

**STATE MEDICAL BOARD OF OHIO  
FORMAL ACTION REPORT – May 2009**

Prepared by: Sallie J. Debolt, General Counsel

Date: July 3, 2009

---

Listed below is a summary of the disciplinary actions taken or initiated by the State Medical Board of Ohio in May 2009 and an update of Board matters pending in courts as of the date of this document.

**PRE-HEARING SUSPENSION**

**DAVIS, Mark Edward (DO #34-004595) – Vienna, OH**

Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor having been found guilty in Trumbull County Court of Common Pleas of two felony counts of Trafficking in Drugs. Suspension effective 5/13/09; Notice mailed 5/14/09. (See *also*: Citations & Proposed Denials *below*)

**HARRIS, Matthew Reid (DO #34-008347) – Dayton, OH**

Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that (1) doctor's ability to practice is impaired due to use and/or abuse of drugs, for which impairment doctor has not entered treatment; (2) doctor has an inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness; and (3) doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective 5/13/09; Notice mailed 5/14/09. (See *also*: Citations/Proposed Denials *below*)

**WANG, David Wei (MD #35-050155) – Orlando, FL**

Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor having pled guilty in Brevard County, FL, to two second-degree felony counts of Delivery/Sale of a Controlled Substance. Suspension effective 5/13/09; Notice of opportunity for hearing mailed 5/14/09. (See *also*: Citations/Proposed Denials *below*)

**CITATIONS & PROPOSED DENIALS**

**BENDER, Thomas Michael (AA applicant) – North Royalton, OH**

Based on applicant having been determined, pursuant to a Board-ordered evaluation, to be impaired in ability to practice according to acceptable and prevailing standards of care and to require inpatient treatment, for which applicant has not sought treatment through a Board-approved provider; and applicant's alleged false statements on the licensure application. Notice of opportunity for hearing mailed 5/14/09.

**DAVIS, Ericka Lynn (PA Applicant) – Kettering, OH**

Based on applicant having been determined to be impaired in the ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of

drugs, alcohol, or other substances that impair ability to practice and to require inpatient treatment. Notice of opportunity for hearing mailed 5/14/09.

**DAVIS, Mark Edward (DO #34-004595) – Vienna, OH**

Based on doctor's alleged selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes and doctor's conviction of two felonies, the underlying basis being doctor having been found guilty in Trumbull County Court of Common Pleas of two felony counts of Trafficking in Drugs. Notice of opportunity for hearing mailed 5/14/09. (See also: Pre-hearing Suspensions)

**EDMISTON, Logan John (MD Training Certificate #57-015571) – Akron, OH**

Based on doctor having been found guilty in the Court of Common Pleas of Cuyahoga County of one felony count of Pandering Obscenity and two misdemeanor counts of Public Indecency, the underlying basis being doctor's conduct. Notice of opportunity for hearing mailed 5/14/09.

**FIRTH, Patsy Nerissa (MD #35-078521) – Bel Air, MD**

Based on prior action by Maryland's medical board in reprimanding doctor, placing doctor on probation, and requiring review of doctor's charts and/or peer review based on that medical board's conclusion that doctor failed to meet the standard of quality medical care and failed to maintain adequate medical records. Notice of opportunity for hearing mailed 5/14/09.

**HARRIS, Matthew Reid (DO #34-008347) – Dayton, OH**

Based on doctor's alleged impairment of ability to practice according to acceptable and prevailing standards of care due to relapse on alcohol; alleged inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness; and alleged making false, fraudulent, deceptive, or misleading statements on licensure renewal application. Notice of opportunity for hearing mailed 5/14/09. (See also: Pre-hearing Suspension)

**HARRIS, Roy William (DO #34-005746) – Bucyrus, OH**

Based on doctor's alleged false, fraudulent, deceptive, or misleading statements in relation to the practice of medicine; alleged commission of perjury, a felony; alleged departure or failure to conform to minimal standards of care with respect to treatment of two specified patients; alleged violation of the AMA Code of Ethics; and alleged failure to cooperate in an investigation conducted by the Board. The underlying basis for the allegations being doctor's alleged sexual conduct with two specified patients and alleged failure to provide full and accurate information to the Board during an investigation. Notice of opportunity for hearing mailed 5/14/09.

