

June 10, 2015

MINUTES**THE STATE MEDICAL BOARD OF OHIO****June 10, 2015**

Donald R. Kenney, Sr., President, called the meeting to order at 9:53 a.m. in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, with the following members present: Michael L. Gonidakis, Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Anita M. Steinbergh, D.O.; Sushil Sethi, M.D.; Robert P. Giacalone; and Andrew P. Schachat, M.D. The following member did not attend: Amol Soin, M.D.

Also present were: Anthony J. Groeber, Executive Director; Kimberly Anderson, Assistant Executive Director; David Fais, Assistant Executive Director; Michael Miller, Assistant Executive Director for Licensure and Renewal; Sallie J. Debolt, Senior Counsel; William Schmidt, Senior Counsel for Investigations; David Katko, Assistant Legal Counsel; Joan K. Wehrle, Education and Outreach Program Manager; Jonithon LaCross, Public Policy & Governmental Affairs Program Administrator; Rebecca Marshall, Chief Enforcement Attorney; Marcie Pastrick, Mark Blackmer, Cheryl Pokorny, James Roach, and Kimberly Lee, Enforcement Attorneys; Kyle Wilcox, Melinda Snyder, and James Wakley, Assistant Attorneys General; R. Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Gary Holben, Operations Administrator; Danielle Bickers, Compliance Supervisor; Annette Jones and Angela Moore, Compliance Officers; Chantel Scott, Chief of Renewal; Christine Schwartz, Legal and Policy Staff Attorney; Jacqueline A. Moore, Legal/Public Affairs Assistant; and Benton Taylor, Board Parliamentarian.

MINUTES REVIEW

Dr. Saferin moved to approve the draft minutes of the May 13, 2015, Board meeting, as written. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

APPLICANTS FOR LICENSURE

Dr. Rothermel moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the acupuncturist applicants listed in

Exhibit “A,” the anesthesiologist assistant applicants listed in Exhibit “b,” the genetic counselor applicants listed in Exhibit “C,” the massage therapist applicants listed in Exhibit “D,” the Oriental medicine practitioners listed in Exhibit “E,” the physician assistant applicants listed in Exhibit “F,” and the physician applicants listed in Exhibit “G” Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Mr. Kenney announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Mr. Kenney asked whether each member of the Board had received, read and considered the hearing records, the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: William K. Basedow, D.O.; Mary Jo Foote, P.A.; and Sergei Shushunov, M.D.

A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

Mr. Kenney 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:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye

Mr. Gonidakis - aye
Mr. Kenney - aye
Dr. Sethi - aye
Mr. Giacalone - aye
Dr. Schachat - aye

Mr. Kenney noted that, in accordance with the provision in section 4731.22(F)(2), Ohio 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 any disciplinary matters. In the matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Mr. Kenney 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.

WILLIAM K. BASEDOW, D.O.

Mr. Kenney directed the Board's attention to the matter of William K. Basedow, D.O. Objections were filed and were previously distributed to Board members. Ms. Blue was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Basedow. Five minutes will be allowed for that address.

Dr. Basedow was represented by his attorney, Douglas Graff.

Mr. Graff stated that he has filed a motion to have this matter remanded back to the Board's Hearing Unit for a new hearing. Mr. Graff stated that at the end of Dr. Basedow's hearing the Hearing Examiner, rather than asking questions for clarification, started an entirely new line of questioning which took up 54 pages of the hearing transcript. The court reporter listed these questions as "examination" and was characterized by the Assistant Attorney General as "cross-examination" of Dr. Basedow. Mr. Graff stated that this takes the Hearing Examiner out of the position of a neutral fact-finder and puts them into an advocacy position.

Regarding Dr. Basedow, Mr. Graff stated that he had taken Continuing Medical Education (CME) courses and was able to testify about changes he has made in his practice. Mr. Graff stated that the medical records Dr. Basedow used in treating his patients did not contain all records of previous treatment due to the closure of Lawrence County Hospital. Mr. Graff stated that Dr. Basedow's practice is the only private practice in Ironton, Ohio, and he is providing good care for his patients. Mr. Graff stated that Dr. Basedow is the kind of practitioner the Board wants taking care of individuals in difficult circumstances. Mr. Graff noted that the majority of the patients of Dr. Basedow and his wife, who is also a physician in the practice, have been seeing them for their entire lives.

Dr. Basedow stated that the physician portrayed in the reports provided to the Board is not really who he is. Dr. Basedow stated that he cares about his patients and he strives to be the best physician he can be.

Dr. Basedow stated that Southeast Ohio has many problems with drug abuse and he works closely with local law enforcement and drug task force committees. Dr. Basedow also stated that he is active in his community and serves in the Lion's Club, Knight of Columbus, and his parish council. Dr. Basedow hoped to continue providing service to his patients and his community.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he would like to respond.

Mr. Wilcox opined that Dr. Basedow's and Mr. Graff's motion to remand is essentially an issue to distract the Board from the true nature of this case. Mr. Wilcox felt that the Board should reject the motion to remand. Mr. Wilcox noted that Section 4731-13-03, Ohio Administrative Code, which outlines the powers and duties of the Hearing Examiner, states that "The Hearing Examiner shall conduct hearing in such a manner as to prevent unnecessary delay, maintain order, and ensure development of adequate and clear record." Mr. Wilcox stated that to accomplish these goals, the Hearing Examiner may "Examine witnesses and direct witness to testify," among other things. Mr. Wilcox stated that the Hearing Examiner is allowed to ask questions to develop a record and there is no basis for the request for a new hearing.

Mr. Wilcox stated that Dr. Basedow's medical records were difficult to decipher, either because Dr. Basedow did not understand how to work his electronic medical record system or because it was simply a bad system. Mr. Wilcox stated that during the course of treating patients Dr. Basedow inappropriately prescribed controlled substances, failed to appropriately document his treatment, and failed to follow the Board's rules for treating intractable pain. Mr. Wilcox further stated that Dr. Basedow failed to conform to the minimal standards of care in providing pain treatment for several patients, particularly in the selection and administration of narcotics and benzodiazepines in high-risk patients. Mr. Wilcox added that Dr. Basedow's record-keeping was an obvious problem and he often did not obtain prior treatment records before treating these patients.

Mr. Wilcox continued that many of Dr. Basedow's patients received narcotic medications on their initial visit based essentially on what the patients were requesting or what they told Dr. Basedow they had been on before. Mr. Wilcox stated that Dr. Basedow routinely increased dosages of narcotics without improvement in the patient's pain and without clearly documenting the reason for the increase. Mr. Wilcox further stated that Dr. Basedow not respond appropriately to red flags or behaviors that indicated drug abuse or misuse.

Mr. Wilcox opined, based on his hearing testimony, that Dr. Basedow has learned from this matter. Mr. Wilcox noted that Dr. Basedow has taken the *Intensive Course in Controlled Substance Prescribing* offered by Case Western Reserve University and is attempting to make changes to his practice. Mr. Wilcox supported the Hearing Examiner's Proposed Order.

Dr. Steinbergh moved to deny the motion to remand this matter back to the Hearing Unit. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain

Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to deny the request to remand carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of William K. Basedow, D.O. Dr. Sethi seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Dr. Schachat stated that this matter involves Dr. Basedow's allegedly inappropriate patient care and inappropriate controlled substance prescribing. Dr. Schachat briefly reviewed Dr. Basedow's career and noted that he is certified by the American Osteopathic Board of Family Physicians and is a certified Suboxone provider.

