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MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Patricia J. Davidson, M.D., President, called the meeting to order at 1:00 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, Room #1932, with the following members present: Lance A. Talmage, M.D., Secretary; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Deepak Kumar, M.D.; and Anquetette Sloan. The following joined the meeting at a later time: Andrew F. Robbins, Jr., M.D., Vice-President; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; and R. Gregory Browning, Ph.D. The following did not attend the meeting: Anand G. Garg, M.D., and Anita M. Steinbergh, D.O.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Diann K. Thompson, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; Lauren Lubow, Senior Executive Staff Attorney; Shannon F. Baldwin, Executive Staff Attorney; Lori S. Gilbert, Chief Enforcement Attorney; Mark R. Blackmer, Marcie P. Burrow, Sallie J. Debolt, David P. Katko, Rebecca J. Marshall, Karen H. Mortland, Kathleen S. Peterson and Charles A. Woodbeck, Enforcement Attorneys; Rebecca J. Albers and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Danielle Bickers, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants.

EXECUTIVE SESSION

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

VOTE:	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye

The motion carried.

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

The following Board members arrived during the executive session: Dr. Robbins, Mr. Albert, Mr. Browning and Dr. Egner.

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The following joined the meeting after the executive session: R. Gregory Porter, Chief Hearing Examiner and Sharon W. Murphy, Hearing Examiner.

MINUTES REVIEW

MR. ALBERT MOVED TO APPROVE THE MINUTES OF FEBRUARY 9-10, 2005.
MR. BROWNING SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Roy Merle Hutchinson, M.D.; Russell J. Raus, D.P.M.; Veena V. Sengupta, M.D.; and Evan Laythe Sykes, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

Dr. Davidson 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:

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ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

Dr. Davidson noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Davidson stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

ROY MERLE HUTCHINSON, M.D.

Dr. Davidson directed the Board's attention to the matter of Roy Merle Hutchinson, M.D. She advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Dr. Hutchinson thanked the Board for allowing him to appear. He stated that he wants the Board to know that he does not ever intend to practice medicine in Ohio. His intention is to continue practicing in Iowa, where he has practiced for the last 47 years. His reason for being here today is to discuss the Board's denial of his application for an Ohio license. While his employer stands behind him 100%, their insurance company may not be able to continue covering him due to the denial. The denial has also caused him repercussions with the New York and Michigan Medical Boards.

Dr. Hutchinson stated that when he applied for an Ohio license, he signed a release for the Iowa Board to release every record in his file. Over the years there were informal inquiries by the Iowa Board. There never was a formal investigation. No action was ever taken against him. However, even though he has never practiced in Ohio, nor does he ever intend to practice in Ohio, by the Board's denial of an Ohio license, it has adversely affected his intention to continue his practice in the State of Iowa. Dr. Hutchinson

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continued that, although he has never seen or reviewed his personal medical records, he allowed them to be released to the Ohio Medical Board. His background has been investigated by the states of Florida, New York and Michigan, where licenses were issued to him without any questions. Dr. Hutchinson stated that he knew that the Ohio Board would have all of the information that existed about him, and in no way did he intend to deceive the Board. Dr. Hutchinson stated that he had no reason to deceive the Board.

Dr. Hutchinson advised that the reason he wanted an Ohio license was because he wished to practice closer to his home in Michigan. He stated that his home is 14 miles north of Toledo. The opening in Ohio was with his same employer. However, because of the time involved in the Ohio procedures, his employer had to fill the vacancy with someone else.

Dr. Hutchinson stated that he wants the Board to understand that, if it issues him an Ohio license, he will never practice in Ohio, and he would document this in any manner directed by the Board. Dr. Hutchinson stated that he has summarized all the information that he has submitted to the Board. The reason he is here is so that he and the Board can talk. Dr. Hutchinson concluded by stating that he is ready for any questions Board members may have.

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

Mr. Wilcox spoke in full support of the Report and Recommendation. He stated that Dr. Hutchinson has not demonstrated any proof of good moral character, as required of applicants for licensure in this state. He has shown a proven pattern of deception. Mr. Wilcox noted that Dr. Hutchinson had told the Board that he had surrendered his New York license when, in fact, it had been revoked. He failed to inform the Board of many investigations conducted by the Iowa Board. Mr. Wilcox stated that the formal letter of warning Dr. Hutchinson received from the Iowa Board contained specific instructions that stated that he must report the nature and outcome of the Iowa investigation when applying for practice privileges.

Mr. Wilcox advised that Dr. Hutchinson's own medical records, obtained by the Iowa Board, indicate that he was still treating Patient 1 up through 1996, well after he admittedly had sexual contact with this patient in 1984, when she was 17 years old. Mr. Wilcox stated that, while Dr. Hutchinson claims that he couldn't give this Board accurate answers regarding his treatment of Patient 1 because he didn't have "confidential documents" available to him, the Board should note that the medical records of Patient 1 were copies obtained from Dr. Hutchinson himself. The record reflects that Dr. Hutchinson commenced a sexual relationship with Patient 1 when she was 14 years old.