**HOPE, Candy Lee (LMT #33-006586) – Brookfield, OH**

Based on massage therapist's alleged practice of medicine or any of its branches without a license, a felony, the underlying basis being massage therapist's alleged continued practice from 8/31/05 to in or around 4/09 without a current massage therapy license. Notice of opportunity for hearing mailed 5/14/09.

**JAIN, Anamika (MD #35-076296) – Las Vegas, NV**

Based on prior immediate suspension of doctor's medical license by California's medical board, the underlying basis for the California suspension included that doctor's Nevada medical license had been suspended pending the Nevada board's determination of whether doctor's Nevada medical license should be permanently revoked related to doctor's provision of Lasik surgeries. Notice of opportunity for hearing mailed 5/14/09.

**ROBINSON, Perry William (MD #35-047641) – Ft. Lauderdale, FL**

Doctor notified of right to request a hearing on the question of whether doctor's failure to submit to a psychiatric examination as ordered by the Board was due to circumstances beyond the doctor's control. Based on the legal presumption that doctor's failure to submit to a psychiatric examination as ordered by the Board constitutes admission of the legal and factual allegations demonstrating that doctor has an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness. Notice of opportunity for hearing mailed 5/14/09.

**WANG, David Wei (MD #35-050155) – Orlando, FL**

Based on doctor having pled guilty to a two second-degree felony counts of Delivery/Sale of a Controlled Substance, a Florida law regulating the possession, distribution, or use of any drug, and the prior action by Florida's medical board in accepting doctor's permanent voluntary relinquishment of doctor's Florida medical license. Notice of opportunity for hearing mailed 5/14/09. (See also: Pre-hearing Suspension)

**XENAKIS, Megan Marie (MT Applicant) – Bellaire, OH**

Applicant notified of right to request a hearing on the question of whether applicant's failure to submit to a mental or physical examination as ordered by the Board was due to circumstances beyond the applicant's control. Based on the legal presumption that applicant's failure to submit to a mental or physical examination as ordered by the Board constitutes admission of the legal and factual allegations demonstrating that applicant is impaired in the ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 5/14/09.

**FINAL DISCIPLINARY ORDERS**

**ATALLA, Emad Shoukri (MD #35-070173) – St. Marys, OH**

Doctor reprimanded; probationary terms, conditions, and limitations established for at least nine months. Based on Board's determination that doctor made false, fraudulent, deceptive, or misleading statements on doctor's 2005 licensure renewal application in relation to a fourth-degree misdemeanor conviction for Disorderly Conduct. Order effective 5/15/09.

**BOLAR, Randall Jay (MD #35-064861) – Clarksville, TN**

Doctor reprimanded; probationary terms, conditions, and limitations established for at least one year. Based on Board's determination that doctor failed to disclose two adverse events on two different renewal applications. Order effective 5/26/09.

**CARR, David Lee (DO #34-002791) – Chillicothe, OH**

Application for reinstatement of medical license denied. Based on doctor having been convicted of one count of Sexual Assault in the First Degree, one count of Nighttime Burglary, and two counts of Aggravated Robbery. Order effective 5/13/09. (Journal Entry – no hearing requested)

**HUGUNIN, Ralph Arden (MD #35-078316) – North Ridgeville, OH**

Permanent revocation of medical license stayed, subject to suspension for at least one year; conditions for reinstatement, subsequent probationary terms, conditions, and limitations for at least four years established; and permanent restriction and limitation banning doctor from prescribing, administering, or furnishing controlled substances outside of the hospital setting established. Board Order supersedes 8/10/05 Board Order. Based on Board's determination that in relation to doctor's prescribing controlled substances to a family member, doctor violated conditions of limitation placed on doctor's license by the 8/10/05 Board Order; committed acts constituting the felonies of deception to obtain a dangerous drug, illegal processing of drug documents and forging/identify card offense; prescribed controlled substances using fictitious names; made false, fraudulent, deceptive, or misleading statements in relation to the practice of medicine; failed to maintain minimal standards in the selection or administration of drugs; departed from minimal standards of care; failed to cooperate in a Board investigation; failed to maintain accurate medical records; and prescribed controlled substances for a family member in non-emergency circumstances. Order effective 5/15/09.

