

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

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

PRE-HEARING SUSPENSION

AGRAWAL, Narendrakumar T. (MD #35-043773) – Galion, OH

Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor's having pled guilty in U.S. District Court, Northern District of Ohio, to two felony counts of Illegal Distribution of Oxycodone; one felony count of Illegal Distribution of Hydrocodone; one felony count of Illegal Distribution of Alprazolam; and one felony count of Maintaining a Premise for the Purpose of Illegally Distributing Controlled Substances. Suspension effective 12/9/09; Notice of Opportunity for Hearing mailed 12/10/09. (*See also: Citations & Proposed Denials below*)

BRINDLEY, Milton Lee (MD #35-034676) – Augusta, KY

Pursuant to Section 3719.121(C), O.R.C., medical license immediate suspended based on doctor's having been found guilty in U.S. District Court, Eastern District of Kentucky, of one felony count of Conspiracy to Distribute a Controlled Substance. Suspension effective 12/9/09; Notice of Opportunity for Hearing mailed 12/10/09. (*See also: Citations & Proposed Denials below*)

SITARIK, Joseph P. (DO #34-004441) – East Liverpool, 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 has violated conditions of limitation placed on medical license by 8/12/09 consent agreement and doctor's ability to practice is impaired due to use and/or abuse of drugs; and (2) doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective 12/9/09; Notice of Opportunity for Hearing mailed 12/10/09. (*See also: Citations/Proposed Denials below*)

CITATIONS & PROPOSED DENIALS

AGRAWAL, Narendrakumar T. (MD #35-043773) – Galion, OH

Based on doctor's having pled guilty in U.S. District Court, Northern District of Ohio, to two felony counts of Illegal Distribution of Oxycodone; one felony count of Illegal Distribution of Hydrocodone; one felony count of Illegal Distribution of Alprazolam; and one felony count of Maintaining a Premise for the Purpose of Illegally Distributing Controlled Substances and on doctor's alleged selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to a violation of any federal law regulating the possession or distribution of any drug. Notice of opportunity for hearing mailed 12/10/09. (*See also: Pre-hearing Suspension*)

BRINDLEY, Milton Lee (MD #35-034676) – Augusta, KY

Based on doctor's having been found guilty in U.S. District Court, Eastern Division of Kentucky, of one felony count of Conspiracy to Distribute a Controlled Substance and on doctor's alleged selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or plea of guilty to or judicial finding of guilty of a violation of any federal law regulating the distribution of any drug. Notice of opportunity for hearing mailed 12/10/09. (See also: Pre-hearing Suspension)

BUHSE, Charles Roland (MD #35-075292) – Scottsburg, IN

Based on doctor's alleged failure to comply with CME requirements for the April 2, 2005 through April 1, 2007 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

BRUNS, Douglas Anthony (DO #34-006256) – Batesville, IN

Based on doctor's alleged failure to maintain minimal standards applicable to selection or administration of drugs and alleged departure from, or failure to conform to, minimal standards of care; the underlying basis being doctor's care rendered to one specified patient. Notice of opportunity for hearing mailed 12/10/09.

DIAZ, Christopher David (MD #35-085504) – Sylvania, OH

Based on doctor's alleged failure to comply with CME requirements for the January 2, 2005 through January 1, 2007 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

LEWIS, Sarah Ann (MD #35-084541) – Milford, OH

Based on doctor's alleged failure to comply with CME requirements for the April 2, 2006 through April 1, 2008 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

McGRIFF, Patrick Kelley (DO #34-006573) – Columbus, OH

Based on doctor's alleged violation of the AOA Code of Ethics, alleged failure to conform to minimal standards in care rendered to one specified patient, and alleged failure to conform to minimal standards of care applicable to the selection or administration of drugs and failure to conform to minimal standards of care by failing to maintain medical records reflecting prior examination and use of controlled substances; the underlying facts being doctor's alleged prescribing of controlled substances to one specified patient with whom doctor was allegedly having a sexual relationship. Notice of opportunity for hearing mailed 12/10/09.

PASTRICK, Ronald Lee (DPM #36-002501) – Cleves, OH

Based on doctor's alleged failure to comply with to CME requirements for the January 2, 2006 through January 1, 2008 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

PUPILLO, Giovanni (MD #35-039816) – Parma, OH

Based on doctor's alleged failure to comply with to CME requirements for the January 2, 2006 through January 1, 2008 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

QUADE, Arthur Gilbert (DPM #36-001362) – Brecksville, OH

Based on doctor's alleged failure to comply with to CME requirements for the January 2, 2006 through January 1, 2008 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.

