that you let your license lapse, what else is lapsing? Dr. Stephens stated that there is no excuse for not maintaining your license.

Dr. Steinbergh stated that Ms. Hope is doing medical massage. She stated that she has a real concern with a person who allows her license to lapse. She stated that she appreciates illness and how she could have let it lapse, but practicing for years without a license warrants a suspension. Dr. Steinbergh agreed with Dr. Stephens that the Proposed Order is lenient.

Dr. Varyani also spoke in support of the Proposed Order. He stated that he knows things happen, but, unfortunately, when you're in the health care industry, you have to do CME, you have to have a license, you have to keep on adding to and changing your knowledge. He stated that he would not go along with a motion to stay a 60-day suspension for someone who practiced without a license for four years. He stated that he doesn't think this is minor. He understands that things happen in life, but he cannot believe that a health care licensee would not worry about her license for three whole years, when that same person renewed that license every two years. He also agreed that the Proposed Order is lenient.

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

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

October 14, 2009

The motion carried.

RAVI DUTT MADAN, M.D.

Dr. Madia directed the Board's attention to the matter of Ravi Dutt Madan, 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 advised that a *Motion to Reopen the Hearing Record to Introduce Newly Discovered Evidence* has been submitted by the Respondent. He added that the Assistant Attorney General in this matter has not filed a response to the motion.

Copies of the *Motion to Reopen* were at this time distributed to the Board.

Dr. Madia asked Ms. Debolt to advise the Board in this matter.

Ms. Debolt stated that she feels that the Board must deny the motion to reopen the hearing record to admit this evidence. She stated that this motion was filed late on the previous Friday, but Board rules require such motions be filed fourteen days prior to consideration of the Report and Recommendation. She added that the fact that they are alleging that this is newly discovered evidence is an affront to the Board. She stated that the documentation to be submitted are minutes of the June 2009 Board meeting, and they refer to a compliance report from the April 2004 office conference with Dr. Madan. Ms. Debolt stated that both of those are cited in the objections filed on behalf of Dr. Madan.

Dr. Madia asked for a motion concerning the motion to reopen.

DR. STEINBERGH MOVED TO DENY DR. MADAN'S MOTION TO REOPEN THE HEARING RECORD. DR. STEPHENS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

October 14, 2009

Dr. Madan was accompanied by his attorney, Mr. Plinke.

Mr. Plinke stated that he understands that the Board has denied his motion. He added that he believes that the Board members can take judicial notice of the information that's in the Board minutes. He stated that the sole issue, as the Hearing Examiner correctly pointed out, was whether or not Dr. Madan violated the consent agreement regarding the request that he produce a urine screen. That's the issue that the Hearing Examiner addressed. Mr. Plinke stated that the reason he brought this matter to the Board's attention is that he thinks that it demonstrates the confusion or, perhaps, inconsistency as to whether or not Dr. Madan was in compliance on the night in question. Mr. Plinke stated that if you look at the transcript of the conversation between the Board's investigator and Dr. Madan, it shows a progression. The investigator called, requesting a urine specimen. Dr. Madan is upset about it because he said he can't be there. There is further discussion. Mr. Plinke stated that the last third of the transcript is about who Dr. Madan should talk to about this. Mr. Plinke stated that just reading the transcript, the plan was for Dr. Madan to contact Ms. Bickers a.s.a.p. and talk to her about that, and that's what he did.

Mr. Plinke stated that he knows the consent agreement does say that there has to be a one-year suspension for a violation. Mr. Plinke stated that he would submit to the Board that, actually looking at that transcript, after coming to the conclusion that there was an issue, Dr. Madan talked to Ms. Bickers about it, he appears to be cooperating with her about it, and the compliance reports show that. Mr. Plinke stated that he thinks a one-year suspension is unfair or excessive, or too much of a suspension or penalty for the conduct involved. Mr. Plinke stated that he would submit that what the Board has is substantial compliance, a modification of what the investigator and Dr. Madan initially were doing and talking about, and what the final plan was. An additional one-year suspension for a practitioner who has been compliant and has tried to be in recovery, working towards getting reinstated is in excess of what the circumstances would mandate.

Dr. Madan thanked the Board for its time. He apologized to the Board for coming before it under the circumstances. Dr. Madan stated that he has been in a program on the road to recovery for more than 15 months, and he has tried to work in the program religiously, attending eight to ten meetings a week and having three sponsors, a home group, and also attending a workshop for mental and spiritual health. Dr. Madan stated that he's very sorry for the situation and for not being able to provide the Board investigator a urine sample. He had already provided one sample that day and he had to leave to Detroit to attend the funeral of his wife's cousin, who died from breast cancer. He advised that he did not seek permission to leave Ohio; he had to go to Detroit because of the unfortunate death in his family. When he returned to Lima on the same night, he contacted Danielle Bickers at around 11:30 p.m. and left a message. He discussed the matter at length the next day.

Dr. Madan stated that he has never missed dropping his urine sample in the last 15 months. He stated that he's not a bad person, but he had a bad disease. When you use, you die every day. When you are sober, you live life. He stated that, having gone through anger, depression, sadness and finally accepting his disease, he's at peace with himself. He's trying to live a life on high moral ground.

Dr. Madan thanked the Board for helping to save his life. He stated that he trusts the Board fully, and has great respect for all of the Board members. He again apologized, and added that it is not his intention to

October 14, 2009

not work with the Board. He stated that the Board can see by his record that he has been very compliant.

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

Mr. Wilcox stated that he has represented the Board for eight years, and it's pretty rare when you actually get an audiotape that tells you exactly what happened in the case. In this case, the Board has one. Mr. Wilcox stated that he doesn't think that there's too much difficulty in understanding what occurred. This case is a simple case of a physician, Dr. Madan, who entered into a Step I Consent Agreement with this Board, based upon violations of the Medical Practices Act, including that he was impaired due to drug or alcohol abuse. Mr. Wilcox advised that this agreement contains specific requirements, including requiring Dr. Madan to provide urine, breath, saliva and/or hair specimens for the purpose of screening for drugs or alcohol upon the Board's request and without prior notice. In addition, his consent agreement provides that a refusal to provide a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Mr. Wilcox stated that in this case, as the transcript shows and as the audiotape shows, Dr. Madan simply refused to follow the terms of his agreement. He was called by a Board investigator to submit a random urine sample on the evening of March 4, 2009. In the tape recorded conversation, that is part of the record, Dr. Madan refused to give a sample. Whether he was angry, sad, or feeling put out is irrelevant. He is required by this contractual agreement with the Board to provide that sample upon request. He refused to do so and then, the next day when he called Ms. Bickers, he gave her misleading or false information about what happened.

Mr. Wilcox referred to Dr. Madan's Objections, stating that he felt they were an attempt to distract the Board from what really happened here. In his objections, he claims that the Board was actually alleging that Dr. Madan had relapsed, and that is why there is the EtG language in the citation letter. Mr. Wilcox stated that this is patently false, and any thorough examination of the record will show that the Board did not allege a relapse, that there were no findings of a relapse, and that the information regarding the EtG and the low creatinine levels was only listed to show that the Board was on a heightened alert to look at this doctor. That is why there was the unannounced screen.

Mr. Wilcox stated that he finds the argument that Dr. Madan was somehow confused about his responsibilities under this contractual agreement to be unbelievable. He noted that Dr. Madan is solely and completely responsible for knowing the terms of this agreement. He had been through this very same exercise with the Board investigator about a month earlier. In February a Board investigator visited Dr. Madan's home and requested a random sample be provided. Dr. Madan was hesitant, he called his attorney, Mr. Plinke, and Mr. Plinke informed him that Dr. Madan was required to provide a sample under the terms of the agreement. Mr. Wilcox stated that there is no confusion over what happened here that night.