Dr. Schachat stated that the evidence establishes that Dr. Basedow's treatment of Patients 2 through 5 and Patients 7 through 8 violated the minimal standards of care and the Board's rules for treating intractable pain. Dr. Schachat noted the Hearing Examiner's observation that Dr. Basedow's patients were routinely given prescriptions for narcotics on their initial visit based solely on their subjective complaints and not based on Dr. Basedow's review of any prior medical record or objective test results. Dr. Basedow also documented the same physical examination findings on each visit, such as paravertebral contracture, and his findings varied little between visits. When asked to define paravertebral contracture, Dr. Basedow had replied that it is a muscle spasm that most people have. Dr. Schachat added that Dr. Basedow did not make appropriate referrals to specialists, failed to document individualized plans for his patients, and ignored red flags for addiction and drug diversion.

Dr. Schachat continued that since the Board's investigation, Dr. Basedow has stopped prescribing opioids and benzodiazepines together and he keeps more detailed medical records. Dr. Basedow has also completed courses in medical record-keeping and controlled substance prescribing. Dr. Schachat stated that Dr. Basedow appears to be open to change and is a good candidate for reform. Dr. Schachat stated that he supports the Proposed Order of an indefinite suspension not less than 180 days with conditions for reinstatement or restoration, followed by probationary terms for at least three years.

Mr. Giacalone stated that Dr. Basedow, either by ignorance, incompetence, negligence, or intention, failed to understand how to properly prescribe narcotics and benzodiazepines. Mr. Giacalone faulted Dr. Basedow for prescribing large amounts of controlled substances, lacking appropriate documentation, and ignoring red flags. Mr. Giacalone expressed further concern that this took place in an area of Ohio in which drug abuse is very prevalent.

Mr. Giacalone proposed amending the Proposed Order to reduce the suspension from a minimum of 180

days to a minimum of 90 days and TO permanently restrict Dr. Basedow from prescribing narcotic analgesics. Mr. Giacalone noted Dr. Basedow's statement that he will no longer prescribe opioids and benzodiazepines and Mr. Giacalone wanted to ensure that that remains the case. Mr. Giacalone further suggested removing the requirement that Dr. Basedow participate in the Post-Licensure Assessment Program (PLAS) and replacing it with a requirement to take the Annual American College of Osteopathic Family Physicians (ACOFP) Intensive Update and Board Review in Osteopathic Medicine.

Mr. Giacalone moved to amend the Proposed Order so that the suspension of Dr. Basedow's medical license is for a minimum of 90 days. Mr. Giacalone further moved to add a permanent limitation to Dr. Basedow's license to restrict him from prescribing, administering, dispensing, or otherwise providing any narcotic analgesics, and said limitation shall not apply to buprenorphine-containing products or any other products that are approved to treat drug addiction. Mr. Giacalone further moved to remove the requirement that Dr. Basedow participate in PLAS and replace it with the requirement to take the Annual ACOFP Intensive Update and Board Review in Osteopathic Medicine. Dr. Schachat seconded the motion.

Mr. Gonidakis asked if Mr. Giacalone's opinion would be different if these actions had taken place in another part of Ohio. Mr. Gonidakis also asked about Mr. Giacalone's rationale for proposed a reduction in Dr. Basedow's suspension from a minimum of 180 days to a minimum of 90 days. Regarding the first question, Mr. Giacalone stated that it is possible that he would feel differently if this had occurred outside southeast Ohio; however, his decision would still turn on the specific facts of a case in making that determination. Mr. Giacalone questioned how Dr. Basedow could have continued and escalated his unwise prescribing practices given the rampant prescription drug abuse in that region. Regarding the proposed reduction in Dr. Basedow's suspension, Mr. Giacalone opined that the proposed permanent limitation on Dr. Basedow's prescribing is a better public protection measure than requiring an additional 90 days of suspension. Mr. Gonidakis thanked Mr. Giacalone for answering his questions.

Dr. Steinbergh agreed with Mr. Giacalone's proposed permanent limitation on Dr. Basedow's prescribing authority. However, Dr. Steinbergh felt that Dr. Basedow would benefit from participating in PLAS. Dr. Steinbergh stated that the PLAS program takes a complete look at every physician, including his or her thought processes and decision-making process. Dr. Steinbergh stated that following the PLAS program, Dr. Basedow will have a true sense of how he can move forward with a more acceptable practice. Dr. Steinbergh had no objection to reducing the suspension time.

Dr. Steinbergh opined that Dr. Basedow's motion to remand this matter back to the Hearing Unit makes no sense because the Board has everything it needs to make its determination. Dr. Steinbergh did not accept the argument that Dr. Basedow's records would be complete if he were allowed to obtain the hospital records, stating that the medical records Dr. Basedow used day-to-day were not complete. Dr. Steinbergh also noted Dr. Basedow's objection that the State's expert, Ann Laurella DiFrangia, D.O., was not an appropriate expert and was not qualified in the same specialty of medicine as Dr. Basedow. However, Dr. Steinbergh stated that both Dr. Basedow and Dr. DiFrangia are certified by the American Board of Osteopathic Family Physicians, and therefore they meet the same qualifications. Dr. Steinbergh stated that Dr. DiFrangia is a very appropriate expert in this matter despite different medical interests she and Dr. Basedow may have.

Mr. Giacalone had no objections to Dr. Steinbergh's suggestions and agreed to change his motion to amend accordingly.

Mr. Giacalone wished to change his motion to amend so that the Order will read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** Commencing on the thirty-first day following the date on which this Order becomes effective, the certificate of William K. Basedow, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 90 days.
- B. **PERMANENT LIMITATION/RESTRICTION:** Upon reinstatement or restoration of Dr. Basedow's certificate to practice osteopathic medicine and surgery in the State of Ohio, said certificate shall be permanently LIMITED and RESTRICTED as follows:
1. Dr. Basedow shall not prescribe, administer, dispense or otherwise provide any narcotic analgesics including but not limited to single entity or combination products containing oxycodone, hydrocodone, hydromorphone, oxymorphone or codeine.
 2. This limitation shall not apply to buprenorphine-containing products or any other products that are approved to treat drug addiction, provided that they are prescribed, administered, dispensed or otherwise provided in accordance with FDA-approved labeling and other federal and state requirements.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Basedow's certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Basedow shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Post-Licensure Assessment Program:** Prior to submitting his application for reinstatement or restoration, Dr. Basedow shall have undergone an assessment and completed the recommended educational activities, as developed for Dr. Basedow by the Post-Licensure Assessment System [PLAS] sponsored by the Federation of State Medical Boards and the National Board of Medical Examiners. Dr. Basedow's participation in the PLAS shall be at his own expense.
 - a. Prior to the initial assessment by the PLAS, Dr. Basedow shall furnish the PLAS copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that assessment.

- b. Should the PLAS request patient records maintained by Dr. Basedow, Dr. Basedow shall furnish copies of the patient records at issue in this matter along with any other patient records he submits. Dr. Basedow shall further ensure that the PLAS maintains patient confidentiality in accordance with Section 4731.22(F)(5), Ohio Revised Code.
- c. Dr. Basedow shall ensure that the written Assessment Report by the PLAS includes the following:
- A detailed plan of recommended practice limitations, if any;
 - Any recommended education;
 - Any recommended mentorship or preceptorship;
 - Any reports upon which the recommendation is based, including reports of physical examination and psychological or other testing.

Moreover, Dr. Basedow shall ensure that, within fourteen days of its completion, the written Assessment Report by the PLAS is submitted to the Board.