**KANNA, Venkanna (MD #35-066038) – Dayton, OH**

No further action taken. Based on Board's determination that doctor's violation does not require further Ohio disciplinary sanctions. Order effective 5/26/09.

**KRUGER, Kathy Lynn (DO #34-007034) – Defiance, OH**

Medical license restored, with permanent revocation of restored license stayed subject to suspension of six months; probationary terms, conditions, and limitations established for at least three years upon reinstatement. Based on doctor's false, fraudulent, deceptive or misleading statement in licensure restoration process and on prior action by Michigan's medical board in reprimanding and placing doctor of probation. Order effective 5/15/09. Suspension effective 5/15/09.

**LANCE, Darold R., Jr. (DO #34-004630) – Jackson, OH**

Medical license revoked. Based on Board determination that doctor is impaired in ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability to practice and violated conditions of limitation placed upon doctor's medical license by the 8/8/07 consent agreement. Order effective 5/14/09. (Review and Journal Entry - no hearing requested)

**TURTON, Robert Lawrence (DO #34-000761) – Wilmington, NC**

Medical license suspended indefinitely, doctor fined \$5,000, conditions for reinstatement established, and doctor required to submit documentation of compliance with required CME for specified CME acquisition periods. Based on doctor's certifying on license renewal application that requisite CME had been completed, when, in fact, it was not completed. Order effective 5/15/09.

**WHITE, Jeffrey Eugene (MD #35-076137) – Worthington, OH**

Revocation of medical license stayed, subject to suspension for 30 days; probationary terms, conditions, and limitations established for at least one year subsequent to reinstatement. Based on doctor's sexual misconduct with one specified patient. Order effective 5/26/09. Suspension effective 5/26/09 through 6/26/09.

**YOUNTS, Jerry Vann (LMT #33-005771) – Springfield, OH**

Massage therapy license revoked. Based on massage therapist having been found guilty of one felony count of Illegal Cultivation of Marijuana, one felony count of Possession of Cocaine, two felony counts of Possession of Marijuana, and three felony counts of Possession of Criminal Tools. Order effective 5/14/09. (Journal Entry – no hearing requested.)

**CONSENT AGREEMENTS**

**BANKS, Joseph Henry, Jr. (MD #35-028199) – Dublin, OH**

Permanent revocation of medical license stayed subject to suspension for at least 18 months; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor's admission of having been found guilty of one fourth-degree misdemeanor count of Attempted Sexual Imposition, the underlying basis being doctor's conduct with a patient's mother, and violating minimal standards of care by engaging in acts constituting sexual misconduct. Agreement effective 5/13/09.

**CORNICELLI, Samuel Francis, Jr. (MD #35-062164) – Columbus, OH**

Medical license suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admitted impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Agreement effective 5/13/09.

**GRAHAM, Christine Margareta (MT Applicant) – Westerville, OH**

Massage therapist license granted, subject to probationary terms, conditions, and limitations. Based on applicant's admission of having been diagnosed with opioid abuse and depression for which applicant has completed in-patient treatment by a Board-approved provider, and for which applicant has been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place; having been convicted of two fourth-degree felony counts of Theft for taking oxycodone from applicant's

employing hospital; having diverted Percocet for applicant's own use from the employer's medication dispensing system; and having applicant's nursing license suspended by the Ohio Board of Nursing, which is monitoring applicant pursuant to a consent agreement. Agreement effective 5/13/09; agreement to remain in effect for at least five years prior to any request for termination.

**HAIMES, Jonathan (MD #35-066575) – Cleveland Hts., OH**

Medical license reinstated subject to probationary terms, conditions, and limitations imposed to monitor practice based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/13/09; agreement to remain in effect for at least five years from date doctor returns to practice prior to any request for termination.