Mr. Wilcox stated that the only issue to address is the penalty and what's appropriate. The Hearing Examiner has indicated in her examination that the one-year suspension should be retroactive and should begin in April 2009 until April 2010. Mr. Wilcox stated that, given the circumstances of what happened here, he believes that the penalty should begin from the date of the Board Order issued today.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF

October 14, 2009

Dr. Varyani	- aye
Dr. Suppan	- aye
Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

RANDALL JAY SMITH, D.O.

Dr. Madia directed the Board's attention to the matter of Randall Jay Smith, D.O. 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. Smith. Five minutes would be allowed for that address.

Dr. Smith was accompanied by his attorney, Kevin P. Byers, Esq.

Mr. Byers stated that, as Dr. Madia noted, objections have been filed. He stated that he hopes that the Board had studied those objections and understands the issue as far as how this supposed mentality or emotional level of a 14-year-old person got into this record. He stated that Dr. Smith submitted that into the record in a very illogical fashion, that's explained in the objections, and he hopes that the Board takes that to heart.

Mr. Byers stated that he would like to highlight the fact that the people with whom Dr. Smith spent his time for this evaluation are very well known to the Board and, frankly, they spent almost six times as much time with Dr. Smith as did the Hearing Examiner during the hearing process. Mr. Byers stated that since her recommendation is hinged greatly on her evaluation of his character and his acceptance and understanding of his boundary violation, he thinks it is important for the Board to realize that the workup by Dr. Levine of the Program for Professionals, Center for Sexual and Marital Health was significant, substantial and they're well known to the Board.

Dr. Smith thanked the Board for allowing him to appear today. He stated that he's been treated with professional courtesy throughout this process, and he appreciates it. He thanked the Board for the opportunity to make his case via the hearing.

Dr. Smith stated that he would like to apologize for the harm that he caused to Patient 1 and to medicine as a whole. He has made serious errors in judgment and behavior. He stated that he realizes and admits that these violations were his fault. He stated that he takes full responsibility for his actions, with no excuses and no one else to blame. He's come to a greater understanding of the extent and nature of the harm he

October 14, 2009

caused through leading testimonials on AdvocateWeb, which is an organization that supports victims of professional abuse. He advised that he learned about this organization at the boundaries conference he attended in Atlanta, and he was able to hear the CEO, who was abused by a professional, herself, give a training session from the victim's perspective.

Dr. Smith stated that the Hearing Officer's report states that he claims he has changed but has not. This suggests an integrity problem and deception. The Program for Professionals report suggests a different view. Certainly Dr. Levine has had much experience and training in recognizing and identifying genuine character change versus deception. For over ten years he has conducted over 120 professional evaluations for various state boards and has recommended return to practice in only half of those cases. He's also taught others psychiatric evaluation skills as a professor of psychiatry at Case Western for the past 20 years. He has been a practicing psychiatrist for the past 25 years. Dr. Smith stated that if Dr. Levine had not observed in his evaluation clear evidence of significant changes in those areas deemed crucial, he would not have recommended that it was safe for him to return to practice with conditions. Dr. Smith referred to the comments made by Dr. Levine about him on pages 2 and 3 of the PFP report:

1. Takes blame for his errors without displacement to others;
2. Seems remorseful for the harm he has caused others;
3. Able to realize many of his professional errors that he made in 2001 to 2004, immediately after his termination.

Dr. Smith explained that Dr. Levine was referring to the termination from his employment.

Dr. Madia advised Dr. Smith that he has one minute to conclude his statement.

Dr. Smith asked that the Board note the following conclusions noted in Dr. Levine's summary:

1. They believed that his boundary violation was a dramatic shift from his prior professional conduct;
2. They believed that there were three reasons for this shift. They believed that he was considerably humbled during these past five and a half years. Then they list two tangible evidences of change: improved marriage, and adapting well to adverse financial circumstances.

Dr. Smith stated that he will assure the Board that he has genuinely changed in these past five and a half years, and he's learned some hard lessons. He's undergone various fundamental changes in motives, attitude and character that he discussed in the hearing. He stated that he believes that Dr. Levine and Candace Risen recognize these changes as reflected in their report.

Dr. Smith stated that he welcomes the Board's oversight and scrutiny, as that adds another layer of protection for him, if the Board so chooses to reinstate his license. He again thanked the Board for allowing him to appear before the Board today, and added that he welcomes any questions.

October 14, 2009

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

Ms. Pfeiffer stated that the case before the Board is an application for restoration of Dr. Smith's license to practice in Ohio, which lapsed in 1988. Prior to his application for restoration, he was practicing in the state of Oregon. His Oregon license was ultimately revoked by the Oregon Board.

Ms. Pfeiffer stated that she would like to focus, primarily, on Patient 1 and what took place, in order to refresh the Board members on the vulnerability of this particular patient. Ms. Pfeiffer advised that Patient 1 was a financially disadvantaged single mother with teenage children. She went to see Dr. Smith for depression, anxiety and back pain. Dr. Smith eventually prescribed Prozac, Valium, Xanax and Vicodin for her back pain. Over the course of treatment, Dr. Smith kind of became her therapist and listened to her quite intently. That progressed to his performing intravaginal digital finger massage therapy for this patient to treat her back pain. Ms. Pfeiffer stated that this progressed to a climax at one point, and then to sexual intercourse taking place in the office during his treatment of this patient.

Ms. Pfeiffer stated that she thinks it's important for the Board members to understand and to refresh themselves factually about the vulnerability of the patient and the way that this patient was manipulated into a progressive sexual relationship with this physician. Ms. Pfeiffer stated that it's disturbing, it's degrading to the patient. The Board has heard of this type of situation before.

Ms. Pfeiffer stated that one thing she will point out to the Board in the Levine report and the evaluation Dr. Smith made reference to, is that, even at the time of the hearing, Dr. Smith had not undergone psychotherapy, but he was anticipating doing it. Ms. Pfeiffer stated that Dr. Smith has not practiced since 2004, when he was confronted by the Oregon Board about the allegations regarding Patient 1. Ms. Pfeiffer stated that Dr. Smith isn't seeking reapplication in Oregon, and she's not sure if he's able to. She noted that the revocation in Oregon was not permanent. She stated that now he's coming to Ohio. Some time has passed, and he wants to start here. Ms. Pfeiffer stated that these are all factors for the Board to consider in deciding whether or not it wants to grant this application for restoration.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RANDALL JAY SMITH, D.O. DR. VARYANI SECONDED THE MOTION.

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

Dr. Steinbergh stated that this was a real tough case. She stated that she didn't really consider this like some others the Board considers in terms of sexual relationships. She stated that she really saw this as molestation.

Dr. Varyani stated that Ms. Pfeiffer forgot to mention that while Dr. Smith was having sex in his office visits, he also billed for it. Dr. Varyani stated that he doesn't have much to say other than that he agrees with the Proposed Order.

Dr. Madia agreed with Dr. Steinbergh, adding that this was disgusting.

October 14, 2009

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

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

The motion carried.