- d. Any Learning Plan recommended by the PLAS shall have been developed subsequent to the issuance of a written Assessment Report, based on an assessment and evaluation of Dr. Basedow by the PLAS. Dr. Basedow shall successfully complete the educational activities as recommended in the Learning Plan, including any final assessment or evaluation.
- e. At the time he submits his application for reinstatement or restoration, Dr. Basedow shall submit to the Board satisfactory documentation from the PLAS indicating that he has successfully completed the recommended educational activities.
3. **Controlled Substances Prescribing Course(s)**: At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Basedow shall provide acceptable documentation of successful completion of a course or courses dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Basedow submits the documentation of successful completion of the course(s) dealing with the prescribing of controlled substances, he shall also submit

to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

The Board may consider the three-day course completed by Dr. Basedow entitled, *Intensive Course in Controlled Substance Management*, at the Case Western Reserve University School of Medicine as evidence of compliance with this reinstatement condition.

4. **Medical Records Course(s)**: At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Basedow shall provide acceptable documentation of successful completion of a course or courses on maintaining adequate and appropriate medical records. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Basedow submits the documentation of successful completion of the course(s) on maintaining adequate and appropriate medical records, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

The Board may consider the two-day course entitled, *Intensive Course in Medical Record Keeping*, at the Case Western Reserve University School of Medicine as evidence of compliance with this reinstatement condition.

5. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Basedow has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

D. **PROBATION**: Upon reinstatement or restoration, Dr. Basedow's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law**: Dr. Basedow shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
2. **Declarations of Compliance**: Dr. Basedow shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration

must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Basedow's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Basedow shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Basedow's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Post-Licensure Assessment Program**: Dr. Basedow shall practice in accordance with the Learning Plan developed by the PLAS, unless otherwise determined by the Board. Dr. Basedow shall cause to be submitted to the Board quarterly declarations from the PLAS documenting Dr. Basedow's continued compliance with the Learning Plan.

Dr. Basedow shall obtain the Board's prior approval for any deviation from the Learning Plan.

If, in a manner not authorized by the Board, Dr. Basedow fails to comply with the Learning Plan, Dr. Basedow shall cease practicing medicine and surgery beginning the day following Dr. Basedow's receiving notice from the Board of such violation and shall refrain from practicing until the PLAS provides written notification to the Board that Dr. Basedow has reestablished compliance with the Learning Plan. Practice during the period of noncompliance shall be considered practicing medicine without a certificate, in violation of Section 4731.43, Ohio Revised Code.

5. **Practice Plan and Monitoring Physician**: Within 30 days of the date of Dr. Basedow's reinstatement or restoration, or as otherwise determined by the Board, Dr. Basedow shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Basedow's activities will be directly supervised and overseen by a monitoring physician approved by the Board. The practice plan shall, as determined by the Board, reflect, but not be limited to, the PLAS Learning Plan. Dr. Basedow shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Basedow submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who

practices in the same locale as Dr. Basedow and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Basedow and his medical practice, and shall review Dr. Basedow's patient charts. The chart review may be done on a random basis, with the frequency and number of charts to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Basedow and his medical practice, and on the review of Dr. Basedow's patient charts. Dr. Basedow shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's office no later than the due date for Dr. Basedow's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Basedow shall immediately so notify the Board in writing. In addition, Dr. Basedow shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Basedow shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Basedow's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Basedow's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

6. **Required Reporting of Change of Address:** Dr. Basedow shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Basedow's certificate will be fully restored.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Basedow shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Basedow shall

promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Basedow provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

These requirements shall continue until Dr. Basedow receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Basedow shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any professional license or certificate. Also, Dr. Basedow shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Basedow receives from the Board written notification of the successful completion of his probation.
3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Basedow shall provide this Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

G. VIOLATION OF THE TERMS OF THIS ORDER: If Dr. Basedow violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

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

No Board member objected to the change in Mr. Giacalone's motion to amend. The change to the motion was accepted.

A vote was taken on Mr. Giacalone's motion to amend:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to amend carried

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of William K. Basedow, D.O. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to approve carried

MARY JO FOOTE, P.A.

Mr. Kenney directed the Board's attention to the matter of Mary Jo Foote, P.A. No objections have been filed. Ms. Shamansky was the Hearing Examiner.

Dr. Sethi moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Mary Jo Foote, P.A. Mr. Giacalone seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Mr. Kenney reviewed Ms. Foote's history with the Board. In 1998 the Board immediately suspended Ms. Foote's license to practice as a physician assistant when she pleaded guilty to illegal possession of drug documents. Ms. Foote received inpatient treatment for chemical dependency for one month and outpatient

treatment for one year. In October 1998 Ms. Foote entered into a Step I Consent Agreement with the Board which suspended her physician assistant license indefinitely. Ms. Foote entered into another Step I Consent Agreement in July 2001 which again suspended her physician assistant license due to her admission that she violated her 1998 Consent Agreement by relapsing on a controlled substance. In January 2004, the Board issued a Notice of Opportunity for Hearing based on allegations that Ms. Foote had relapsed again. In August 2004 Ms. Foote entered into another Step I Consent Agreement and admitted to the allegations contained in the Notice of Opportunity for Hearing. The 2004 Consent Agreement permanently revoked Ms. Foote's physician assistant license, stayed that suspension, and again suspended her license indefinitely. Ms. Foote remains subject to the terms and conditions of her 2004 Consent Agreement. Mr. Kenney commented that Ms. Foote has not practiced as a physician assistant since 1998.

Mr. Kenney continued that in 2014 a representative from the Ohio Physicians Health Program (OPHP) informed the Board that a urine specimen provided by Ms. Foote tested positive. Further, though Ms. Foote's 2004 Consent Agreement requires regular alcohol and drug rehabilitation meeting, Ms. Foote failed to provide required documentation of her attendance in January 2014, March 2014, July 2014, and August 2014. Ms. Foote also failed to meet with a counselor as required from August 1, 2014, through August 25, 2014.

In summary, Mr. Kenney stated that the Board has expended a great deal of time and resources monitoring Ms. Foote since 1998. Mr. Kenney stated that the Board has been very accommodating to Ms. Foote, who has a long history of alcoholism complicated by an eating disorder that ultimately resulted in drug abuse. Despite completion of inpatient and outpatient treatment, Ms. Foote has had several relapses and has therefore violated her Consent Agreements. Mr. Kenney commended Ms. Foote for staying sober for a ten-year period from 2004 to 2014, but noted that she failed to attend all of her required rehabilitation meetings during that time.

Mr. Kenney observed that the Hearing Examiner's Proposed Order is for revocation of Ms. Foote's physician assistant license. However, Mr. Kenney opined that the Board has done more than enough for Ms. Foote over the years and she has repeatedly violated her Consent Agreements. Mr. Kenney favored a permanent revocation of Ms. Foote's license. Dr. Steinbergh agreed.

Dr. Steinbergh moved to amend the Proposed Order to a permanent revocation of Ms. Foote's license to practice as a physician assistant in Ohio. Mr. Giacalone seconded the motion.

Dr. Steinbergh agreed that there is nothing more for the Board to do with regard to Ms. Foote. Dr. Steinbergh noted that Ms. Foote only practiced as a physician assistant for two years and has not practiced since 1998. Dr. Steinbergh opined that it is time for Ms. Foote to focus on herself and her life. Mr. Gonidakis and Mr. Giacalone agreed. Mr. Giacalone reiterated that Ms. Foote had received a stayed permanent revocation as part of her 2004 Consent Agreement.

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

ROLL CALL: Dr. Rothermel - abstain

Dr. Saferin	- abstain
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Mary Jo Foote, P.A. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to approve carried.

SERGEI SHUSHUNOV, M.D.

Mr. Kenney directed the Board's attention to the matter of Sergei Shushunov, M.D. Objections have been filed and were previously distributed to Board members. Ms. Shamansky was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Shushunov. Five minutes will be allowed for that address.

Dr. Shushunov was represented by his attorney, Levi Tkach.