Mr. Wilcox stated that all of the facts in the record, as a whole, lead to the conclusion that Dr. Hutchinson should not be licensed to practice in Ohio. He stated that a permanent denial is an appropriate sanction.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ROY MERLE HUTCHINSON, M.D. DR. BUCHAN SECONDED THE MOTION.

Dr. Davidson stated that she would now entertain discussion in the above matter.

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Dr. Buchan stated that this is a situation where he believes that he and Dr. Hutchinson would have to agree to disagree. Dr. Buchan stated that he thinks that the Findings of Fact are quite clear, and he agrees with the Conclusions of Law. Dr. Buchan added that he also agrees with the Proposed Denial in this particular case. He stated that the Hearing Examiner did a fine job in reviewing the case and presenting it in a very clear fashion. Dr. Buchan stated that he sees no alternative to accepting the Proposed Order, as written.

Dr. Kumar stated that he agrees with the Report and Recommendation, as written. Dr. Kumar commented on Dr. Hutchinson's statement concerning the Iowa Board's informal inquiries, stating that if a physician gets a letter warning him or her that something is going to be done, that's not an informal inquiry. That's not something you forget. It's something that stays with you forever. Dr. Kumar added that, when a physician finds out that there is something wrong, and withdraws his or her application, he or she knows that there is a problem. Dr. Kumar stated that there was an attempt to cover up things and to give the Board the wrong answers initially. For those reasons, he is in favor of permanent denial.

Dr. Bhati stated that Dr. Hutchinson's records, particularly the report of the Social Worker's interview, clearly demonstrate that Dr. Hutchinson had a sexual relationship with a 14-year-old patient. The relationship continued until the age of 17. Dr. Bhati stated that this Board has always had zero tolerance as far as the sexual abuse of patients. Dr. Bhati stated that he believes that the Report and Recommendation is in order.

Dr. Kumar stated that one of the things that Dr. Hutchinson mentioned in his objections is that the patient's mother and a nurse were present when he examined the patient. Dr. Kumar stated that that's not the issue. There was obvious contact with the patient, either in or outside the examination room. There was also an issue as to how it was reported. Dr. Kumar again spoke in support of the Report and Recommendation.

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

RUSSELL J. RAUS, D.P.M.

Dr. Davidson directed the Board's attention to the matter of Russell J. Raus, D.P.M. She advised that no

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objections were filed to Hearing Examiner Murphy's Report and Recommendation.

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

Dr. Raus stated that he has lost quite a bit of sleep over this situation. He added that he has four sentences for the Board: First of all, the disease is not of his own doing. He is not addicted to any substances. Secondly, his practice of podiatry is on a limited extent. Third, Joseph Steiner, Ph.D., a clinical psychologist, has said that he is competent to run a practice. Fourth, he is willing to have his practice evaluated at regular intervals. Dr. Steiner stated that that is all he has to say.

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

Ms. Albers stated that this was not her case. She advised that Ms. Berrien is ill and unable to appear before the Board today, but she has prepared some comments for Ms. Albers to read.

The Report and Recommendation in this case summarizes the evidence correctly, and makes appropriate findings and conclusions. But, it makes the wrong recommendation to this Board. And for that reason, with all due respect, I disagree with the proposed order.

This is a very sad case. Dr. Raus suffers from Vascular Dementia. And because of it, he is no longer fit to practice medicine. The key proof in this case was the report and testimony of Dr. Noffsinger (Stephen Noffsinger, M.D.). As you look through his report and read his testimony, you can see Dr. Noffsinger was thorough and objective in his evaluation of Dr. Raus. Dr. Noffsinger came to a firm, clear conclusion: Dr. Raus cannot practice because he is suffering from dementia. This condition is not treatable. There are no effective limitations or restrictions that can be placed on Dr. Raus if he were to resume practice.

Dr. Raus submitted an MRI report, which is State's Exhibit 12, to demonstrate that he is still capable of practicing podiatry. But Dr. Noffsinger testified that this report only confirms his conclusion that Dr. Raus suffers from Vascular Dementia and that condition makes him unfit to practice.

Before he was summarily suspended, Dr. Raus had a limited practice of treating senior citizens for corns and calluses. But Dr. Noffsinger recognized the limits on his practice and still is of the opinion that Dr. Raus cannot practice.

Dr. Raus is not able to perform basic aspects of practicing, such as developing comprehensive treatment plans for his patients.

Outlining conditions for reinstatement only give Dr. Raus false hope that one day he may be able to practice again. Unfortunately, from the medical evidence and our expert

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testimony, we know that is not true. Dr. Raus can no longer practice podiatry.

Dr. Raus was pleasant and cooperative. I feel deeply sorry for Dr. Raus. And I'm sure we all wish him the very best. But this is not about punishing Dr. Raus. This is about protecting him and the public, particularly his elderly patients that live in senior centers.

This is a very sad case. And this Board is being asked to make a very difficult decision that should not be taken lightly. But it's clear that Dr. Raus' license should be taken away. He's not able to practice according to minimal standards. His condition is not treatable and it's not going to improve. There are no conditions or limitations that can be placed on his practice.

Don't give Dr. Raus false hope by giving him conditions to have his license reinstated. Be honest with Dr. Raus ---as difficult as this may be, and protect his patients. Thank you.