Dr. Steinbergh stated that there's nothing worse than this case, and she stated that there isn't anything he can do that would make her vote to grant him license in this state. She stated that this was so egregious. She stated that she has been on this Board for 15 years, and this is one of the worst cases she's ever seen. She stated that it's preposterous that he could do this to another human being. Dr. Steinbergh also expressed her doubt that Dr. Smith could ever get his Oregon license back.

RICK D. ST. ONGE, M.D.

Dr. Madia directed the Board's attention to the matter of Rick D. St. Onge, M.D. He advised that objections were filed to Hearing Examiner Porter'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. St. Onge. Five minutes would be allowed for that address.

Dr. St. Onge was accompanied by his attorney, Eric J. Plinke, Esq. Mr. Plinke noted that he didn't file any objections in this consolidated case. There was first the ethical charge regarding Dr. St. Onge's relationship with Patient 1. Then there was the summary suspension, based on the evaluation of impairment. Mr. Plinke stated that he believes that Dr. St. Onge stipulated to the violations, and that is the reason they have not made any objections. Mr. Plinke advised that Dr. St. Onge's position all along was to cooperate with the Board's investigation, with Mr. Zinsmaster at the deposition, and going forward to continue that cooperation and allow the Board to make its determination.

Dr. St. Onge at this time thanked the Board for the opportunity to address it. He stated that a little over a year ago, his life was out of control. His behavior was out of control, and began to impact every aspect of his life. It impacted his family life, his social life, his friends, his children, and, eventually, it crept into his medical practice.

Dr. St. Onge stated that his relationship with Patient 1 was the low point of his life. In that relationship, he

October 14, 2009

violated his own personal morals and ethics, and the rules and regulations of the Board. More importantly, he violated this patient and the sacred trust that there is between a doctor and patient. He advised that he harmed her in ways in which he is probably not now aware. As he continues to grow each day, he understands this. He knows that he harmed her, her family, her relatives, and people around her. He also harmed his own family and friends in this process.

Dr. St. Onge stated that, in a way, Patient 1, when she had the courage and strength to report this to the Board, has given him a gift. She gave him the opportunity to get out of this part of his life that he didn't have control of, yet he knew wasn't right. She gave him the opportunity to proceed down the path of trying to live life the way that he knows that he should, and to be the person that, deep down, he knows that he is. Dr. St. Onge stated that he immediately entered treatment at The Meadows (in Wickenburg, AZ) and Keystone (Philadelphia, PA). He began aggressively pursuing treatment for many of the issues that he has.

Dr. St. Onge stated that he can't correct the wrongs that he's done in the past, but what he is responsible for is the future. He stated that, because Patient 1 has given him the opportunity to get his life together, he not only owes it to himself but to her to show that he's able to do this in a positive way. Dr. St. Onge stated that his hope is that with the care of his treatment team, with God, and with the support of the Board, he may someday again look at doing what he really loves and what he really misses, which is the practice of medicine.

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

Ms. Unver recapped the facts in this case, which involves two consolidated actions against Dr. St. Onge. In the first case, Dr. St. Onge stipulated to the facts and violations brought by the Board against him. This first case involved a Notice of Opportunity for Hearing issued on October 8, 2008, asserting that during the course of his care and treatment of Patient 1, as his OB/GYN patient, Dr. St. Onge engaged in an ongoing and inappropriate sexual relationship with her. The facts involve Dr. St. Onge exposing his genitalia to Patient 1 in 2007, and allowing her to take a picture of his genitalia with her camera phone.

Ms. Unver stated that, in the second case, the Board issued an Order on January 21, 2009, requiring Dr. St. Onge to undergo a mental fitness evaluation, based on reports that he could be suffering from various mental health illnesses, that he entered inpatient treatment at several out-of-state facilities, and that his health care provider recommended that Dr. St. Onge was not fit to practice medicine. Dr. Noffsinger testified at the hearing in this case and opined that Dr. St. Onge was not able to practice medicine according to acceptable and prevailing standards of care due to a "sexual disorder not otherwise specified," "mood disorder not otherwise specified," and "self-reported narcissistic and grandiose personality traits." Dr. Noffsinger elaborated that Dr. St. Onge's sexual compulsions, hypersexuality, impulsivity, narcissism and grandiosity impair his judgment, his professional relationships with patients, and his ability to understand and carry out his fiduciary responsibilities to his patients. Dr. Noffsinger opined on an appropriate treatment plan for Dr. St. Onge, and that plan is set forth in the Report and Recommendation before the Board today.

Ms. Unver stated that, at the time the second Notice was issued, Dr. St. Onge was summarily suspended from practice because his continued practice presented a danger of immediate and serious harm to the

October 14, 2009

public. Dr. Noffsinger did opine that Dr. St. Onge's disorders are treatable. Ms. Unver stated that it is also to be noted that one of the other charges is that Dr. St. Onge permanently surrendered his West Virginia license to practice medicine under a consent order, and that constitutes an action taken by a sister state in violation of the Ohio Board's rules and statutes.

Ms. Unver stated that the State agrees with the proposed Report and Recommendation, and finds that the discussion concerning the Proposed Order appears to be on point. Dr. St. Onge was remorseful for his actions during the hearing, and he testified that he realizes that there will be no quick return to clinical practice. There is, indeed, significant work to be done in his recovery from the State's perspective. She added that she questions his return to a practice that would be specialized in OB/GYN.

MR. HAIRSTON MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RICK D. ST. ONGE, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Mahajan stated that he went over the transcripts and all the information the Board has, and it's disturbing that this went on. He noted that this involved one patient, and one can wonder whether there are other patients who haven't reported. He stated that the good thing is that Dr. St. Onge has realized his own problems, and he has cooperated with the Board throughout this process. He remarked that Dr. St. Onge has been remorseful, and has tried to do what can be done for his family and himself.

Dr. Mahajan stated that he agrees with the Proposed Order and with the Findings of Fact. He added that this will be a long-term process for Dr. St. Onge, during which he will need to be watched. Dr. Mahajan agreed with the proposed probationary period of five years.

Dr. Varyani stated that these types of cases bother him. He stated that he read Dr. Noffsinger's evaluation, and some of Dr. St. Onge's traits have to be controlled with medication, and some are personality traits which, according to Dr. Noffsinger, Dr. St. Onge will not be able to change, or will have difficulty changing. Dr. Varyani stated that that statement by Dr. Noffsinger bothers him a lot. He stated that he doesn't know how he could allow Dr. St. Onge to practice one-on-one with a patient in Ohio. Dr. Varyani stated that five years of probation may be all right with some Board members, but if somebody has a condition that you can not reasonably, easily change, he doesn't know how the change will occur within five years. Dr. Varyani asked how to deal with this. He stated that he has a problem having Dr. St. Onge practice in Ohio.

Dr. Mahajan stated that Dr. St. Onge is not going to practice by himself. He'll always have a chaperone with him.

Dr. Varyani indicated that the Board can't rely on Dr. St. Onge having a chaperone with him in all situations. He stated that he knows that that doesn't happen sometimes. Two or three years down the road he can join a practice where there is no chaperone available. Dr. Varyani stated that Dr. St. Onge has a life-long condition that has to be controlled by medication. He doesn't know that Dr. St. Onge will

October 14, 2009

continue taking the medication five years down the road when he's no longer being monitored. Dr. Varyani stated that he has a problem with that and he will not go along with this Proposed Order.

Dr. Steinbergh stated that one of the things that she thought about, which is consistent with Dr. Varyani's concerns, is that all of the attention that is being drawn onto Dr. St. Onge at this time is his narcissism and whether or not this all feeds the narcissism. Dr. Steinbergh stated that one day this attention is going to go away and he'll be faced with himself. Dr. Steinbergh stated that she's hoping that he'll find a healthier individual.