Mr. Tkach stated that the matter of Dr. Shushunov is the third case before the Board in as many months involving a physician whose Ohio medical license has lapsed with no pending application to restore that license. Mr. Tkach stated that unlike the other two cases, Dr. Shushunov's case resulted from a criminal conviction that unrelated to his medical practice.

Mr. Tkach stated that last month the Board engaged in a discussion about the unintended consequences of permanently revoking a lapsed medical license. Mr. Tkach stated that Dr. Shushunov is so concerned about these unintended consequences that he flew in from American Samoa to address the Board today. Mr. Tkach stated that even though Dr. Shushunov has no intention of practicing in Ohio, the actions of the

Board against the legal fiction of a lapsed license are serious and far-reaching. Mr. Tkach stated that the hearing record demonstrates that Dr. Shushunov is an excellent pediatric physician.

Mr. Tkach continued that Dr. Shushunov acknowledges the seriousness of his crime. Dr. Shushunov has completed his criminal proceedings and settled a civil lawsuit with the victim. Dr. Shushunov has also had disciplinary action by the Kansas State Board of Healing Arts, where Dr. Shushunov holds an active medical license. Mr. Tkach stated since Dr. Shushunov completed his criminal probation more than a year ago, he has taken steps to improve the areas of stress in his personal life and has created an excellent support network for himself and his continued development.

Mr. Tkach stated that the Board's mission statement is "To protect and enhance the health and safety of the public through effective medical regulation." Mr. Tkach stated that the Board cannot in good conscious say that it is protecting the public in Ohio by permanently revoking the legal fiction of Dr. Shushunov's expired medical license. Mr. Tkach stated that the Board cannot say that permanently revoking Dr. Shushunov's Ohio medical license is effective medical regulation when Dr. Shushunov is not practicing in Ohio. Mr. Tkach opined that it is very difficult to justify permanent revocation as the most effective means to acknowledge the seriousness of Dr. Shushunov's crime; Mr. Tkach suggested that a public reprimand would be more than sufficient.

Mr. Tkach stated that no action taken by the Board today, short of permanent revocation, will prevent the Board from taking any action it deems necessary if Dr. Shushunov applies for restoration of his Ohio license in the future. Should such an application be filed, Mr. Tkach stated that the Board will judge Dr. Shushunov as he will be at that future time and not as he is today. Mr. Tkach asked the Board to consider a sanction other than permanent revocation.

Dr. Shushunov related a message he had received through Facebook from a grateful family whose son he had cared for years earlier; the message thanked Dr. Shushunov for having cared for their young son, who is now 17 years old, when he was sick and near death. Dr. Shushunov stated that he has received several such messages over the years.

Dr. Shushunov stated that he has faced challenges in his personal life. Dr. Shushunov stated that he feels badly for what he has done and he has attempted to make restitution to his victim. Dr. Shushunov stated that he has never failed any of his patients in more than 30 years of practicing medicine. Dr. Shushunov asked the Board to not revoke his Ohio medical license because it would mean the end of his medical career and other licenses could follow.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Ms. Snyder stated that she would like to respond.

Ms. Snyder stated that this case boils down to the fact that Dr. Shushunov walked into a man's house in Illinois uninvited, walked past the man's children, walked into the man's bedroom, held him at gunpoint, and beat him up. Dr. Shushunov pled guilty to attempted armed robbery and assault, both of which are felonies. Dr. Shushunov spent six months in prison and was given two years of probation, all of which he has served.

Ms. Snyder stated that the man Dr. Shushunov held at gunpoint was his wife's boyfriend, but cautioned the Board that this was not a crime of passion. Ms. Snyder stated that the boyfriend was a man who Dr. Shushunov had helped his wife meet on Match.com. Then, after living apart for 10 months, Dr. Shushunov returned to his wife and they discussed reconciliation. Subsequently, Dr. Shushunov found his wife on the phone with this man, whereupon Dr. Shushunov grabbed his gun, left his house, and drove to the man's house. Ms. Snyder stated that the time in which Dr. Shushunov drove to the man's house, which was about 10 minutes, is known as a "cooling-down period" in criminal law during which he had time to reconsider what he was about to do. Upon arrival, Dr. Shushunov committed the acts previously described.

Ms. Snyder continued that as a result of these events, the Kansas State Board for Healing Arts revoked Dr. Shushunov's Kansas medical license, though not permanently. The Kansas Board had found that this was not a crime of passion, but rather was a calculated act. Ms. Snyder stated that, although there were several mitigating factors in this case, she agrees with the Hearing Examiner that Dr. Shushunov's Ohio medical license should be permanently revoked for this egregious, violent crime.

Dr. Steinbergh moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Sergei Shushunov, M.D. Dr. Sethi seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Dr. Sethi briefly reviewed Dr. Shushunov's pediatric medical career. Dr. Sethi stated that Dr. Shushunov had many troubles during his 17-year marriage and his wife had filed for divorce on four occasions, though they reconciled each time. Dr. Shushunov had testified that he encouraged his wife to consider dating outside their relationship because he thought it would improve the chances of reconciliation. Dr. Shushunov had also testified that he had had a romantic relationship with someone else during the couple's previous separation and he felt that his wife dating someone would bring parity to the situation.

Dr. Sethi reiterated the course of events previously described by Ms. Snyder. Dr. Sethi stated that, according to testimony, Dr. Shushunov had chosen to bring a gun with him because his wife had told him that her boyfriend was a big man. Noting that Dr. Shushunov had attacked the man in his bedroom, Dr. Sethi commented that a person's bedroom is a very private place. Dr. Sethi stated that the man must have been terrified to have a gun pointed at him and opined that that is the most horrible thing one can do to a human being. Dr. Sethi stated that Dr. Shushunov began beating the man because, since he had a gun, he was the stronger of the two. Dr. Shushunov was arrested a few hours later and spent two days in jail before a friend bailed him out. Dr. Shushunov was originally charged with home invasion, armed robbery, and aggravated battery, but eventually pled guilty to and was found guilty of attempted armed robbery and aggravated battery.

Dr. Sethi stated that he has read the various explanations Dr. Shushunov has given for his actions, but opined that these explanations are meaningless. Dr. Sethi reiterated that Dr. Shushunov entered a man's private bedroom, scared him with a gun, and beat him up.

Dr. Sethi stated that Dr. Shushunov's Ohio medical license expired on January 1, 2008. Dr. Sethi stated that despite Mr. Tkach's objections, Dr. Shushunov can still apply to restore his Ohio medical license and the State Medical Board of Ohio still has jurisdiction over an expired license. Although Dr. Shushunov does not plan to return to Ohio to practice medicine, Dr. Sethi noted that Dr. Shushunov could change his mind in the future. Dr. Sethi observed that several of Dr. Shushunov's friends and colleagues have written letters to the Board on his behalf, but these friends and colleagues do not seem to know much about the incident in question. Dr. Sethi stated that being a good man socially and having friends do not translate into being a good physician.

Dr. Sethi stated that the Kansas Board found that Dr. Shushunov's conduct erodes the public trust in the healthcare profession and is antithetical to the most basic promise that physicians make to do no harm. Dr. Sethi stated that he supports the Proposed Order of permanent revocation.

Dr. Steinbergh stated that she found this case very confusing, noting that Dr. Shushunov seemed at times to be attempting to commit himself to his marriage, but at other times he did things like introduce his wife to other men. Dr. Steinbergh opined that Dr. Shushunov had been struggling for control and became livid when he found his wife speaking on the telephone to her boyfriend. Dr. Steinbergh stated that the fact that Dr. Shushunov took a gun to the man's house shows that he was not intending to have a conversation with him, but rather was intending to threaten him in some way.