**HALSTEAD, Timothy Ross (PA #50-001298) – Sandusky, OH**

Physician assistant license suspended for an indefinite period of time; interim monitoring conditions and conditions for reinstatement established, including requirement that physician assistant enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on physician assistant's admitted history of chemical dependency (alcohol), for which physician assistant has sought treatment through a Board-approved provider, and physician assistant having been found to be impaired in the ability to practice according to acceptable and prevailing standards of care due to the habitual and excessive use of alcohol. Agreement effective 5/13/09.

**HOMISH, Jerome David (DO #34-005148) – Athens, OH**

Medical license suspended for at least 180 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admitted relapse on alcohol, hydrocodone, and sleeping medications, for which doctor has sought treatment through a Board-approved provider. Agreement effective 5/13/09.

**JOBALIA, Nilesh Bhupendra (MD #35-062727) – Hamilton, OH**

Permanent revocation of medical license stayed, subject to suspension for at least two years; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor's admitted history of sexual contact with three specified patients and pre-signing otherwise blank controlled substance prescriptions prior to their issuance. Agreement effective 5/13/09; agreement to remain in effect for at least five years following reinstatement prior to any request for termination.

**MITCHEM-WALTER, Christina Marie (MD #35-083188) – Swanton, OH**

Physician reprimanded and required to successfully complete a course dealing with prescribing controlled substances. Based on doctor's admitted failure to maintain patient records to reflect utilization of controlled substances prescribed for a specified patient and failure to complete and maintain accurate patient records reflecting evaluation and treatment of the patient. Agreement effective 5/13/09.

**NIEMES, William John (MD #35-043245) – Cincinnati, OH**

Medical license suspended for at least 180 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admission of impairment in ability to practice according to acceptable and prevailing standards of care due to habitual and excessive use of drugs and doctor's history of use and abuse of benzodiazepines, which doctor obtained by prescribing in the name of doctor's spouse for self use, and for which doctor has sought treatment by a Board-approved treatment provider. Agreement effective 5/13/09.

**STONE, Rodney Edmund (MD #35-053035) – Dayton, OH**

Medical license suspended for an indefinite period of time; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on the doctor's admission of having been diagnosed with Dysthymia and Major Depressive Disorder, for which conditions doctor has been determined to be unable to practice medicine and surgery to acceptable and prevailing standards of care. Agreement effective 5/13/09.

**VOLUNTARY SURRENDER**

**BRAKEL, Arlo Bruce (MD #35-047708) – Tucson, AZ**

Board Order permanently revoking doctor's medical license as authorized by doctor in lieu of formal disciplinary proceedings on allegations that doctor committed an act constituting a felony, had prior action by another state's medical board limiting doctor's ability to practice in that state, and is impaired in the ability to practice according to acceptable and prevailing standards of care because of the habitual or excessive use of alcohol, or other substances. Effective 5/13/09.

**LICENSE REINSTATED**

**ERNST, David Carl (MD #35-060456) – Vermilion, OH**

Doctor's request for reinstatement approved by Board vote on 5/13/09, subject to probationary terms, conditions and limitations established by 2/11/09 Board Order.

**PROBATION COMPLETED**

**AMOILS, Steve (MD #35-059500) – Cincinnati, OH**

Doctor's request for release from the terms of the 11/9/05 consent agreement granted by Board vote on 5/13/09. Release from probation effective 5/13/09.

**MYERS, Philip F., Jr. (MD #35-039262) – Kent, OH**

Doctor's request for release from the terms of the 9/14/05 Board Order granted by Board vote on 5/13/09. Release from probation effective 5/13/09.

**PANCOAST, Paul Edward (MD #35-048028) – Columbia, MO**

Doctor's request for release from the terms of the 3/11/98 Board Order granted by Board vote on 5/13/09. Release from probation effective 5/13/09.

**PROBATION – MONITORING TERMS MODIFIED**

**DOUGLAS, Janice Electa Green (MD #35-039559) – Bratenahl, OH**

Doctor's requests to reduce required drug screens to twice a month granted by Board vote on 5/14/09.

**HEINRICHS, Timothy Arnold (MD #35-055465) – Coldwater, OH**

Frequency and number of charts for review established by Board vote on 5/14/09.