RICE, Christopher Allan (MD Applicant) – Columbus, OH

Based on doctor's having been found guilty in Superior Court, Los Angeles County, CA, of felony Grand Theft of Personal Property for the theft of electronics from a store; prior action by the Illinois licensure agency in placing doctor on probation and requiring doctor to undergo an impairment assessment based on doctor's violation of the non-disciplinary treatment agreement; prior action of New York's medical board in revoking doctor's license in that state based on the Illinois discipline; prior action of the Illinois licensure agency in revoking doctor's license a second time for gross negligence in practice, unprofessional treatment of a patient, and failure to respond to a request by the Illinois agency; and failure to meet requirements for licensure by endorsement of New York and Illinois licenses because doctor does not hold current licenses in good standing in those states. Notice of opportunity for hearing mailed 12/10/09.

RUTLEDGE, Tonya Rene (MD #35-057232) – Dayton, OH

Based on doctor's alleged failure to comply with to CME requirements for the January 2, 2004 through January 1, 2006 CME period and alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure an Ohio license in certifying that the CME requirement was or would be met. Notice of opportunity for hearing mailed 12/10/09.
Notice of opportunity for hearing mailed 12/10/09.

SITARIK, Joseph P. (DO #34-004441) – East Liverpool, OH

Based on doctor's alleged impairment in ability to practice according to acceptable and prevailing standards of care and violation of conditions of limitation placed on medical license by 8/12/09 consent agreement due to positive screen for cocaine metabolites. Notice of opportunity for hearing mailed 12/10/09. (See also: Pre-hearing Suspension)

SUNGURLU, Mehmet Akif (MD #35-060770) – Oregon, OH

Based on doctor's alleged selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes, alleged commission of acts constituting the felony of Trafficking, Aggravated Trafficking in Drugs, alleged commission of acts constituting the felony of Complicity in Trafficking, Aggravated Trafficking in Drugs, alleged commission of acts constituting the felony of Illegal Processing of Drug Documents, and alleged engaging in sexual conduct with a patient, including in doctor's medical office; the underlying basis being doctor's alleged sexual conduct with a patient to whom doctor prescribed controlled substances, including prescriptions written in the name of the patient's husband when the controlled substances were meant for the patient. Notice of opportunity for hearing mailed 12/10/09.

TAYLOR, Henry J., III (MD #35-065592) – Siletz, OR

Based on prior action of Washington's board in summarily suspending doctor's license in that state; the underlying basis, in part, being doctor's alleged prescribing of controlled substances to a family member, including prescribing in the name of another patient when the controlled substance was for the family member. Notice of opportunity for hearing mailed 12/10/09.

FINAL DISCIPLINARY ORDERS

BRINDLEY, Milton Lee (MD #35-034676) – Augusta, KY

Medical license suspended for an indefinite period of time, conditions for reinstatement or restoration established, and subsequent probationary terms, conditions, and limitations established for at least two years. Based on prior action of the Kentucky board in restricting and limiting doctor's license in that state. Order effective 12/10/09.

McKAIN, Christine C. (MD #35-069988) – Waverly, OH

Permanent revocation of medical license stayed, subject to suspension for at least 180 days; conditions for reinstatement or restoration established, and subsequent probationary terms, conditions, and limitations established for at least three years. Based on Board's determination that doctor prescribed to a specified patient without prior examination and maintenance of medical records, committed acts constituting a third-degree misdemeanor related to authority to prescribe and contents of a prescription, committed acts constituting the fourth-degree felony of Selling, Purchasing, Distributing, or Delivering Dangerous Drugs, and committed acts constituting the selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes; the underlying facts being doctor's prescribing for a specified patient, who is a physician, without adequate medical basis and sharing with the patient drugs the patient prescribed for doctor. Order effective 1/7/10.

McKINNEY, Robert T. (LMT #33-004296) – Columbus, OH

Massage therapy license permanently revoked. Based on Board's determination that massage therapist violated or attempted to violate the prohibition against a person not licensed as a physician using words, letters, abbreviations, or titles representing oneself as engaged in the practice of medicine and/or representing self as practicing medicine; using the designation "Dr." and holding self out as a mechanotherapist without holding such licensure from the Board; the

underlying basis being massage therapist's holding self out as a doctor of mechanotherapy and/or doctor of naturopathic medicine. Order effective 12/10/09.