Dr. Steinbergh agreed with Dr. Sethi's comments that Dr. Shushunov entered the man's house uninvited, entered his bedroom, which is a very private place, and beat him up. Dr. Steinbergh agreed that these actions were horrible. Dr. Steinbergh stated that the State Medical Board of Ohio has issues with physicians who make choices like this and that it should not even exist in a physician's mind to do things like this. Dr. Steinbergh stated that when physicians have issues with morality and ethics, the Board does not want them practicing in Ohio.

Mr. Gonidakis stated that he does not see the justification for permanent revocation in this case. Mr. Gonidakis commented that he cannot appreciate the lifestyle which the record reflects, but opined that the Board should not consider how a person conducts their marriage and private life when determining if they should have a medical license. Mr. Gonidakis noted that the Report and Recommendation discusses the Hippocratic Oath to do no harm, but stated that there are physicians in Ohio who do harm every day. Dr. Sethi disagreed with Mr. Gonidakis and asked how Dr. Sethi could trust his children to a pediatrician who has done such things. Dr. Sethi opined that no such physician should be allowed to practice in Ohio.

Mr. Gonidakis moved to amend the Proposed Order to a non-permanent revocation of Dr. Shushunov's license to practice medicine and surgery in Ohio. Dr. Steinbergh seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Mr. Giacalone stated that he understands Dr. Sethi's position, but he also observed that a non-permanent revocation would mirror the action of the Kansas Board. Mr. Giacalone also noted that the Board would have an opportunity to deny Dr. Shushunov's application for another license if he makes such an application. Dr. Steinbergh agreed with Mr. Giacalone's comments. Mr. Giacalone opined that if Dr.

Shushunov's license is non-permanently revoked, he should not seek another license in Ohio for at least five or ten years.

A vote was taken on Mr. Gonidakis' motion to amend:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- nay
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to amend carried.

Mr. Gonidakis moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Sergei Shushunov, M.D. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- nay
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to approve, lacking six affirmative votes, did not carry.

Dr. Steinbergh moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Sergei Shushunov, M.D. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- nay
	Mr. Kenney	- nay
	Dr. Sethi	- aye
	Mr. Giacalone	- nay
	Dr. Schachat	- nay

The motion to approve did not carry.

Mr. Giacalone moved to table this topic. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to table carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Mr. Kenney stated that in the following matters the Board issued Notices of Opportunity for Hearing, and documentation of Service was received for each. 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. These matters are non-disciplinary, and therefore all Board members may vote.

SANDRA LYNN DURBIN, M.T.

Mr. Kenney stated that Ms. Durbin has applied for restoration of her license to practice massage therapy in Ohio. The Board notified Ms. Durbin that it proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEX) due to the fact that Ms. Durbin has not engaged in the active practice of massage therapy for more than two years.

Dr. Steinbergh moved to find that the allegations set forth in the April 29, 2015 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Ms. Durbin's application for restoration, provided that she takes and passes the Massage and Bodywork Licensing Examination within six months of April 29, 2015. Dr. Rothermel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

STEVEN MICHAEL PAP, M.D.

Mr. Kenney stated that Dr. Pap has applied for restoration of his license to practice medicine and surgery in Ohio. The Board notified Dr. Pap that it proposed to approve his application for licensure, but limit such license to participation in a six-month preceptorship that includes an initial month of observation and five subsequent months of weekly chart reviews due to the fact that Dr. Pap has not engaged in the active practice of medicine for more than two years.

Dr. Steinbergh moved to find that the allegations set forth in the April 29, 2015 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Dr. Pap's application for licensure; limiting such license to participation in a six-month preceptorship that includes an initial month of observation and five subsequent months of weekly chart reviews; and to remove the limitation upon Dr. Pap's submission of a written report from the preceptor that he has practiced satisfactorily and in accordance with acceptable and prevailing standards of care. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

EXECUTIVE SESSION

Dr. Steinbergh moved to go into Executive Session to confer with the Medical Board's attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye

Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Groeber, Ms. Anderson, Mr. Miller, Ms. Loe, Ms. Debolt, Mr. Schmidt, Mr. Katko, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Bickers, Ms. Jones, Ms. Schwartz, and Mr. Taylor in attendance.

The Board returned to public session.

RATIFICATION OF SETTLEMENT AGREEMENTS

CHRISTOPHER J. HODGE, D.O. – PERMANENT SURRENDER

Dr. Sethi moved to ratify the Proposed Permanent Surrender with Dr. Hodge. Mr. Giacalone seconded the motion.

Dr. Steinbergh stated that she had some difficulties and concerns with this proposed permanent surrender.

A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

RSH, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with RSH, M.D. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

Dr. Sethi	- aye
Mr. Giacalone	- nay
Dr. Schachat	- abstain

The motion to ratify did not carry.

OBIAGELI G. ORAGWU – WITHDRAWAL OF APPLICATION FOR PHYSICIAN ASSISTANT LICENSURE

Dr. Steinbergh moved to ratify the Proposed Withdrawal with Ms. Oragwu. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

HIMACHALA RAO VELIGANDLA, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Veligandla. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

MUYUAN MA, M.D. – PROBATIONARY CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Probationary Consent Agreement with Dr. Ma. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

CITATIONS AND ORDERS OF SUMMARY SUSPENSION, IMMEDIATE SUSPENSION, AND
AUTOMATIC SUSPENSION

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

DEBORAH LYNN COOK, D.P.M.

Dr. Steinbergh moved to send the Notice of Immediate Suspension and Opportunity for Hearing to Deborah Lynn Cook, D.P.M. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to send carried.

NOTICES OF OPPORTUNITY FOR HEARING

Dr. Steinbergh moved to send the Notices of Opportunity for Hearing to the following: Nabila Saeed Babar, M.D.; Joseph Peter Burick, D.O.; Ronald J. Celeste, M.D.; Heidi Davidson, M.T.; Lawrence William Konst, D.O.; Paul Joseph Mauser; Bruce David Smith, M.D.; Matthew Ray Steiner, M.D.; and Carli A Steinhauser, A.A. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

Dr. Sethi - aye
Mr. Giacalone - aye
Dr. Schachat - aye

The motion to send carried.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that the posting for the Attorney 4 position has come down and résumés are being reviewed.

Mr. Groeber stated that a candidate had been selected for the Chief of Investigations position, but that candidate has withdrawn from consideration. Mr. Groeber stated that the position will be re-posted.

Mr. Groeber stated that the position a Project Manager 1 has been filled by Stuart Nealis, who starts on June 15, 2015. Mr. Groeber stated that Mr. Nealis has a deep background in process improvement and project management.

Budget: Mr. Groeber stated that the Board's expenditures are down by \$30,000 over the previous year and revenue is up by about \$60,000 compared to the same period two years ago. Net revenue compared to two years ago is up by about \$415,000 and overall cash balance has improved from \$4,300,000 last month to \$4,674,000 this month.

Information Technology: Mr. Groeber stated that the vendor for the new E-License 2.0 system spent three weeks working with the Board to ensure that the system meets the Board's needs. After working with the other pilot boards, the vendor will return in about six weeks to fully harmonize the system. Mr. Groeber estimated that the system release will occur in mid-August.

Mr. Groeber stated the Ms. Wehrle and Mr. Holben have thoroughly examined the Board's phone tree and found that 70% of calls routed into the tree ultimately went to the receptionist for proper routing. Therefore, in order to simplify the system, changes will be made so that all calls go to the receptionist. Also, a greater emphasis will be placed on the Board's website so that some callers will be able to help themselves. A voicemail account has been created for after-hours calls so that the staff can return those calls the next day.

Mr. Groeber stated that a standard set of licensure questions and answers will be produced to help the receptionist answer those calls. Licensure calls needing more extensive help will be routed to a second-tier group of employees, probably temporary employees, who will be dedicated to taking such calls. Mr. Groeber stated that the goal is to have the top-level licensure employees to take as few calls as possible so they can focus on licensing activities.