Dr. Davidson advised that Assistant Attorney General Berrien has filed a motion for an order ratifying the determination of the Secretary and Supervising Member that there was clear and convincing evidence that Dr. Raus' continued practice of medicine constituted a danger of immediate and serious harm to the public.

DR. EGNER MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF RUSSELL JAMES RAUS, D.P.M. DR. ROBBINS SECONDED THE MOTION.

Dr. Davidson stated that she would now entertain discussion in the above matter. She asked that the Board begin its discussion by addressing the motion filed by the State, following which discussion, she will ask for a motion addressing Ms. Berrien's motion. Dr. Davidson asked that Board members not make a motion until she asks for one.

Dr. Egner stated that she is glad that Dr. Raus appeared before the Board today; she found it good to see him and to listen to him. Dr. Egner stated that she does agree with the Assistant Attorney General that this is a very difficult case. Dr. Egner stated that she will assume that Dr. Raus was offered the option of surrendering his license and that he declined that offer. She commented that it would have been an easier way to end his career. However, the Board can't just take the opinion of a physician when you like what that physician has to say, and then discount what another physician says. Dr. Egner stated that she thinks that Dr. Noffsinger's evaluation was very thorough, and it was backed up by the imaging studies that were consistent with his diagnosis. Dr. Egner stated that she doesn't think that Dr. Raus will ever be able to meet the conditions proposed by the Hearing Examiner. It's a softer end, but it's an end all the same. Dr. Egner stated that she would agree with Ms. Berrien that the Board should just take Dr. Raus' license, even though she knows it's harsh. She's sorry for that. Dr. Egner stated that the Board will see these kinds of cases more than it would like, but sometimes it has to take those hard actions.

Dr. Bhati asked whether the Assistant Attorney General had the opportunity to discuss the possibility of

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allowing Dr. Raus to voluntarily surrender his license. He stated that it would be a kind thing to do.

Dr. Davidson stated that she believes that the Board can assume that a voluntary surrender was discussed.

Dr. Egner stated that she can't imagine that it wasn't discussed.

Dr. Buchan stated that he agrees with all that has been said. He stated that this is quite an amazing case. Dr. Raus had an honorable and reasonable career for 36 years. He's simply unable to practice at this point in time. He's not done anything wrong. He's just unable in his present capacity to practice podiatric medicine. Dr. Buchan stated that he feels that the Report and Recommendation is reasonable. It suspends Dr. Raus' license, and if Dr. Raus is at some point in time able to reverse this trend, so be it. Otherwise, he's on an indefinite hold and the Board has appropriately protected the public. Dr. Buchan stated that he would just have a difficult time pulling the trigger on a revocation here, based upon Dr. Raus' conduct. Dr. Raus has had a nice 36-year career, and he's suspended right now. Dr. Buchan stated that he thinks that that's where Dr. Raus should be.

Dr. Davidson asked whether there was a motion to accept or deny the Assistant Attorney General's motion.

MR. BROWNING MOVED TO AMEND THE FINDINGS OF FACT BY ADDING A FINDING THAT THE SECRETARY AND SUPERVISING MEMBER, AT THE TIME THEY MADE THE RECOMMENDATION TO SUMMARILY SUSPEND THE LICENSE OF DR. RAUS, HAD CLEAR AND CONVINCING EVIDENCE THAT DR. RAUS' CONTINUED PRACTICE OF MEDICINE CONSTITUTED A DANGER OF IMMEDIATE AND SERIOUS HARM TO THE PUBLIC. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

Dr. Davidson stated that she would entertain further discussion in this matter.

Dr. Kumar stated that he thinks that he agrees with Dr. Buchan, adding that, even if the Board suspends Dr. Raus' license, it will be difficult for him to meet the conditions for reinstatement. Short of a voluntary surrender, suspension rather than permanent revocation would be appropriate. Dr. Kumar stated that he believes that Dr. Raus' condition should have been picked up a lot sooner than it was; but, for whatever

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reason, it wasn't. Dr. Kumar stated that it bothers him that the Board sent Dr. Raus to a psychiatric evaluation on May 5. Dr. Raus was seen then, and the Board didn't get a report back for almost five months. In any case, the proposed indefinite suspension would protect both Dr. Raus and the public.

Ms. Sloan agreed with Dr. Buchan concerning the Proposed Order. She added that she does not feel that Dr. Raus will be able to meet the conditions for reinstatement. Dr. Raus has advised that he hasn't done anything wrong. This case doesn't involve drugs; it's a natural condition that, whether or not any of the Board members want to face it, they will more than likely face in their lives. Ms. Sloan stated that she's hoping that, if Dr. Raus starts to take some of these steps, he'll think about the fact that he still would be able to surrender his license in the future.

Dr. Egner stated that she doesn't want to come across as harsh. She does have a lot of empathy for Dr. Raus. She stated that the Board has a mission statement and that is to protect the public. The Board doesn't discipline physicians just when they do something wrong. The Board takes action against physicians for many things. Sometimes it is for wrongdoing. Sometimes it's an illegal or unethical act. But the Board has also taken action due to mental illness, physical illness, and even impairment. If you look at it from the disease model, it is not that they've done wrong. It is their disease process. The Board doesn't change its rules based on that.