STOWELL, Steven Douglas (MD #35-087608) – Cranberry Township, PA

Medical license permanently revoked. Based on Board's determination that doctor engaged in selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes and had been found guilty of a felony for violation of a drug law, and on the prior action of Pennsylvania's board in automatically suspending doctor's license in that state for at least 10 years; the underlying facts being doctor's prescribing controlled substances to a close family member. Order effective 12/10/09.

CONSENT AGREEMENTS

DUNCAN, Paul E. (MD #35-073208) – Dayton, 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 12/9/09; agreement to remain in effect for at least five years prior to any request for termination.

GOODMAN, Paul Henry (DO #34-004948) – Erie, PA

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 12/9/09; agreement to remain in effect for at least five years prior to any request for termination.

KREBS, John Keith (MD #35-066400) – Sheffield Village, OH

Medical license suspended for at least 270 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 being impaired in inability to practice according to acceptable and prevailing standards of care due to excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; and of having committed acts constituting felonies or misdemeanors by obtaining tramadol for self-use from the office supply and by prescribing Zoloft in a family member's name when it was meant for self-use. Agreement effective 12/9/09.

MURRELL, Barbara Gay O Keefe (MD #35-044599) – McConnelsville, 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 12/9/09; agreement to remain in effect for at least five years prior to any request for termination.

STEARNS, Duncan Scott (MD #35-094653) – Pepper Pike, OH

Medical license granted subject to probationary terms, conditions, and limitations. Based on doctor's admitted history of alcohol use and diagnosis of alcohol dependence and on the Board's receipt of information that doctor is compliant with monitoring terms in Pennsylvania. Agreement effective 12/9/09; agreement to remain in effect for at least two years prior to any request for termination.

APPLICATION WITHDRAWN

SHERIDAN, Kathryn Whitaker (LMT #33-007932) – Columbus, OH

Request for permanent withdrawal of application for restoration of massage therapy licensure accepted by the Board in lieu of formal disciplinary proceedings based on applicant's alleged commission of an act constituting a felony; the underlying basis being the unlicensed practice of massage therapy following expiration of the massage therapist's license. Effective 12/9/09.

VOLUNTARY SURRENDERS

FRIEDMAN, Ernest Harvey (MD #35-021180) – E. Cleveland, OH

Board Order permanently revoking doctor's medical license as authorized by doctor in lieu of formal disciplinary proceedings based on doctor's development of a disease that impacts the ability to practice medicine. Effective 12/9/09.

SHERIDAN, Kathryn Whitaker (LMT #33-007932) – Columbus, OH

Board Order permanently revoking massage therapy license as authorized by massage therapist in lieu of formal disciplinary proceedings related to the massage therapist's alleged commission of an act constituting a felony; the underlying basis being on the unlicensed practice of massage therapy following expiration of the massage therapist's license. Effective 12/9/09.

PROBATION – MONITORING TERMS MODIFIED

ADKINS, Paula Clark (MD #35-072775) – Pinehurst, NC

Doctor's request to waive required personal appearances until doctor's license is reinstated in Ohio granted by 12/10/09 Board vote.

BRANDT, Robert L., Jr. (MD #35-046724) – Xenia, OH

Doctor's request to discontinue required controlled substance log granted by 12/10/09 Board vote.

DeFRANCO, Richard Joseph (MD #35-090499; MD Training Certificate #57-011103) – Cleveland, OH

Doctor's proposed practice plan modification, which would allow doctor to work one day per week at a community counseling center, for a total of 29 hours of work per week, approved by 12/10/09 Board vote.

DHILLON, Robin K. (MD #35-078887) – Medina, OH

Doctor's proposed practice plan allowing doctor to work part-time in a supervisory capacity as a medical director approved by 12/10/09 Board vote.

KOLAKALUR, Sripriya Doss (MD #35-088235) – Akron, OH

Doctor's request to reduce required psychiatric sessions to once a month granted by 12/10/09 Board vote.

LEVE, Brian Edward (MD #35-082937) – Lancaster, OH

Doctor's request to reduce required personal appearances to every six months and reduce required drug and rehabilitation meetings to two per week, with a total of 10 per month, granted by 12/10/09 Board vote.

TIPPIE, Toby James (PA #50-001990) – Lima, OH

Physician Assistant's request to reduce required personal appearances to every six months granted by 12/10/09 Board vote.

COURT ACTION UPDATE

D'SOUZA, Leo (MD #35-066032) – Cincinnati, OH

By Entry filed 3/4/09, the 10th District Court of Appeals reinstated doctor's appeal from the 12/29/08 judgment of the Franklin County Court of Common Pleas. (*Late report*)

By Decision filed on or about 12/29/09 and Entry filed on 12/29/09, the 10th District Court of Appeals affirmed 12/29/08 judgment of the Franklin County Court of Common Pleas, which had affirmed the Board's Order permanently revoking doctor's medical license.