**MANN, Donald C. (MD #35-071870) – North Hollywood, CA**

Doctor's requests for permission to administer, personally furnish, or possess controlled substances and to eliminate required chart review granted by Board vote on 5/14/09.

**McALLISTER, Mark Stephen (MD #35-072741) – Roanoke, VA**

Doctor's requests to replace one alcohol and drug rehabilitation program each week with a Sexaholics Anonymous meeting granted by Board vote on 5/14/09.

**RATH, David A. (MD #35-057898) – Sunbury, OH**

Doctor's requests to eliminate required chart review and discontinue required controlled substance log granted by Board vote on 5/14/09.

**RENZ, Mark Allan (MD #35-087699) – Columbus, OH**

Doctor's requests to eliminate required chart review and for approval of practice plan as a hospitalist granted by Board vote on 5/14/09.

**TOWARD, Brett Edward (MD #35-075173) – Mansfield, OH**

Doctor's request to reduce required personal appearances to every six months granted by Board vote on 5/14/09.

**WERNER, Joseph Gregory (MD #35-093027) – Columbus, OH**

Doctor's request for approval of a practice plan for practice in anesthesiology granted by Board vote on 5/14/09.

**ZINNI, Richard Allan (DO #34-003785) – Madison, OH**

Doctor's requests to reduce required drug screens to twice a month, reduce required alcohol and drug rehabilitation meetings to two per week with a total of 10 meetings per month, and reduce required personal appearances to every six months granted by Board vote on 5/14/09.

**COURT ACTION UPDATE**

**LANE, Gerald William (DO #34-004829) – Columbus, OH**

By Judgment Entry filed on 5/15/09, the Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 3/11/09 Order pending the appeal in that court.

**NUCKLOS, William W. (MD #35-058738) – Columbus, OH**

Notice of Appeal to the 10<sup>th</sup> District Court of Appeals of the 3/31/09 Entry and Decision of the Franklin County Court of Common Pleas, which affirmed the Board's 8/13/08 Order permanently revoking doctor's medical license, filed by doctor on 4/23/09.

**Non-Disciplinary Administrative Actions**

**Denial of Application**

**KROLOW, Tamera Arlee (PA #50-001803, Provisional Prescriptive Authority applicant) – Albany, OH**

Application for Provisional Prescriptive Authority denied based on finding that applicant does not hold a masters degree or higher and has not obtained at least 10 years of clinical practice as a physician assistant. Order effective 5/13/09. (Journal Entry – no hearing requested.) **(Non-disciplinary)**

**NUNEZ, Rafael Maria (MD Applicant) – Chicago, IL**

Application for medical license denied based on finding that applicant did not graduate from a school accredited by the LCME or AOA and has not completed two years of graduate medical education through the second year level or its equivalent, as required by Ohio law. Order effective 5/13/09. (Journal Entry – No hearing requested.) **(Non-disciplinary)**

**SZALKOWSKI, Diane Rose (PA #50-001330, Provisional Prescriptive Authority applicant) – Cleveland, OH**

Application for a provisional certificate to prescribe denied, based on finding that applicant does not hold a masters degree or higher and has not obtained at least 10 years of clinical practice as a physician assistant. Order effective 5/13/09. (Journal Entry – no hearing requested.) **(Non-disciplinary)**

**Voluntary Surrender**

**BOLLARD, Glenn Alden (MD #35-051213) – Meadville, PA**

Doctor's permanent surrender of medical license accepted by Board in lieu of continuing compliance with the terms and conditions of the 1/14/09 Board Order. Effective 5/13/09. **(Non-disciplinary)**

\*\*\*\*\*

**Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a licensee's practice before a Board Order takes effect, please contact the office.**

**Ohio law permits appeal of a Board Order to the Franklin County Court of Common Pleas. Due to this possibility and the potential for a stay that might delay the imposition of a Board action, you may wish to contact us periodically to verify a given practitioner's licensure status.**

**Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website at <http://med.ohio.gov/> under "*Licensee Profile and Status*." If you have questions or need additional details about specific cases, please contact Annette Jones at (614) 728-3686.**