Dr. Egner stated that, in other severe impairment cases, she's felt that some of the suggestions have been so difficult with which to comply, it would be near impossible for the physician to ever meet the terms and come back for a license, because it feels bad to take away that license and to take away all hope. However, just the fact that Dr. Raus does not understand that he should surrender his license is more evidence that he does not have a full understanding of what's going on with him. Will he understand that, under a suspension, he can't practice? If the Board's primary role is to protect the public, she doesn't think that Dr. Raus can have a license. Dr. Egner added that the clearer you are with a patient with dementia, the better off it is. As awful as it is, the clear answer is that you can't practice because you don't have a license. Dr. Egner stated that she does understand that there is a very bad feel to it.

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

Dr. Davidson asked for further discussion.

Dr. Robbins stated that he agrees with Dr. Egner. He stated that, as difficult as this case is, the main point is that Dr. Raus didn't take the opportunity to voluntarily surrender his license. He truly doesn't understand his dementia, and that is part of the process. A suspension, albeit essentially forever, fully expects him to try to get other psychiatrists and other exams to come before the Board and try to get his license back. It is important that the Board be as clear as it can be in this situation; and as harsh as it sounds, revocation is appropriate.

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

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Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- nay
	Dr. Buchan	- nay
	Dr. Kumar	- nay
	Mr. Browning	- nay
	Ms. Sloan	- nay
	Dr. Robbins	- aye

The motion failed.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S AMENDED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF RUSSELL JAMES RAUS, D.P.M. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

VEENA V. SENGUPTA, M.D.

Dr. Davidson directed the Board's attention to the matter of Veena V. Sengupta, M.D. She advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

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

Dr. Sengupta thanked the Board for allowing her to address it.

Dr. Sengupta stated that, as the Board may recall, in her quest to apply for a license in this State, the only stipulation the Board had made was that she had not been engaged in the active practice of clinical duties in the recent past since she had decided to take some time off to have children. Through the Board's help, she obtained a Visiting Medical Faculty Certificate, which allowed her to practice clinically, as long as she has a faculty position in a medical center. She does have active medical licenses in good standing in other

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states. Dr. Sengupta stated that she is currently working as a clinical assistant professor in the Department of Neurology at OSU Medical Center. She has been working in active clinical duty for more than four and a half months now, both with outpatient clinical duties, plus full hospital service. As per the Board's request, she did have her work monitored by both the Chairman of the Dept. of Neurology and by the Vice-Chairperson for clinical affairs. They monitored her work for the first three months and were more than happy and satisfied with the content of her work. Dr. Sengupta stated that this information was presented to Mr. Porter at the hearing. The Chairman of the Department was also present, as a witness.

Dr. Sengupta stated that she hopes that she has now satisfied the requirements of the Board, and that it will accept Mr. Porter's recommendation to grant her a license.

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

Ms. Albers stated that she did not.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF VEENA V. SENGUPTA, M.D. DR. KUMAR SECONDED THE MOTION.

Dr. Bhati noted that Dr. Sengupta had done 143.5 hours of Category I C.M.E. between January 2000 and May 2004. Her work has been observed and she has good recommendations from the observers. She also has a good reputation. Dr. Bhati spoke in support of the Report and Recommendation.

Dr. Egner agreed, stating that Dr. Sengupta certainly has done all of the things the Board wanted of her. Dr. Egner stated that the letter of recommendation from Dr. Sengupta's supervising physician is most reassuring. Dr. Sengupta has gotten along with doctors and provided consulting services that heretofore have been difficult to provide. Dr. Egner commented that she's glad that Dr. Sengupta will have an Ohio license.

Dr. Robbins also agreed. He added, however, that he doesn't like the potential that three months is an in-stone kind of thing; that if you have three months with a visiting faculty certificate, the Board will automatically give you a license. Dr. Robbins stated that he had that sense when he read this record. Dr. Robbins stated that each case is different. Dr. Sengupta clearly should have a license in the State of Ohio, but anyone else that goes this route would do so under individual circumstances. The Board would decide their competence.

Mr. Browning concurred. He stated that he had the same feeling as did Dr. Robbins.

A vote was taken on Mr. Browning's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain

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Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye

The motion carried.

EVAN LAYTHE SYKES, D.O.

Dr. Davidson directed the Board's attention to the matter of Evan Laythe Sykes, D.O. She advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Dr. Davidson advised that a motion to admit additional evidence has been submitted by Ms. Albers and was previously distributed to Board members. She asked Mr. Byers whether he had any objection to the admission of the additional evidence. Mr. Byers stated that he did not.

DR. BUCHAN MOVED TO ADMIT THE ADDITIONAL EVIDENCE, AN AFFIDAVIT SIGNED BY KAY L. RIEVE, ADMINISTRATIVE OFFICER, VERIFYING THAT DR. SYKES DOES HOLD A CURRENT TRAINING CERTIFICATE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

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

Dr. Sykes was accompanied by his attorney, Kevin P. Byers.

Mr. Byers stated that, hopefully, the Board members have had the chance to look over the brief objections, as well as the full record in this matter. He at this time deferred to Dr. Sykes.