Communications and Outreach: Mr. Groeber stated that the Board was very active in the last few months with outside meetings and presentations, a list of which has been included in the Operations Report.

Agency Operations: Mr. Groeber stated that Licensure is up about 9% year-over-year and is processing applications 31% faster than last year while issuing 20% more licenses.

Mr. Gonidakis asked if the Board's backlog of work has been resolved. Mr. Groeber replied that Mr. Miller has been developing ways to handle items more efficiently and that the new E-License 2.0 system will be very helpful in that regard. Mr. Kenney asked what the processing goal is for expedited licensure. Mr. Groeber answered while greater speed will always be sought, a processing time of about three weeks for expedited licensure applications would be desirable. Mr. Groeber commented that some things in the licensure process are unfortunately outside of the Board's control, such as criminal background checks. Mr. Kenney asked if applicants with incomplete application materials are contacted by the Board directly or if they are sent a letter. Ms. Scott answered that applicants who have not submitted all application materials are contacted directly by phone or email.

Dr. Steinbergh observed the statistics for the Secretary and Supervising Member's work queue. Mr. Groeber stated that work is constantly flowing into the Secretary and Supervising Member's work queue. Dr. Rothermel and Dr. Saferin agreed and stated that the work queue is cleared each week only to be filled again in short order.

Mr. Groeber stated that there are 2,323 open complaints, down from about 3,300 at the beginning of the year thanks to the hard work of the staff. While there has been a slight increase in open cases in Investigations, Mr. Fais is working with the investigators on this matter. Mr. Groeber stated that in May, Enforcement turned 98 cases and reduced their overall inventory of complaints by 50. Mr. Groeber stated that the Standards Review Unit continues to improve. Mr. Groeber stated that the Hearing Unit has seen an increase in open cases for the third month in a row; when Mr. Nealis begins as the Board's new Operations Manager, he will work with the Hearing Unit on its processes in an effort to expedite that activity.

Speed and Ease Initiative: Mr. Groeber stated that Mr. Alderson met with the Ohio State University's graduate medical education credentialing staff to discuss ways that the Board can improve communication and efficiency with them. Ms. Scott continues to work with outside associations to improve the quality of materials the Board receives from recruiters and hospital human resources groups. Work continues on refining the Board's acknowledgment and close letters, including reaching out to other medical boards to see what has been effective for them.

Mr. Groeber stated that Investigations, Enforcement, Legal, and the Attorney General's office continue to work on finalizing the Suboxone case protocols and possibly expanding those protocols to other prescribing cases. These groups are also working on more comprehensive materials for the Investigators to provide to others regarding the Board's processes.

REPORTS BY ASSIGNED COMMITTEESFINANCE COMMITTEEFINING AUTHORITY

Mr. Kenney stated that the Board's fining authority language is still in the budget bill and should be signed by the Governor next month. The next step regarding fining authority will be for a subcommittee of the Finance Committee to propose specific fine amounts for each sanction. Mr. Groeber stated that the Board's disciplinary guidelines will need to be revised to account for the Board's anticipated fining authority. Mr. Kenney hoped to use some of the funds obtained from fines to provide education for medical students to help them avoid future disciplinary action.

PUBLICATION

Mr. Kenney stated that the Finance Committee continues to explore the possibility of producing a high-quality magazine for distribution to the Board's licensees, interested parties, and the public on perhaps a quarterly basis.

INVESTIGATOR EQUIPMENT

Mr. Kenney stated that the Finance Committee continues to discuss investigator vehicles, firearms, and vests and will bring specific proposals to the Board in the future.

POLICY COMMITTEETELEMEDICINE

Mr. Gonidakis expressed strong concerns regarding how the Legislature is affecting the Board's ability to regulate the practice of medicine. Mr. Gonidakis stated that the Board is fighting in the Senate for its ability to protect patient safety over industry and corporate interests regarding the telemedicine language. Mr. Gonidakis stated that it will be approximately two days before it is known whether the Legislature will put patient safety ahead of the business model of an out-of-state company.

Mr. LaCross stated that he is working with Senator Burke's office to remove the current telemedicine language and replace it with language that allows the Board to create rules in this regard. Mr. LaCross noted that the Board already has authority to write telemedicine rules, but it is preferable to have that authority explicitly acknowledged in legislation. However, Mr. LaCross stated that the legislation will outline what must be in the rule developed by the Board. Mr. LaCross has proposed language that focuses on the minimal standards of care and the use of technologies to ensure that a telemedicine patient visit is of the same quality as a face-to-face patient visit. Mr. LaCross stated that he will keep the Board members abreast of these developments.

Dr. Steinbergh asked for clarification on the current state of this process. Ms. Anderson replied that last

month the Board approved the filing of a draft rule concerning telemedicine. Simultaneously, the company Teledoc had successfully lobbied to include language in the budget bill that would allow physicians to treat patients via a telephone connection with no other technology. Ms. Anderson stated that the proposed revised language would give the Board authority to make rules dealing with the issues of establishing a physician/patient relationship from a remote location. Ms. Anderson added that any physician making a diagnosis over telecommunications would need to utilize the same diagnostic equipment that would be required by the minimal standards of care in a face-to-face visit. Dr. Steinbergh commented that if physicians are ultimately allowed to practice medicine with nothing but a telephone, then the Board will not have been successful in its efforts.

Dr. Steinbergh asked if physicians providing care via telemedicine will be required to ensure that that information gets into the patient's medical record and that another physician accepts the patient for follow-up care. Ms. Anderson replied that a provision can be inserted into the language regarding the need for continuity of care so that the Board to address that issue in the rule-making process. Dr. Steinbergh commented that continuity of care is critical.

Mr. LaCross stated that the budget bill also includes language regarding the Board's proposed fining authority, changes to Continuing Medical Education (CME), changes to how the Board handles wallet cards for its licensees. Mr. Kenney commented that Representative Gonzales, Representative Dever, and anyone else who helped with the Board's fining authority should be thanked for their efforts.

LICENSURE COMMITTEE

LICENSURE APPLICATION REVIEWS

CATHERINE ELIZABETH LIMAS, M.T.

Dr. Saferin moved to approve Ms. Limas' request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

ANNETTE MARIE YOHO, M.T.

Dr. Saferin moved to approve Ms. Yoho's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

AMALIA RUTH NELSON, M.T.

Dr. Saferin moved to approve Ms. Nelson's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

PAULA DENISE DERBYSHIRE, M.T.

Dr. Saferin moved to approve Ms. Derbyshire's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye

Mr. Kenney	- aye
Dr. Sethi	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

PATRICK FRANCIS BOLTZ, M.T.

Dr. Saferin moved to approve Mr. Boltz's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEE REPORT

SPECIAL SERVICES APPLICATION REVIEW

KATHARINE GRAWE, M.D.

COSMETIC LASER TREATMENTS

Dr. Sethi noted that the use of a cosmetic laser by a physician assistant is prohibited by Section 4731-18, Ohio Administrative Code, and therefore Dr. Grawe's application should be denied.

Dr. Sethi moved to deny the Special Services application of Katharine Grawe, M.D., concerning cosmetic laser treatments due to the fact that it is prohibited by Section 4731-18, Ohio Administrative Code. Dr. Rothermel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

Dr. Sethi - aye
Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

ADMINISTRATION OF FILLERS AND HYALURONIDASE

Dr. Sethi stated that the Committee recommends denial of this application because it does not conform to the approved request from Anderson Cosmetics. Specifically, the application provides that the physician will not see the patient before or after the procedure and may not be on-site during the procedure. Dr. Sethi stated that this does not meet the minimum standards of patient care, as required by Section 4730-1-08, Ohio Administrative Code.