Dr. Steinbergh stated that she also has some concerns about the practice of medicine. She does feel that, if the Board is to do anything, the Proposed Order is appropriate. If the Board felt that, in recognition of the disease that one would keep him out of practice for two years, he would have to demonstrate that he is appropriate to return to practice, and he will then have five years of probation. Dr. Steinbergh stated that the probationary terms are interesting. She noted that they include the requirement that he undergo a polygraph test as part of the treatment plan. Dr. Steinbergh added that if the Board is to go in the direction of the Proposed Order, it should include courses in professional and personal ethics in addition to the course on patient/physician boundary issues. Dr. Steinbergh stated that she thinks it is clear that the practice plan would have to be enormously strict and monitored.

Dr. Steinbergh concluded her statement by saying that she has grave concerns about this physician.

DR. VARYANI MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. MADIA SECONDED THE MOTION.

Dr. Madia stated that he agrees with Dr. Varyani. He stated that the question is whether or not this is an incurable disease. He stated that, according to Dr. Noffsinger, it is not. Dr. Madia stated that he would agree with permanent revocation in this case.

Dr. Mahajan stated that there has been a good faith effort by Dr. St. Onge since he realized his limitations. He has been trying to cooperate with everybody, and he has made an effort. Dr. Mahajan stated that he knows that this was bad behavior, but Dr. St. Onge did not physically violate anybody. He noted that Dr. St. Onge is willing to work with a chaperone for the rest of his practice life. He'll be supervised and he's in therapy. He stated that the Board will have seven years to watch Dr. St. Onge.

Dr. Suppan stated that Dr. St. Onge is an OB/GYN. She asked how the Board would hold out to his patients allowing him to return to practice with his kind of history. She stated that his patients don't know about this when they come in. They make an appointment and come in to see him and they don't know about any of this.

Dr. Mahajan stated that they don't need to know, as long as he's in treatment, he's watched, and somebody's with him.

Dr. Varyani stated that he has a problem because he's supposed to protect the patients' interests. If some day a chaperone is not present and Dr. St. Onge gets into his mood, he'll repeat himself.

October 14, 2009

Dr. Mahajan stated that these were not frequent moods with Dr. St. Onge. He had obsessions and problems.

Dr. Varyani stated that OB/GYN is a specialty where patients blindly trust the physician. Rarely do patients change their OB/GYN. This is why he has a problem with Dr. St. Onge's continued practice. If Dr. St. Onge was an internist, he wouldn't have the same concerns. If there's nothing in Dr. St. Onge's office for patients to see when they enter that says that there's something wrong, he has a problem.

Dr. Talmage advised that he is not commenting on this case. He just wanted to remind the Board members that any actions taken by the Board do appear on the Board's website and are accessible by the public.

Dr. Stephens stated that she may just not have had the right OB/GYN, because she changes hers all the time, and she knows that other people do also. Dr. Stephens stated that, in the specialty that Dr. St. Onge is in, he has to have a chaperone all the time anyway.

Dr. Steinbergh stated that he didn't.

Dr. Varyani stated that he's been on ethics committees since the early 1990s, and there are always cases like this, even though there's been a chaperone requirement for years and years.

Ms. Debolt advised that the Board's rules only require that physicians offer their patients a chaperone. The rules do not require that the physician use one.

Dr. Stephens stated that what Dr. St. Onge did was awful, and it will continue to be awful, but she thinks that in similar cases, the Board has suspended physicians' licenses and then placed them on probation. Dr. Stephens stated that, not that what Dr. St. Onge did wasn't "enough," but there wasn't intercourse or penetration. She stated that there doesn't have to be, but she indicated that permanent revocation is too harsh.

Dr. Varyani stated that he believes that you can have a boilerplate policy, but what the Board sees are not boilerplate offenses. Dr. Varyani stated that he'll go along with the Board, but he is not comfortable with this Proposed Order.

Dr. Steinbergh stated that she understands Dr. Varyani's concerns, but she does view this as a disease process. She stated that she feels that the Proposed Order has in place enough terms and monitoring. If Dr. St. Onge comes back for reinstatement, at that time the Board will have to be extremely confident in the practice plan it approves. She stated that she doubts that he'll do obstetrics again. Stepping away from his training and doing something else may not be appropriate, but she feels that there will be a place for this physician with the proper practice plan.

Dr. Talmage returned to the meeting during the previous discussion.

A vote was taken on Dr. Varyani's motion to amend:

October 14, 2009

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF RICK D. ST. ONGE, M.D. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion failed.

Ms. Schmidt explained that a simple majority is needed to amend a Proposed Order. To adopt a proposed order requires six affirmative votes by the Board.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF RICK D. ST. ONGE, M.D., BY ADDING THE REQUIREMENT THAT HE SUCCESSFULLY COMPLETE COURSES IN PERSONAL AND PROFESSIONAL ETHICS AS A CONDITION FOR REINSTATEMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

DR. MAHAJAN MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF RICK D. ST. ONGE, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

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. Each matter was reviewed by a hearing examiner, who prepared proposed findings and a proposed order, and is now before the Board for final disposition.

CHARLES W. NELSON, L.M.T.

Dr. Madia directed the Board's attention to the matter of Charles W. Nelson, L.M.T. He at this time asked for a motion in this matter.

DR. VARYANI MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE APRIL 8, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF CHARLES W. NELSON, L.M.T., HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. STEINBERGH SECONDED THE MOTION.

Dr. Varyani noted that the April 8, 2009 letter charged Mr. Nelson with false and fraudulent statements,

October 14, 2009

and with failing to cooperate with a Board investigation.

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

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

The motion carried.

FRANK MURRAY STRASEK, D.P.M.

DR. STEPHENS MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JUNE 10, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. STRASEK HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JENNIFER MARIE TUCKER, M.T.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JANUARY 14, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MS. TUCKER HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. VARYANI

October 14, 2009

SECONDED THE MOTION.

Dr. Suppan reviewed the facts of this case, as outlined in the agenda materials.

Dr. Steinbergh noted that Ms. Tucker did not request a hearing after receiving her notice of opportunity for hearing. The Proposed Order denying Ms. Tucker a massage therapy license is consistent with other impairment cases, and it allows her to reapply in the future.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- 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 disposition. He added that Dr. Talmage and Mr. Albert may participate in the discussion and vote, as these cases are not disciplinary in nature and concern only the individuals' qualifications for licensure.

SHAUNNA LYNN ZARLINGA, M.T.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JULY 22, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MS. ZARLINGA'S REQUEST FOR RESTORATION OF HER CERTIFICATE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HER PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF JULY 23, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Dr. Suppan	- aye
Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

WALTER GEORGE BROADNAX, M.D.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY, IN THE MATTER OF WALTER GEORGE BROADNAX, M.D. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

ROBERT EDWARD BARKETT, JR., 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. BARKETT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

CALVIN RICHARD BROWN, 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. SUPPAN MOVED TO SEND THE CITATION LETTER TO DR. BROWN. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

GREGORY B. CAMP, 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. CAMP. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

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

The motion carried.

HATEM MARWAN DAJANI, 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. DAJANI. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DARRELL A. HALL, 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. HALL. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

AZAMUDDIN KHAJA, M.D. – 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 DR. KHAJA. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

NANCY JAYNE LISCH, 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. LISCH. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

October 14, 2009

The motion carried.