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Dr. Sykes thanked the Board for its time and consideration. Dr. Sykes stated that the recommendations state that Dr. Sykes seems to come across as oblivious as to the severity of his poor judgment when this all occurred. Dr. Sykes stated that nothing could be further from the truth. He knew then and he knows now that, by doing what he did, he not only harmed himself, his family, his reputation and so forth, but by perpetuating an ongoing addiction in these close friends of his, he harmed them as well. At the time he decided to undergo this weaning process, he obviously used poor judgment. It should never have been started to begin with, but their being very close friends of his, he was over compassionate and decided to go through this process. It occurred over a very short period of time – roughly four months. It started and was over with before he knew it. He realized after that time period that he'd been duped, and he took it upon himself to cut all ties with these individuals before it was brought to his attention by any governing body.

Dr. Sykes continued that soon after he was given his training certificate in Ohio, he underwent a CME study at Vanderbilt University that dealt with the prescribing pitfalls of controlled substances. This wasn't just a slide lecture; it was a very intense, introspective course from which he gained a lot of insight into the reasoning behind why he started this to begin with. It was very helpful, a very learning experience, and he thinks that it should become a standard course in every area of medical education.

Dr. Sykes stated that he has learned a great deal from this whole process. He's suffered a lot, as far as family, friends and all his colleagues. He's almost gone into hiding because he's so embarrassed by all this. He swore to the Board that it would never ever hear this from him again. It will never happen again. It can't happen again. The Board will never see his name again. Dr. Sykes pleaded with the Board to allow him to practice medicine, for which he's striven to educate himself for almost 20 years.

Dr. Egner asked whether she could ask a question.

Dr. Davidson stated that there has been a hearing, and the Board can ask clarifying questions.

Dr. Egner noted that Dr. Sykes did a year of internship and then entered into a residency program for family practice. She asked what year he was in when this occurred.

Dr. Sykes stated that this happened when he was a first year resident, a year after his internship.

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

Ms. Albers stated that Dr. Sykes presents a very sympathetic picture today, but it is very important for Board members to look at the facts in this case. Dr. Sykes' behavior was so egregious that she doesn't know how to address it. How Dr. Sykes could possibly think that by prescribing medication to these people to supposedly wean them off a hydrocodone addiction without keeping any patient records or having any way of knowing what they were doing with this medication, if they were selling it or taking it, is beyond her. Ms. Albers stated that it's even more egregious because Dr. Sykes was a pharmacist. When he involved the other people in his prescribing, including his friends' friends and his own friends, he did so

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because he knew that in Kentucky prescriptions can be traced by the KASPER system, a program that allows pharmacies and the Kentucky Boards to track controlled substance prescriptions using patients' Social Security numbers.

Ms. Albers stated that, while it's sad to see this happen to a young man at this stage of his career, Dr. Sykes' behavior was so egregious that this Board needs to deny his permanent application and also to revoke his training certificate.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF EVAN LAYTHE SYKES, M.D. MS. SLOAN SECONDED THE MOTION.

Dr. Davidson stated that she would now entertain discussion in the above matter.

Dr. Egner stated that there are three types of people: One that acts appropriately. She believes that, of the young residents who act inappropriately, there are two reasons for doing that. One type is so naïve and so unaware of what they're doing that they get involved in crazy situations that spiral out of control before they know what they're doing. Dr. Sykes would like to believe that he is this type. Dr. Egner stated that she does think that those people are able to improve and should probably keep their licenses.

Dr. Egner continued that there are residents who don't really see many limitations upon themselves. They take chances. They may do things beyond their level, and the Board members have all seen this. If that is the type of resident Dr. Sykes is, that he just felt that he could do this, he knew the system, then he has gone way beyond what he should with a medical license, and that license needs to be taken away.

Dr. Egner commented that she remembers a case when she was first on the Board where two podiatrists fresh out of training got caught shipping drugs into the state prison. They were canning the drugs. Dr. Egner stated that she remembers that when she read that testimony, she thought, "my gosh, what kind of guys are these?" Then they showed up at the Board meeting and they looked like they could be her sons. They were the most normal-looking kids. Unfortunately for them, early in their career, they did something so outlandish that it was over the line. If Dr. Sykes did this with more knowledge than he portrays, it is over the line and he shouldn't have a license.

Dr. Egner stated that she would like to hear other Board members' opinions of where Dr. Sykes falls in this.

Dr. Kumar stated that Dr. Egner raises a good question. He stated that he has thought about this case a lot. There are two things that tell him that, in some aspects, Dr. Sykes is over the line. One is the fact that he knew very well that he was doing something wrong when he wrote the prescriptions in different names for different people because he was concerned about the fact that he would be picked up by Kentucky's KASPER system. Dr. Sykes was aware of the fact that there's a system that tracks this type of thing, and if he gets caught he's in trouble. Dr. Kumar stated that he doesn't think that this is an innocent mistake where Dr. Sykes got caught in the process. He was at the time trying to go around the issue as well.