Dr. Sethi moved to deny the Special Services application of Katharine Grawe, M.D., concerning administration of fillers and hyaluronidase because it does not conform to the minimal standards of care. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel - aye
Dr. Saferin - aye
Dr. Steinbergh - aye
Mr. Gonidakis - aye
Mr. Kenney - aye
Dr. Sethi - aye
Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

ADMINISTRATION OF CHEMODENERVATION

Dr. Sethi stated that the Committee recommends denial of this application because the level of supervision proposed is inappropriate for the level of service to be performed, and therefore does not meet the minimum standards of patient care, as required by Section 4730-1-08, Ohio Administrative Code.

Dr. Sethi moved to deny the Special Services application of Katharine Grawe, M.D., concerning administration of chemodenervation because the level of supervision proposed is inappropriate for the level of service to be performed. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel - aye
Dr. Saferin - aye
Dr. Steinbergh - aye
Mr. Gonidakis - aye
Mr. Kenney - aye

Dr. Sethi - aye
Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

MINOR OFFICE PROCEDURES

Dr. Sethi stated that the Committee recommends denial of this application because the level of supervision proposed is inappropriate for the level of the listed services to be performed. Therefore, the application does not meet the minimum standards of patient care, as required by Section 4730-1-08, Ohio Administrative Code.

Dr. Sethi moved to deny the Special Services application of Katharine Grawe, M.D., concerning minor office procedures because the level of supervision proposed is inappropriate for the level of the services to be performed. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel	- aye
Dr. Saferin	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

REQUEST TO RECONSIDER 2007 HYPERBARIC OXYGEN DECISION

Dr. Steinbergh stated that the Board has been requested to reconsider its policy, established in 2007, regarding the use of hyperbaric oxygen by podiatric physicians. After some discussion, the Committee tabled this topic in order to gather further information.

COMPLIANCE COMMITTEE

Dr. Steinbergh stated that on May 13, 2015, the Compliance Committee met with Patrick L. Bruno, M.D.; Steve M. Leung, M.D.; Shannon L. Swanson, D.O., and moved to continue them under the terms of their respective Board actions.

The Compliance Committee accepted Compliance staff's report of conferences on April 6th and 7th, 2015.

The Compliance Committee further moved to approve proposed compliance guidelines to address probationary violations, with an amendment to reflect that the filing of a compliant at the end of a quarter

does not preclude the Board from taking an action at any time.

Dr. Steinbergh stated that the Committee recommended approval of the proposed compliance guidelines for probationary violations, which are included in the Agenda Materials.

Dr. Steinbergh moved to approve the proposed compliance guidelines for probationary violations. Dr. Saferin seconded the motion. All members voted aye. The motion carried.

PROBATIONARY REQUESTS

Mr. Kenney advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Mr. Kenney asked if any Board member wished to discuss a probationary request separately. No Board member wished to discuss a probationary request separately.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences and the Secretary and Supervising Member's recommendations as follows:

- **To grant Mohammad A. Adas, M.D.'s request for approval of a modified practice plan;**
- **To grant Sohail Aman, M.D.'s request for reduction in appearances to annually; approval of appearances via internet meeting source; and reduction in the number of charts to be reviewed to 10 charts per month;**
- **To grant Joseph E. Baus, M.D.'s, request for discontinuance of daily Naltrexone;**
- **To grant Patrick L. Bruno, M.D.'s request for modification of the current practice plan; and to approve the Secretary and Supervising Member's recommendation to reduce the number of charts to be reviewed to 10 charts per month;**
- **To grant Jennifer C. Campbell, M.D.'s request for approval of Jeffrey Schupp Christian, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month;**
- **To grant Gary Allan Dunlap, D.O.'s request for discontinuance of the chart review requirement; and to approve the Secretary and Supervising Member's recommendation to reduce psychiatric sessions to once per month;**
- **To grant Erica L. Forney, M.T.'s request for approval of *Dealing with Ethical Gray Areas in Massage Therapy* course, offered by the American Massage Therapy Association, required prior to reinstatement;**
- **To grant Thomas A. Gibbs, D.O.'s request for discontinuance of the chart review requirement;**
- **To grant Christopher J. Karakasis, M.D.'s request for approval of Benjamin Huang, M.D.,**

M.P.H., to serve as the new monitoring physician; and discontinuation of the chart review requirement;

- **To grant Bruce S. Kay, M.D.'s request for approval of Robert E. Bartley, III, M.D., to serve as the new monitoring physician;**
- **To grant Michael J. Palma, M.D.'s request for reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month; and reduction in personal appearances to every six month; and**
- **To grant Joseph P. Sitarik, D.O.'s request for discontinuance of the controlled substance log requirement.**

Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

REINSTATEMENT REQUEST

MARK A. WEINER, D.O.

Dr. Steinbergh moved that the request for the reinstatement of the license of Mark A. Weiner, D.O., be approved, effective immediately, subject to the probationary terms and conditions as outlined in the October 8, 2014 Board Order for a minimum of five years. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

FINAL PROBATIONARY APPEARANCES

SHARON L. MCRAE, M.D.

Dr. McRae was appearing before the Board pursuant to her request for release from the terms of the Board's Order of January 10, 2013. Ms. Bickers reviewed Dr. McRae's history with the Board.

In response to questions from Dr. Steinbergh, Dr. McRae stated that she has been an independent contractor since 2010 and has worked many jobs. Dr. McRae stated that she is doing well and she rejects any notion that she has any psychiatric disease. Dr. McRae stated that she usually works about 40 hours per week and is currently writing a business plan for disaster management in Haiti and the Dominican Republic. During the time of her probation, Dr. McRae has been employed by urgent care centers and internal medicine practices.

Mr. Giacalone asked Dr. McRae to briefly describe what brought her to the attention of the Board. Dr. McRae explained that in 2011 she was working in an emergency department as a *locum tenens* physician and had worked 80 hours with very little sleep because other physicians were not showing up for their shifts. After leaving work, she experienced an altered mental status on the highway due to exhaustion and dehydration. Dr. McRae was taken to the hospital and was administered Haldol, to which she is allergic. Dr. McRae stated that she was supposed to be admitted to a medical floor, but was instead taken to the psychiatric ward. Dr. McRae stated that she has worked uneventfully since that time and noted that her Board-approved psychiatrist, Samuel L. Bradshaw, M.D., has sent information to the Board that she does not have a psychiatric illness.

Mr. Giacalone noted that the Board-approved psychiatrist who had conducted Dr. McRae's initial assessment had resulted in a psychiatric diagnosis. Dr. McRae replied that that Board-approved psychiatrist had only spent two hours with her out of her 50 years of life. Dr. McRae stated that it is improbable that she has any psychiatric disease and noted that she has never had a lawsuit despite the fact that she practices emergency medicine, one of the most sued professions. Dr. McRae stated that she could not have schizophrenia and be able to care for 30 patients at a time. Dr. McRae stated that she is competent to practice medicine. Mr. Giacalone asked if Dr. McRae is currently taking any medication. Dr. McRae replied that she is not taking any prescription medication.

Dr. Steinbergh moved to release Dr. McRae from the terms of the Board's Order of January 10, 2013, effective immediately. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye

Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

STEVEN E. SCHWARTZ, P.A.

Mr. Schwartz was appearing before the Board pursuant to his request for release from the terms of the Board's Order of November 12, 2008. Ms. Bickers reviewed Mr. Schwartz's history with the Board.

Dr. Steinbergh noted that Mr. Schwartz's physician assistant license has expired. Dr. Steinbergh also noted that Mr. Schwartz does volunteer work. Mr. Schwartz stated that he volunteers for hospice in Guernsey County and some adjacent counties. Mr. Schwartz stated that he also volunteers for the emergency management team, the American Red Cross, and has worked in disaster areas in New York and Alabama. Mr. Schwartz agreed that since his physician assistant license is expired, he is not working as a physician assistant when he does volunteer work.