TAMYRA LEE MOUGINIS, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of 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 ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF TAMYRA LEE MOUGINIS, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

EDGARDO D. PAULINO, 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. PAULINO. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

SUDESH S. REDDY, 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. REDDY. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RICHARD J. SIEVERS, II, D.O. - 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. VARYANI MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. SIEVERS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

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

The motion carried.

GABRIEL JOHN YANDAM, 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. YANDAM. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DAVID K. ZIPFEL, 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. ZIPFEL. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

FASAHAT BANO, M.D. – WITHDRAWAL OF APPLICATION

DR. STEINBERGH MOVED TO RATIFY THE WITHDRAWAL OF DR. BANO'S APPLICATION TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

WILLIAM B. CULLEN, M.D. – STEP II CONSENT AGREEMENT

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

ROLL CALL:

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

The motion carried.

October 14, 2009

RICHARD J. SHRAMO, D.P.M. – CONSENT AGREEMENT

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

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

The motion carried.

SAMANTHA FRANKLIN, M.T. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF MS. FRANKLIN'S LICENSE TO PRACTICE MASSAGE THERAPY. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JULIAN A. GORDON, M.D. – CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
------------	------------	-----------

October 14, 2009

Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- NAY
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- abstain

The motion carried.

Dr. Steinbergh suggested that Dr. Gordon should also take courses on sexual boundaries and professional ethics. Mr. Hairston agreed.

BRADLEY REX WOLF, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion carried.

STEVEN H. SUESS, M.D. – STEP II CONSENT AGREEMENT

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

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

October 14, 2009

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

The motion carried.

PROBATIONARY APPEARANCES

NICHOLAS C. DIAMANTIS, M.D.

Dr. Diamantis appeared before the Board pursuant to his request for release from the terms of his September 30, 2004 Consent Agreement.

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

In response to Board members' questions, Dr. Diamantis stated that he is doing very well. He stated that he works with three physicians, each of whom has a separate practice. They share a space. He has his own surgical practice.

Dr. Diamantis stated that he understands the designation between dentistry and medicine. He understands that when you practice, you have to be diligent about recordkeeping, billing and insurance forms.

DR. STEINBERGH MOVED TO RELEASE DR. DIAMANTIS FROM THE TERMS OF HIS SEPTEMBER 30, 2004 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

CYNTHIA LYNN BROWN, M.D.

Dr. Brown made her initial appearance before the Board, pursuant to the terms of her July 8, 2009 Consent Agreement.

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

In response to Board members' questions, Dr. Brown stated that things are going well for her. She stated that she's enjoying her time off, and she is spending that time with her children and her husband, and she is devoting a lot of time to her recovery program. She stated that she does understand the terms of her consent agreement and doesn't need any explanation of it.

MR. HAIRSTON MOVED TO CONTINUE DR. BROWN UNDER THE TERMS OF HER JULY 8, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON FURTHER MOVED TO APPROVE JOHN A. HEATHER, M.D. TO SERVE AS THE PHYSICIAN PERFORMING THE PSYCHIATRIC ASSESSMENT REQUIRED BY THE CONSENT AGREEMENT. DR. MAHAJAN SECONDED

October 14, 2009

THE MOTION. All members voted aye. The motion carried.

PATSY N. FIRTH, M.D.

Dr. Firth made her initial appearance before the Board, pursuant to the terms of the Board's Order of July 9, 2009.

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

In response to Board members' questions, Dr. Firth stated that she is currently in an office-based outpatient psychiatric practice, but she's in the process of transitioning to a solo practice. She sees 50% adults and 50% children and adolescents. She stated that she provides basically two services: diagnostic evaluations and psychopharmacological treatments. She stated that she is doing very well in her recordkeeping. She can now control the number of patients that she sees at any given date. She sees no more than 18 to 20 patients a day, unlike her previous situation. Also, the patients that she sees come from intact families. They're middle class patients who have third party insurance coverage, unlike the Medicaid patients she saw who basically came from multiple placements and several failed foster care placements in the past.

Dr. Steinbergh stated that as Dr. Firth changes her practice, she'll be challenged in many ways, primarily in keeping appropriate records. She asked whether Dr. Firth understands the billing aspects of her practice and if she is comfortable with that. Dr. Steinbergh noted that Dr. Firth is coming from a practice where she hasn't had to do that. She asked whether Dr. Firth has someone who will do that for her.

Dr. Firth stated that she is cognizant of that. One of the major lessons she's learned from this past experience is when and how to ask for help. She stated that she has been in a situation where she was one psychiatrist doing the work of four people, and that's how she got into trouble, so to speak. Dr. Firth stated that she was responsible for 70 of the sickest teenagers in the state of Maryland, who were sometimes murderers, some involved with the juvenile legal system. She stated that she was promised help, which never arrived. She stated that her basic mistake was not asking for help, trying to think that she could do it all and not abandon the patients and the process. Now she has learned how to ask for help, not just in terms of treating, but with billing, office management, and the like.

Dr. Stephens stated that she understands that Dr. Firth has a "better" patient mix in terms of insurance and home situations, but she encouraged Dr. Firth to not abandon the people who really need her and who don't have the resources. She suggested that she might do some of that as volunteer work.

Dr. Firth stated that she doesn't intend to abandon them.

DR. STEPHENS MOVED TO CONTINUE DR. FIRTH UNDER THE TERMS OF THE BOARD'S ORDER OF JULY 9, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

October 14, 2009

CHRISTOPHER MCKINLEY HEBEN, P.A.

Mr. Heben made his initial appearance before the Board, pursuant to the terms of his April 8, 2009 Step I Consent Agreement.

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

In response to Board members' questions, Mr. Heben indicated that he's doing well. He has been to a 72-hour inpatient assessment and is awaiting the turn over of those documents to the State Medical Board. He's currently not working as a P.A. At this point in time, he's doing a couple of business ventures that are unrelated to the medical field. He does understand the terms of his consent agreement and does not have any questions of the Board.

DR. MAHAJAN MOVED TO CONTINUE MR. HEBEN UNDER THE TERMS OF HIS APRIL 8, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION.

Dr. Steinbergh asked Mr. Heben to tell her a little bit about his story.

Mr. Heben stated that he made a bad decision to write these prescriptions to these two gentlemen. He stated that he doesn't believe that he was in a proper frame of mind. He had lost his second brother a couple months before this incident, and he thinks that that played a pretty big role in why this happened. Mr. Heben again stated that he made a bad decision, and the only thing he's grateful for is that he didn't hurt anyone other than himself.

All members voted aye on Dr. Mahajan's motion. The motion carried.

HAROLD C. MASON, M.D.

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

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

Dr. Steinbergh indicated that she would abstain from participating in the discussion in this case. She noted that she knows Dr. Mason.

In response to Board members' questions, Dr. Mason stated that he is doing well. He still takes Depakote, but that's the only medication he takes. Dr. Mason stated that he still is getting his blood tests done, the most recent being on about September 30, 2009. Dr. Mason stated that he does feel good about himself. He advised that he understands the terms of his consent agreement and has no questions of the Board.

DR. VARYANI MOVED TO CONTINUE DR. MASON UNDER THE TERMS OF HIS JULY 8, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD

October 14, 2009

SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. Dr. Steinbergh abstained. All other members voted aye. The motion carried.

MADELYN SARTAIN, D.O.

Dr. Sartain made her initial appearance before the Board, pursuant to the terms of her August 12, 2009 Consent Agreement.