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Dr. Kumar stated that the second thing that sort of bothered him is that Dr. Sykes claims, even today, that he reported before any authorities caught up to him. Dr. Kumar stated that he thinks that, to some degree, that is incorrect as well because the residency people caught up with the process first. They are the ones that took him to task and told him to stop doing all these things. They even suspended him for that purpose. Dr. Kumar indicated that Dr. Sykes did not initially volunteer this information. These two things tell him that Dr. Sykes was aware of what was going on. He tried to skirt the issue and was hoping that he wouldn't get caught. He avoided the KASPER system, hoping that he wouldn't get caught.

Mr. Browning agreed with Dr. Kumar. He added that the fact that Dr. Sykes was a pharmacist doesn't help his case. He was aware of the processes and laws to a greater degree than he might otherwise be. Mr. Browning stated that his only question is whether or not this is a capital crime and whether the Board should take someone out at the very beginning of his career for a very bad mistake. There's obviously an argument that that's exactly what the Board should do. Mr. Browning stated that he thinks that Dr. Sykes knew what he was doing when he did it.

Ms. Lubow reminded the Board that the additional evidence it admitted earlier in the discussion indicates that Dr. Sykes does currently hold a training certificate in Ohio.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF EVAN LAYTHE SYKES, M.D. TO SUBSTITUTE AN ORDER PERMANENTLY REVOKING DR. SYKES' TRAINING CERTIFICATE AND PERMANENTLY DENYING DR. SYKES FULL LICENSURE. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF EVAN LAYTHE SYKES, D.O. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain

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Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye

The motion carried.

EXECUTIVE SESSION

MR. BROWNING MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONSIDER THE EMPLOYMENT OF A PUBLIC EMPLOYEE. MS. SLOAN SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.

Pursuant to Sections 121.22(G)(1), Revised Code, the Board went into executive session.

Dr. Buchan left the meeting during the executive session. Dr. Talmage and Mr. Browning were out of the room when the meeting reconvened.

CITATIONS, PROPOSED DENIALS & ORDERS OF SUMMARY SUSPENSION

SHARON JANE JELKOVAC - LETTER OF PROPOSED DENIAL

At this time the Board read and considered the letter of proposed denial in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. KUMAR MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MS. JELKOVAC. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

GERMAN V. PRADA, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. BHATI MOVED TO SEND THE CITATION LETTER TO DR. PRADA. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

ANDRE PROCHOROFF, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. BHATI MOVED TO SEND THE CITATION LETTER TO DR. PROCHOROFF. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

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The motion carried.

JAMES EDWARD STURMI, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. BHATI MOVED TO SEND THE CITATION LETTER TO DR. STURMI. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Mr. Browning returned to the meeting at this time.

RATIFICATION OF CONSENT AGREEMENTS

Wael Kamal Barsoum, M.D.

Dr. Kumar stated that this is a case where the individual performed a wrong-side surgery in Florida. Action was taken against his Florida license. Dr. Kumar stated that he respects the judgment of the Secretary and Supervising Member in this case, but he has some concerns. He noted that there is no requirement that Dr. Barsoum be supervised or monitored when he’s doing surgery where there are two sides involved. Dr. Kumar expressed concern that someone in the future might use this particular case as an example, saying that the Board merely required some courses and did not impose any monitoring requirement.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BARSOUM. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- abstain
	Mr. Browning	- aye
	Ms. Sloan	- aye

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Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

RICHARD S. SKOBLAR, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. SKOBLAR. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote: Mr. Albert - abstain
Dr. Egner - aye
Dr. Bhati - aye
Dr. Kumar - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

RICHARD A. ZINNI, D.O.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. ZINNI. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote: Mr. Albert - abstain
Dr. Egner - aye
Dr. Bhati - aye
Dr. Kumar - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

DAVID E. ALLEN, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. ALLEN. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote: Mr. Albert - abstain

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Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

PATRICK ROBERT DENNISON, D.O.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. DENNISON. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- abstain
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Dr. Egner stated that she doesn't like to second-guess the Secretary and Supervising Member, but if someone admits to the allegations in this case, it's hard for her to reconcile. It seems like a case that should have gone to hearing rather than being settled. Dr. Egner added that she understands that the Board doesn't know all of the background of these cases, and that it ratifies with a trust in the Secretary and Supervising Member.

MICHAEL CRAIG WARREN, D.O.

Dr. Davidson stated that the consent agreement for the above-captioned individual will be considered during the Thursday session.

GREGORY S. ZINNI, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. ZINNI. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

MICHAEL BRUCE BURGHARDT, M.D.

DR. KUMAR MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BURGHARDT, DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

ALAN B. STORROW, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. STORROW. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

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GREGORY SCOTT MASIMORE, M.D.

Mr. Wilcox advised that Paragraph D of the consent agreement has been amended to indicate that Dr. Masimore is licensed to practice medicine in the state of Indiana.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. MASIMORE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Dr. Davidson at this time indicated that she would like to table the topic of “Consent Agreements” until the following morning.

DR. BHATI MOVED TO TABLE THE TOPIC, “CONSENT AGREEMENTS” UNTIL THE THURSDAY MORNING SESSION. MR. BROWNING SECONDED THE MOTION. All members voted aye. The motion carried.

PERSONAL APPEARANCES

ROBERT A. MCNUTT, M.D.