Dr. Steinbergh asked if Mr. Schwartz plans to regain his physician assistant license. Mr. Schwartz answered that he has considered it and stated that it is part of cleaning up from his past. Mr. Schwartz commented that he also has a expired nursing license and he has been compliant with what the Nursing Board has asked of him.

Dr. Steinbergh asked how Mr. Schwartz is feeling and how his recovery is at this point. Mr. Schwartz responded that he is sober today and has been sober since April 4, 2008. Mr. Schwartz stated that he has given Alcoholics Anonymous leads, including two leads to a prison population. Mr. Schwartz commented that when he gives a lead, it is his Higher Power that is speaking through him.

Mr. Schwartz thanked the Board for doing what it does with regard to impaired practitioners.

Dr. Steinbergh moved to release Mr. Schwartz from the terms of the Board's Order of November 12, 2008, effective immediately. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

MYRON L. SHANK, M.D.

Dr. Shank was appearing before the Board pursuant to his request for release from the terms of the Board's Order of December 14, 2011. Ms. Bickers reviewed Dr. Shank's history with the Board.

Dr. Shank was accompanied by his attorney, Robert Angell.

Mr. Angell stated that he read the minutes of the Board's December 2014 meeting, the last time Dr. Shank appeared before the Board, and commented that there seemed to be a communication issue. Mr. Angell stated that Dr. Shank can sometimes be his own worst enemy because he gets very emotional and says things that are ill-advised. Mr. Angell opined that this emotion comes from Dr. Shank's passion for his own capabilities. Mr. Angell commented that he would not want to treat with a physician who did not believe in himself. Mr. Angell stated that he has advised Dr. Shank to "dial down the volume and emotion and intensity." Mr. Angell stated that the issue is whether Dr. Shank is compliant with the Board Order and whether he has a sufficient monitoring history so that the Board can feel comfortable releasing him from the Order.

Dr. Steinbergh stated that whenever Dr. Shank appears before the Board and raises concerns about his personal stability, it causes the Board to question whether he should be providing patient care. Dr. Steinbergh stated that it is good to be passionate about oneself and one's practice. However, at the December 2014 meeting the Board got uncomfortable signals from Dr. Shank. Dr. Steinbergh asked if Dr. Shank could address this issue. Dr. Shank stated that he had nothing to add to what Mr. Angell has already stated and he was uncertain what Dr. Steinbergh was asking.

Mr. Gonidakis recalled that Dr. Shank's last conversation with the Board became combative. Mr. Gonidakis asked Dr. Shank to comment on this. Dr. Shank replied that it would be helpful for everyone to be less adversarial. Dr. Shank stated that he has always expressed his willingness to comply with the Board's rules and any requirements the Board puts on him, as well as all the laws, the standards of care, and the medical literature. Dr. Shank stated that this is what he has always said and will continue to say. Dr. Shank was uncertain how this could be considered being defiant.

Mr. Giacalone opined that Dr. Shank's comments in December 2014 did not indicate that he was taking ownership of his situation and instead tried to put the blame on others. Mr. Giacalone stated that this is why the Board had struggled with Dr. Shank's attitude, in addition to Dr. Shank's parting comment to the Board in the form of a gesture. Dr. Shank stated that the gesture expressed the way he felt he had been treated by the Board. Mr. Giacalone asked if Dr. Shank can show the Board that he has accepted his responsibility. Dr. Shank replied that he has stated from the very beginning that he takes full responsibility for all of his actions and he will continue to do so.

Mr. Giacalone asked Ms. Bickers about the monitoring of Dr. Shank's practice. Ms. Bickers replied that the Board has received favorable reports from Dr. Shank's monitoring physician since he resumed practice in November 2014.

Mr. Giacalone asked if Dr. Shank treats addiction in his current practice. Dr. Shank replied affirmatively.

Mr. Giacalone asked if Dr. Shank is familiar with the Board's recent rules regarding Suboxone. Dr. Shank replied affirmatively and stated that he has created a database to track everything to make sure he is in compliance. Mr. Giacalone commented that it could be very detrimental to Dr. Shank's career if he were to appear before the Board again on a disciplinary matter. Dr. Shank responded that he understands that.

Mr. Kenney commented that the Board is trying to do the right thing because of what Dr. Shank can provide to patients. However, Mr. Kenney stated that Dr. Shank is difficult to deal with.

Dr. Steinbergh moved to release Dr. Shank from the terms of the Board's Order of December 14, 2011, effective immediately. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

ADIL Y. YAMOUR, M.D.

Dr. Yamour was appearing before the Board pursuant to his request for release from the terms of the Board's Order of October 12, 2011. Ms. Bickers reviewed Dr. Yamour's history with the Board.

In response to questioning from Dr. Steinbergh, Dr. Yamour stated that he goes to his office every day and treats his patients, many of whom are senior citizens. Dr. Yamour stated that when he sees a case that requires a referral, he refers that patient to the appropriate specialist. Dr. Yamour sees between 30 and 50 patients per week and has two employees in his practice.

Mr. Giacalone asked why the Board had brought an action against Dr. Yamour. Dr. Yamour responded that he was uncertain why Board took action against him, but it probably was because some of his patients had sold the pain medications he had prescribed to them without his knowledge. Mr. Giacalone asked if Dr. Yamour had prescribed the high doses of narcotics his patients had been on. Dr. Yamour replied that the narcotics, up to 480 tablets in some cases, had initially been prescribed by a urologist who then referred the patients to Dr. Yamour. Dr. Yamour stated that a patient was unable to drive to see the urologist, so Dr. Yamour continued the prescription. Dr. Yamour also stated that he prescribed narcotics for patients who had had back surgery for bulging discs. Dr. Yamour stated that when he started doing urine tests on patients, he had to discharge a large number of them.

Mr. Giacalone stated that Dr. Yamour is a physician and should understand that 480 tablets of any narcotic is excessive. Dr. Yamour commented that some of the patients had cancer. Mr. Giacalone asked what Dr.

Yamour has learned from this situation. Dr. Yamour replied that he no longer prescribes pain medications and he refers patients to pain clinics. Mr. Giacalone asked if Dr. Yamour uses the Ohio Automated Rx Reporting System (OARRS). Dr. Yamour replied that checking OARRS is the first thing he does with a patient.

Dr. Steinbergh moved to release Dr. Yamour from the terms of the Board's Order of October 12, 2011, effective immediately. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

MARK D. BALDWIN, D.O.

Dr. Baldwin was appearing before the Board pursuant to his request for release from the terms of his November 12, 2009 Consent Agreement. Ms. Bickers reviewed Dr. Baldwin's history with the Board.

Dr. Steinbergh commented that she knows Dr. Baldwin very well, and therefore she is recusing herself from this discussion.

Mr. Kenney asked if any Board member had questions for Dr. Baldwin. No Board member had a question. Mr. Kenney thanked Dr. Baldwin for appearing.

Dr. Sethi moved to release Dr. Baldwin from the terms of his November 12, 2009 Consent Agreement, effective June 11, 2015. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- abstain
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

ADJOURNMENT

Mr. Gonidakis moved to adjourn the meeting. Dr. Saferin seconded the motion. All members voted aye. The motion carried.

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Mr. Giacalone	- aye
	Dr. Schacaht	- aye

The motion carried.

Thereupon, at 3:38 p.m., the June 10, 2015 session of the State Medical Board of Ohio was adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 10, 2015, as approved on July 8, 2015.



Donald R. Kenney, Sr., President



Kim G. Rothermel, M.D., Secretary

(SEAL)