GRIFFIN, BRIAN FREDERIC (MD #35-044328) – Columbus, OH

By Entry filed 11/18/09, the Ohio Supreme Court granted motion for stay of the 9/15/09 judgment of the 10th District Court of Appeals, which had affirmed the Franklin County Court of Common Pleas.

By Entry filed 12/30/09, the Ohio Supreme Court declined jurisdiction of doctor's appeal from the 9/15/09 judgment of the court of appeals.

LEAK, William David (MD #35-044978) – Columbus, OH

By Decision and Entry filed on or 12/15/09, the Franklin County Court of Common Pleas affirmed the Board's 8/15/09 Order permanently revoking doctor's medical license.

LEVINE, Jack Mark (DO #34-004736) – Piketon, OH

By Entry filed 11/2/09, Franklin County Court of Common Pleas granted doctor's motion for stay of Board's 9/9/09 Order permanently revoking doctor's medical license.

By Decision and Entry filed 12/8/09, Franklin County Court of Common Pleas vacated the 11/2/09 Entry granting motion for stay and denied doctor's motion for stay of the Board's 9/9/09 Order permanently revoking doctor's medical license.

NAPOLI, William Michael (DO #34-005791) – New Philadelphia, OH

Notice of Appeal of the Board's 11/12/09 Order, which had permanently revoked doctor's medical license, filed by doctor with the Franklin County Court of Common Pleas on 11/25/09.

Notice of Voluntary Dismissal of 11/24/09 appeal filed by doctor with the Franklin County Court of Common Pleas on 12/28/09.

Non-Disciplinary Administrative Actions

Denial of Application

CAPPIZZI-GARAND, Jennifer Ann (PA #50-001127) – Norwalk, OH

Application for Provisional Certificate to Prescribe denied based on applicant's failure to meet education or clinical practice requirements, as required by Section 4730.46(B), Ohio Revised Code. (Journal Entry – no hearing requested) Order effective 12/9/09. **(Non-disciplinary)**

JAYASWAMY, Asha Kadur (MD applicant) – Williamsville, NY

Application for medical license denied based on fact that applicant did not pass all three steps of the USMLE exam within a seven year period or establish good cause for an exception to the requirement. (Journal Entry – no hearing requested) Order effective 12/9/09. **(Non-disciplinary)**

MARTIN, Matthew Robert (PA #50-002450) – Richmond, IN

Application for Provisional Certificate to Prescribe denied based on applicant's failure to meet education or clinical practice requirements, as required by Section 4730.46(B), Ohio Revised Code. (Journal Entry – no hearing requested) Order effective 12/9/09. **(Non-disciplinary)**

RUMSCHLAG, Betty Kwon (DO applicant) – Port Clinton, OH

Application for medical license denied based on fact that applicant did not pass all three Levels of the COMLEX-USA exam within a ten year period without failing any of the Levels more than three times. (Journal Entry – no hearing requested) Order effective 12/9/09. **(Non-disciplinary)**

Approval of Application

GRUBB, Nancy Fazekas (MD applicant) – Canton, OH

Application for medical licensure granted, provided that applicant takes and passes SPEX or a specialty board certification exam within six months of 10/13/09. Based on applicant's not having been engaged in the active practice of medicine for more than two years. Order effective 12/09/09. (Journal Entry – no hearing requested) **(Non-disciplinary)**

HEGAZI, Refaat Mohamed (MD #35-094635) – Pittsburgh, PA

Application for medical license granted, provided all other statutory and regulatory requirements are met, based on the Board's determination that doctor's medical training is equivalent to 24 months of graduate medical education. Order effective 12/10/09.

NEE, Martin Patrick, Jr. (MD applicant) – McMurray, PA

Application for medical licensure granted, provided that applicant takes and passes SPEX or a specialty board certification exam within six months of 10/13/09. Based on Board's finding that applicant had not engaged in the active practice of medicine for more than two years. (Journal Entry – no hearing requested) Order effective 12/9/09. **(Non-disciplinary)**

RYCHWALSKI, Ana Aleyda (MD Applicant) – Cleveland Heights, OH

Application for medical licensure granted, provided that applicant takes and passes SPEX or a specialty board certification exam within six months of the effective date of the Board Order. Based on Board's finding that applicant had not engaged in the active practice of medicine for more than two years. Order effective 1/7/10. **(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.