Dr. McNutt appeared before the Board pursuant to his request for release from the terms of his March 8, 2000 Consent Agreement.

In response to Dr. Davidson’s questions, Dr. McNutt stated that he is doing well. He commented that it has been five years since he has appeared before the full Board.

In response to Dr. Bhati’s questions, Dr. McNutt stated that everything is going well for him. He has a good life and a busy practice. Dr. McNutt stated that he’s changed his practice. He left the clinic where he was employed for a smaller place where he would have more choices.

Dr. Egner asked Dr. McNutt to comment on his support system.

Dr. McNutt stated that his support system is basically the friends he met in A.A. and his two sponsors.

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They've become good friends. He also does a lot with St. Peter's Episcopal Church in Lakewood. Dr. McNutt stated that he hasn't sponsored anyone lately, but that's always available. He goes to several meetings a week and will continue to do so. There are a lot of people he likes at these meetings. Dr. McNutt commented that he has attended the same meetings all these years, and he sees no reason to change that. He feels good.

Dr. Egner asked whether there is anything that Dr. McNutt will change.

Dr. McNutt stated that the only thing he'll probably change is that he's been counseling for five years. He had done that electively, and it was incorporated into his contract. He stated that this is a \$5,000 a year expense and, although he thinks that it was very important and he's glad he did it, he's not sure that he will continue the counseling at the same rate.

DR. BHATI MOVED TO RELEASE DR. MCNUTT FROM THE TERMS OF HIS MARCH 8, 2000 CONSENT AGREEMENT. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

WILLIAM H. NOBLE, III, D.O.

Dr. Noble appeared before the Board pursuant to his request for release from the terms of his March 8, 2000 Consent Agreement.

In response to Dr. Davidson's questions, Dr. Noble stated that he's been great. He thanked the Board for being his higher power and for giving him the strength to get back his life. He stated that this has been a great experience, and he again thanked the Board.

Dr. Bhati asked Dr. Noble what he intends to do when he is released.

Dr. Noble stated that he wants to keep doing what he's been doing. If he keeps doing what he's been doing for the last five years, one day at a time, he will stay sober another day.

DR. BHATI MOVED TO RELEASE DR. NOBLE FROM THE TERMS OF HIS MARCH 8, 2000 CONSENT AGREEMENT.

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Dr. Davidson asked Dr. Noble whether he has had a chance to sponsor any other people.

Dr. Noble stated that he's sponsored three or four people since he's been sober. That has been a positive experience for him; he enjoyed doing it a lot. Dr. Noble added that he hasn't sponsored any other physicians yet. Dr. Noble stated that younger people, college age kids, tend to be drawn to him. He stated that he has eight children, three at Ohio State right now.

Dr. Davidson stated that she hopes that Dr. Noble continues to use his experiences in a positive way with other people who go through the life experiences that he's had.

Dr. Noble commented that it has been quite an experience.

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

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

ANIL H. JHANGIANI, M.D.

Dr. Jhangiani made his initial appearance before the Board, pursuant to the terms of his December 9, 2004 Consent Agreement.

Dr. Kumar asked Dr. Jhangiani whether he had any questions about his consent agreement.

Dr. Jhangiani stated that he doesn't have any questions. He has read the agreement and understands its terms.

In response to Dr. Kumar's questions, Dr. Jhangiani stated that his psychotherapist is Otto Dueno, M.D. He's not on any medication. He's moved his practice and has five partners. His work schedule is a lot less. His call responsibilities now are one in five, rather than one in two. Dr. Jhangiani stated that he thinks this change has really helped in bringing more of a balance and allowing him to pursue other avenues that he feels are important.

DR. KUMAR MOVED TO CONTINUE DR. JHANGIANI UNDER THE TERMS OF HIS

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DECEMBER 9, 2004 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BHATI SECONDED THE MOTION.

Dr. Egner asked how Dr. Jhangiani has changed his interactions with hospital staff and colleagues.

Dr. Jhangiani stated that he is basically a lot more sensitive to not just the spoken word, but also actions. He's more cognizant and much more aware of boundary issues, powers of boundaries. He tries his best to see it from the other person's point of view before bringing any kind of reaction, and to the extent possible, he tries to make sure that his sensitivity expresses itself when he deals with people verbally. He tries to think of how he would perceive it if he heard the same statements.

Dr. Kumar stated that he has seen significant improvement in Dr. Jhangiani. He stated that he hopes that Dr. Jhangiani succeeds.

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

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

ERDULFO P. PAAT, M.D.

Dr. Paat made his initial appearance before the Board, pursuant to the terms of the Board's Order of March 10, 2004.

Dr. Paat expressed his gratitude to the Board for allowing him to continue practicing medicine. He stated that he has moved his office to another location, sharing with another general practitioner because of the financial crunch he has undergone since the time that his license was suspended. He has had some trouble in that two insurance companies have refused to renew his contracts with them. His malpractice insurance has doubled from two years ago. Dr. Paat stated that he doesn't know if he could sustain anything further.

Dr. Paat stated that he has been doing all of the things that were required during the time his license was suspended. Now his female secretary is always with him when he examines a female patient in the office. At the hospital he does not examine a patient unless a female nurse or aide is present.