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

Dr. Suppan noted that Dr. Sartain completed Case Western Reserve University's *Intensive Course in Controlled Substance Management*, and she asked Dr. Sartain to tell the Board a little bit about the course and what she learned.

Dr. Sartain stated that the course was about five days long, and it went over a lot of subjects, including pharmacology of medication, how to prescribe, how to recognize people who are abusing, tests to give to patients, good ways to keep records, and agreements to have patients sign. She stated that after she took that course, she came up with ways to implement those things into her practice. She stated that she treats some industrial patients who have chronic pain, so they have devised new agreements that incorporate all the things from that course, as well as some from local pain management specialists, and the rules that the Medical Board has put in place. She advised that she is self-employed.

DR. SUPPAN MOVED TO CONTINUE DR. SARTAIN UNDER THE TERMS OF HER AUGUST 12, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. Dr. Steinbergh abstained. All members voted aye. The motion carried.

ABBY R. URIDEL, M.T.

Ms. Uridel made her initial appearance before the Board, pursuant to the terms of the Board's Order of June 10, 2009.

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

In response to Board members' questions, Ms. Uridel stated that she is doing well. She's currently working at Therapeutic Hands in Westlake, Ohio, and that is going very well. Ms. Uridel stated that she does understand the terms of the Board's Order. She is currently trying to find an ethics course to submit for approval. She has talked with Ms. Bickers to get help in finding one. Ms. Uridel indicated that she didn't have any questions for the Board.

DR. STEINBERGH MOVED TO CONTINUE MS. URIDEL UNDER THE TERMS OF THE BOARD'S ORDER OF JUNE 10, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

October 14, 2009

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. SUPPAN MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON SEPTEMBER 8 AND 10, 2009, WITH: DAVID C. BLOCKER, M.D.; TODD S. CARRAN, M.D.; ALLAN W. CLARK, M.D.; PHILIP L. CREPS, D.O.; RICHARD J. DEFRANCO, M.D.; GREGORY G. DUMA, M.D.; DEBORAH LYNNE FRANKOWSKI, M.D.; JAMES VINCENT FURICCHIA, M.D.; CAREY K. GROSS, D.O.; ARLAN MARCUS GUSTILO-ASHBY, M.D.; ADAM P. HALL, D.O.; TIMOTHY A. HEINRICHS, M.D.; ROBERT L. HUBLEY, D.O.; GREGORY GENE JOHNSON, M.D.; JAMES CAMERON JOHNSON, D.O.; JOSEPH FRANCIS LYDON, JR., M.D.; MAHENDRA K. MAHAJAN, M.D.; STEPHEN T. MCCARREN, M.D.; AIYAPPAN MENON, M.D.; BRETON LEE MORGAN, M.D.; WILLIAM O. MURTAGH, JR., M.D.; ALAN J. PARKS, M.D.; MARK A. RHODEBACK, M.T.; LEROY P. RISE, M.D.; KENT ROBINSON, M.D.; WILLIAM L. SCHLOTTERER, D.O.; STEVEN E. SCHWARTZ, P.A.; CHRISTOPHER S. SHAW, M.D.; JOHN W. SHAW, M.D.; JEFFREY E. SHOOK, D.P.M.; RICHARD S. SKOBLAR, M.D.; ALADDIN ZAFAR SYED, M.D.; ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O.; DEBORAH L. TAYLOR, M.D.; AND JOSEPH G. WERNER, M.D.

DR. SUPPAN FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS:

- **TO GRANT JAMES J. ANTHONY, M.D.'S APPROVAL OF MICHAEL SCHMERLER, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH, AND APPROVAL OF THE COURSE, *MEDICAL RECORD KEEPING WITH INDIVIDUAL PRECEPTORSHIPS*, OFFERED BY CASE WESTERN RESERVE UNIVERSITY;**
- **TO GRANT ROBERT S. COLEMAN, JR., M.D.'S REQUEST FOR A REDUCTION IN APPEARANCES TO ANNUALLY;**
- **TO GRANT PAUL E. DUNCAN, M.D.'S REQUEST FOR APPROVAL OF JACK C. LUNDERMAN, JR., M.D., TO CONDUCT THE PSYCHIATRIC ASSESSMENT REQUIRED FOR REINSTATEMENT;**
- **TO GRANT TIMOTHY ROSS HALSTEAD, P.A.'S REQUEST FOR APPROVAL OF ANTHONY J. DERISO, II, M.D., TO SERVE AS THE REPORTING PHYSICIAN;**

October 14, 2009

- TO GRANT MATTHEW R. HARRIS, D.O.'S REQUEST FOR APPROVAL OF CHRISTINA G. WESTON, M.D., TO SERVE AS THE TREATING PSYCHIATRIST;
- TO GRANT DONALD C. MANN, M.D.'S REQUEST FOR APPROVAL OF HARRY L. ANDERSON, III, M.D., TO SERVE AS THE NEW MONITORING PHYSICIAN;
- TO GRANT FLORENCE B. MATYAS, M.D.'S REQUEST FOR APPROVAL OF JOSEPH A. GIRGIS, M.D., TO SERVE AS THE NEW MONITORING PHYSICIAN;
- TO GRANT KURT J. PALAZZO, M.D.'S REQUEST FOR APPROVAL OF RICHARD E. CAIN, M.D., TO SERVE AS THE MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH;
- TO GRANT STEVEN T. PATTERSON, D.O.'S REQUEST FOR APPROVAL OF DOUGLAS W. BEECH, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;
- TO GRANT LOVSHO PHEN, M.D.'S REQUEST FOR APPROVAL OF A REDUCTION IN APPEARANCES TO THE FINAL APPEARANCE IN MAY 2011;
- TO GRANT MATTHEW C. RIESEN, M.D.'S REQUEST FOR APPROVAL OF MICHAL M. KASSUR, M.D., TO SERVE AS THE TREATING PSYCHIATRIST;
- TO GRANT KIMBERLY M. (TELMANIK) SCHERRY, P.A.'S REQUEST FOR A REDUCTION IN PSYCHIATRIC SESSIONS TO EVERY THREE MONTHS;
- TO GRANT TIMOTHY A. SCROGGINS, M.D.'S REQUESTS FOR APPROVAL OF FEITE F. HOFMAN, M.D., TO SERVE AS THE MONITORING PHYSICIAN WITH 10 CHARTS REVIEWED PER MONTH, AND APPROVAL OF DANIEL A. ZELLING, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;
- TO GRANT GREGORY M. THOMAS, M.D.'S REQUEST FOR APPROVAL OF GERALD W. SUTHERLAND, M.D., TO SERVE AS THE MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER WEEK; AND
- TO GRANT RANDALL G. WHITLOCK, JR., P.A.'S REQUESTS FOR A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; AND A REDUCTION IN ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWICE PER WEEK WITH A MINIMUM OF 10 PER MONTH.

DR. SUPPAN 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 ANESTHESIOLOGIST ASSISTANTS

October 14, 2009

LISTED IN EXHIBIT “C,” AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE LIMITED BRANCH SCHOOLS LISTED IN EXHIBIT “D.” MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REINSTATEMENT REQUESTS

STEVEN E. SCHWARTZ, P.A.

At this time, the Board considered Mr. Schwartz’ request for reinstatement of his certificate to practice as a physician assistant, which was suspended by Board Order of November 11, 2008. Ms. Bickers advised that Mr. Schwartz has submitted the required documentation of his ability to resume practice and is currently in compliance with the terms of the November 11, 2008 Board Order.

DR. STEINBERGH MOVED TO APPROVE STEVEN E. SCHWARTZ, P.A.’S REQUEST FOR THE REINSTATEMENT OF HIS CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT, SUBJECT TO THE PROBATIONARY TERMS AND CONDITIONS AS OUTLINED THE BOARD ORDER OF NOVEMBER 11, 2008 FOR A MINIMUM OF FIVE YEARS. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

October 14, 2009

ADMINISTRATIVE REPORT

Mr. Whitehouse at this time announced that Ms. Thompson, whose counsel he has enjoyed, and whose judgment he has trusted for four and a half years, has advised that she will retire, effective December 1. He stated that he's in the process of trying to find a way to fill her position. Résumés are being taken.

Mr. Whitehouse continued that on September 14th, the Controlling Board approved the Medical Board's request for additional appropriation authority of \$506,000 in FY10 and \$506,000 in FY11. This approval restored the agency to the FY10/11 funding level included in the Executive budget proposal and secured funds to fill a vacant investigator position; add an attorney hearing examiner; pay rent; pay DAS Information Technology service fees; and purchase software upgrades. Mr. Whitehouse acknowledged the efforts of Mike Miller and Susan Loe with regard to the Controlling Board requests. Mr. Whitehouse also thanked the Board members for their efforts.

Ms. Loe at this time updated the Board on its budget, as well as the State's new travel policy. She advised that on October 1 a new system went into effect statewide that requires each person who travels to actually go on the computer and enter their own information. She advised that the Human Resources section will handle this for Board members. She stated that they will need receipts and a signature from the Board members each month. She advised that there will be a per diem for meals, so meal receipts won't be needed any longer. They will have to submit receipts for lodging, and for any expense over \$10.00, such as parking.

At this time Mr. Whitehouse advised that the Executive Committee approved a travel request for Ms. Loe, Mr. Miller and himself for attendance at the Administrator's in Medicine Institute in Boston, Massachusetts on November 5 and 6. He asked for approval from the Board.

DR. STEINBERGH MOVED TO APPROVE THE REQUEST FOR MR. WHITEHOUSE, MS. LOWE AND MR. MILLER TO ATTEND THE ADMINISTRATOR'S IN MEDICINE INSTITUTE IN BOSTON, MASSACHUSETTS ON NOVEMBER 5 AND 6. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

PRESIDENT'S REPORT

Dr. Madia reminded the Board members that the Board's retreat will begin promptly at 8:00 a.m. the following morning in Room 2925.

REPORTS BY ASSIGNED COMMITTEES

LICENSURE COMMITTEE

Laura Eizember, M.D.

Dr. Varyani advised that Dr. Eizember has applied for licensure in Ohio. Dr. Eizember has indicated that

October 14, 2009

she has not been engaged in the clinical practice of medicine since September 2004. She is a graduate of the Indiana University in May 1995. She is requesting endorsement of her USMLE exam. Dr. Eizember completed training in Family Medicine at Sharp Crossmont Family Practice Residency Program in Le Mesa, California from June 1995 until June 1998. She then practiced Family Medicine in Texas from September 1998 until June 2001. Dr. Eizember entered a Masters of Public Health program at Eastern Virginia Medical School in August 2001, and also was appointed to the Faculty at Eastern Virginia Medical School until September 2004. Dr. Eizember then worked in research in Virginia until April 2006, when she took family leave to stay home with her child. Since January 2009, she has volunteered at the Beach Health Clinic in Virginia Beach, Virginia.

Dr. Eizember holds licenses in California, Texas and Virginia. Dr. Eizember does report she passed American Board of Family Medicine Boards in July 1998.

DR. VARYANI MOVED TO APPROVE DR. EIZEMBER'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR RECERTIFICATION OF FAMILY PRACTICE BOARDS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Delvin Endsley, M.D

Dr. Varyani advised that Dr. Endsley has applied for licensure in Ohio. Dr. Endsley has indicated that he has not been engaged in the clinical practice of medicine since January 2000. He graduated from the University of Chicago College of Medicine in June 1981. He is requesting endorsement of National Board diplomate status. Dr. Endsley completed training in Psychiatry at the University of Illinois in Chicago from June 1981 until June 1983. He then entered a Family Practice residency at Lutheran General Hospital from July 1984 until June 1995. He attended a Masters program in Clinical Tropical Medicine in London from September 1985 until August 1986. He then entered another Tropical Medicine residency at Tulane School of Public Health and Tropical Medicine from August 1988 until June 1989. Dr. Endsley then worked at the CDC in Atlanta and at PRITECH from June 1989 until June 1993. Dr Endsley went back and did two more years of a Family Medicine residency at Lutheran General Hospital from July 1993 until June 1995. From July 1995 until January 2000, Dr. Endsley practiced and served as an Associate professor

October 14, 2009

for Family Medicine in Arizona. Since January 2000, Dr. Endsley has practiced Administrative medicine at several different companies in the Arizona area.

Dr. Varyani added that Dr. Endsley is American Board certified in Family Medicine since 1995, and he has recertified this in 2008. He holds licenses in Arizona, Illinois and Utah.

DR. VARYANI MOVED TO APPROVE DR. ENDSLEY'S REQUEST FOR OHIO LICENSURE, AS PRESENTED. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Kathleen King, M.D.

Dr. Varyani advised that Dr. King has applied restoration of her license in Ohio, which expired in October 2006 for non-renewal. Dr. King has indicated that she has not been engaged in the clinical practice of medicine since October 2006. Dr. King graduated from Albert Einstein College of Medicine in June 1983. She indicates in her application that she stopped practicing when she and her family moved in October 2006. Dr. King is American Board certified in Family Practice since 1986. She is licensed in Georgia, New Jersey and Ohio.

DR. VARYANI APPROVE DR. KING'S REQUEST FOR OHIO LICENSURE SUBJECT TO HER SUCCESSFUL COMPLETION OF THE SPEX OR 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. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

October 14, 2009

Dr. Madia - aye

The motion carried.

KAREN SUE MARKLING, L.M.T.

Dr. Varyani advised that Ms. Markling has applied for restoration of her LMT license in Ohio, which lapsed in August 2003 for non-renewal. Ms. Markling has indicated on her application for restoration that she has not actively practiced Massage Therapy since 2003.

DR. VARYANI MOVED TO APPROVE MS. MARKLING'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MASSAGE 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. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

Catherine Rose Neidenthal, L.M.T.

Dr. Varyani advised that Ms. Neidenthal has applied for restoration of her LMT license in Ohio, which lapsed in August 2005 for non-renewal. Ms. Neidenthal has indicated on her application for restoration that she has not actively practiced Massage Therapy since 2005.

DR. VARYANI MOVED TO APPROVE MS. NEIDENTHAL'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MASSAGE 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. Ogg	- aye
	Mr. Hairston	- aye

October 14, 2009

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

The motion carried.

Andrew Dafler, L.M.T.

Dr. Varyani advised that Mr. Dafler has applied to sit for the December 1, 2009, Massage Therapy examination. He has requested special accommodations under the Americans with Disabilities Act of 1990. He has been diagnosed with a Specific Learning Disability, and requires assistance with reading and written expression. Mr. Dafler is requesting a taped exam, extended testing time (time and a half), and a separate testing area. He is taking both the Basic Science and Limited Branches portions of the exam. Mr. Dafler has documented his disability by submitting a letter from Mr. William Stedron, school psychologist at Eaton Community Schools, and his last IEP.

DR. VARYANI MOVED TO APPROVE THE ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME, (TIME AND A HALF) , AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Nancy Coy, L.M.T. Applicant

Dr. Varyani advised that Ms. Coy has applied to sit for the December 1, 2009 Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of 1990. She has been diagnosed with an anxiety disorder. Ms. Coy is requesting a taped exam, extended testing time (time and a half), and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam. Ms. Coy has documented her disability by submitting a note from Dr. Wayne Beam from Chillicothe Family Physicians.

DR. VARYANI MOVED TO APPROVE THE ACCOMMODATION REQUEST FOR A TAPED

October 14, 2009

EXAM, EXTENDED TESTING TIME, (TIME AND A HALF), AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Hollynne Marquis, L.M.T. Applicant

Dr. Varyani advised that Ms. Marquis has applied to sit for the December 1, 2009, Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of 1990. She has been diagnosed with Central Auditory Processing Disorder and a visual distortion disorder. Ms. Marquis has requested a taped exam, extended testing time (time and a half), and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam. She has documented her disability by submitting a copy of the Evaluation and IEP forms from the Miami County Educational Service Center documenting her accommodations during her high school education.

DR. VARYANI MOVED TO APPROVE THE ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME, (TIME AND A HALF), AND A SEPARATE TESTING AREA. MR. ALBERT SECONDED THE MOTION. A vote was taken:

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

The motion carried.

October 14, 2009

LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Whitehouse referred the Board to Mr. Miller's written report, a copy of which shall be maintained in the exhibits section of this journal. He stated that if Board members have any specific questions about this report, he'll be happy to address them.

Mr. Whitehouse directed the Board's attention to H.B. 215, the Dental Board legislation. Mr. Whitehouse stated that the Medical Board staff is working with the Dental Board on this legislation, and staff members have gone to the Legislature to try to express the Medical Board's concerns. He advised that it has been suggested that this will in no way affect the Medical Board, but staff still have grave concerns about this legislation.

Mr. Whitehouse stated that the Board does have a sponsor for the massage therapy legislation to incorporate the Massage and Bodywork Licensing exam (MBLEx) into the test that Ohio accepts.

Dr. Steinbergh referred to H.B. 198, and questioned the Medical Board's involvement in this legislation. She stated that she felt this belongs with other groups, including the Board of Regents and the various professional associations.

Mr. Whitehouse agreed that this legislation covers things that are not within the Board's purview. He stated that it's being included in the report was a result of the staff's deliberate attempt to get to the table sooner rather than later on any issue that may affect the Board. Mr. Whitehouse stated that they met with the sponsor of this legislation, and they explained that this does not fall within the Board's purview, but that it is something on which the Board would be happy to provide input, but it is not something that the Board is interested in taking on as a project. Mr. Whitehouse stated that the sponsor was receptive and understanding and he believes she would be willing to work with the Board on future projects. He stated that the sponsor was pointed in the direction of the Board of Regents.

Dr. Steinbergh expressed concern with the Ohio Department of Mental Health's proposal that the Board amend Rule 4731-11-09 (Prescribing to persons not seen by the physician) to allow psychiatrists working with mental health centers associated with the Department of Mental Health to prescribe to patients after a video conference, instead of requiring there to be a face-to-face physical examination prior to prescribing.

Ms. Debolt advised that this idea is still in discussion, and that Dr. Marion Sherman, ODMH Medical Director, is to provide the Board with more information.

P.A. COMMITTEE

Dr. Talmage stated that the Committee reviewed a few items for Board consideration.

Bridget Mansell, P.A.-C

Dr. Talmage advised that Ms. Mansell has completed an ARC-PA approved program at the University of California at Davis, and a Non ARC-PA Masters at San Jose State University. The Ohio Revised Code

October 14, 2009

4731.11 4(b) lists various courses of study which have been determined to be acceptable, or “clinically relevant.” Ms. Mansell’s course of Masters in Kinesiology is not specifically listed, and the staff sought approval from the Committee on whether or not this course of study could be deemed “clinically relevant.” Ms. Mansell provided a course outline and description of her Master’s course. Dr. Talmage stated that the Committee recommends approval.

DR. TALMAGE MOVED TO ACCEPT THE MASTERS OF SCIENCE IN KINESIOLOGY FROM SAN JOSE STATE UNIVERSITY TO BE DEEMED “CLINICALLY RELEVANT” TO ALLOW MS. MANSELL TO RECEIVE HER PROVISIONAL CERTIFICATE TO PRESCRIBE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Rhonda Masci, P.A.-C

Dr. Talmage advised that Ms. Masci is applying for the Provisional Certificate to Prescribe. She has completed an ARC-PA approved program at Cuyahoga Community College, and a Non ARC-PA Masters at Bowling Green State University. Ms. Masci completed the Masters degree prior to entering the Physician Assistant program. The Ohio Revised Code 4731.11 4(b) lists various courses of study which have been determined as acceptable, or “clinically relevant.” Ms. Masci’s course of Masters of Science in Biological Sciences is not specifically listed, and the staff sought approval from the Committee on whether or not this course of study could be deemed “clinically relevant.” Dr. Talmage stated that the Committee did not feel that this course was equivalent.

DR. TALMAGE MOVED TO DENY MS. MASCI’S REQUEST TO ACCEPT THE MASTERS OF SCIENCE IN BIOLOGICAL SCIENCES AS BEING “CLINICALLY RELEVANT” TO PHYSICIAN ASSISTANT STUDIES OR PHARMACOLOGY. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

October 14, 2009

Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Dr. Talmage stated that all special services applications on the agenda were tabled.

Dr. Talmage stated that the Committee also reviewed requested changes to the P.A. Formulary. The first was a request to add Adderall and Xyrem to the formulary. Dr. Talmage stated that, by law, because Adderall is a Schedule 2 drug, it cannot be added to the formulary, so there is no action needed on this request. Xyrem will be reviewed at the next formulary review in 2010.

Dr. Talmage stated that there is a request to modify section 15 of the formulary to remove the reference to APN and add the correct reference to the P.A. That has been corrected in the formulary.

Dr. Talmage stated that the Committee recommends the following amendment to Rule 4731-2-06 :

(K) A physician assistant, with or with or without physician delegated prescriptive authority, may order blood products with physician initiation or consultation consistent with the physician assistant's supervisory plan or the policies of the healthcare facility, as applicable.

DR. TALMAGE MOVED TO FILE RULE 4730-2-06, AS AMENDED, FOR HEARING. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Talmage stated that the Committee discussed amending Section 15 of the formulary grid as follows:

Blood products: including PRBC, FFP (See Rule 4730-2-06)	Physician initiated/consulted
Oxygen Ordering	CTP holder may prescribe

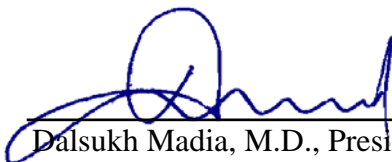
DR. TALMAGE MOVED TO APPROVE THE PROPOSED AMENDMENTS TO SECTION 15 OF THE FORMULARY GRID. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

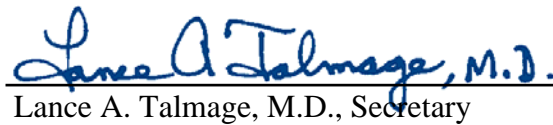
DR. STEINBERGH MOVED TO ADJOURN. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

October 14, 2009

Thereupon at 5:00 p.m. the October 14, 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 October 14, 2009, as approved on November 12, 2009.


Dalsukh Madia, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)