Dr. Paat noted that the Board Order requires him to do C.M.E. on communication. He stated that the

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programs listed on the Board's website are expensive, and he doesn't know how he will be able to do that C.M.E., but he'll try his best. It will be his primary goal to improve himself.

Dr. Bhati suggested that Ms. Bickers might be able to help Dr. Paat find a program that is appropriate and not too expensive.

Dr. Paat stated that he's already talked with Ms. Bickers, and she referred him to the website.

Ms. Bickers explained that the programs listed on the Board's website are programs the Board has approved in the past. She suggested that there are other courses that have not yet come to the Board's attention.

Dr. Robbins asked Dr. Paat how far his current practice is from his former practice.

Dr. Paat stated that he only goes to one hospital and he just moved. He's sharing his office with another practitioner at present. The new office is about two miles from his old office.

Dr. Bhati again indicated that Ms. Bickers will assist Dr. Paat in finding a program.

DR. BHATI MOVED TO CONTINUE DR. PAAT UNDER THE TERMS OF THE BOARD'S ORDER OF MARCH 10, 2004, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

DEBORAH L. TAYLOR, M.D.

Dr. Taylor made her initial appearance before the Board, pursuant to the terms of her December 8, 2004 Consent Agreement.

In response to Dr. Bhati's questions, Dr. Taylor stated that she is doing well. She has read the consent agreement numerous times and she does understand everything in it. She has no questions for the Board at this time.

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Dr. Bhati noted that Dr. Taylor's license is currently suspended. He asked her how she is spending her days.

Dr. Taylor stated that she goes to a lot of meetings and does a lot of activities with her support system that she's met at the meetings. She's spent quite a bit of time getting materials together for the Board.

Dr. Taylor commented that it had been a little hard to get her records from Parkside, but she finally did. She stated that she has taught herself to knit. She does have a lot of support in her life. She lives alone, but she has a good group of women with whom she meets, and she calls her sponsor almost every day, and they do social things together as well. She stated that she has a scheduled meeting with her sponsor for the next day to go over a couple of the steps.

Dr. Davidson asked whether Dr. Taylor has any comment on the inpatient treatment, whether it was too long or too short.

Dr. Taylor stated that she loved it, and added that she would have stayed longer.

DR. BHATI MOVED TO CONTINUE DR. TAYLOR UNDER THE TERMS OF HER DECEMBER 8, 2004 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

FIVE YEAR REVIEW OF CHAPTER 22 EMERITUS RULES

Ms. Baldwin advised that the rules went to the Licensure Committee for review in February. Proposed changes were approved by the Committee. The rules, a copy of which shall be maintained in the exhibits section of this journal, are now before the Board for approval of the proposed changes.

DR. BHATI MOVED TO APPROVE THE PROPOSED CHANGES TO CHAPTER 4731-22 OF THE OHIO ADMINISTRATIVE CODE, AND TO AUTHORIZE THE STAFF TO PROCEED TO A HEARING ON THE CHANGES.

Dr. Kumar referred to rule 4731-22-08, and asked whether it means that an individual cannot appeal a

decision made by the Secretary and Supervising Member to refuse to issue a certificate or to cancel an emeritus status. Shouldn't there be hearing rights?

Mr. Dilling stated that Dr. Kumar's interpretation is correct. No one has the right to this certificate. The certificate doesn't confer the right to practice. Mr. Dilling indicated that a Chapter 119. hearing as to whether or not a physician can retire with an emeritus certificate is not required. The rule grants discretion to the Secretary and Supervising Member as to whether or not a certificate is issued.

Dr. Kumar stated that the Constitution allows everyone to appeal to some sort of level. Will this fly with JCARR?

Mr. Dilling deferred to Ms. Albers.

Ms. Albers explained that the emeritus certificate just confers a status on the physician. Appeal rights are not attached.

Mr. Albert stated that he was the impetus behind this certificate. He felt bad that physicians who retire have to give up their licenses. He thought that this would be a nice thing to honor them. They'd get a special certificate.

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

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

DRAFT "JOINT REGULATORY STATEMENT REGARDING THE PROVISION OF ESTHETIC, COSMETOLOGY AND RELATED SERVICES"

Dr. Bhati stated that the Scope of Practice Committee reviewed the above-captioned document, a copy of which shall be maintained in the exhibits section of this journal. The Committee at this time recommends adoption by the Board.

DR. KUMAR MOVED TO APPROVE THE "JOINT REGULATORY STATEMENT REGARDING THE PROVISION OF ESTHETIC, COSMETOLOGY AND RELATED SERVICES" OF THE STATE MEDICAL BOARD OF OHIO AND THE OHIO STATE BOARD OF COSMETOLOGY. DR. BHATI SECONDED THE MOTION. A vote was taken:

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Dr. Bhati recommended stretching the time to ten years, rather than seven years.

Dr. Davidson noted that restricting physicians to no more than three tries per each step is a new raising of the bar.

Dr. Bhati asked whether the Committee came up with a set of circumstances for which the Board might find an exception other than health or participating in an M.D./Ph.D. program.

Dr. Robbins stated that the Committee essentially felt that the seven-year rule should stay seven years, but there is an exception up to ten years, at the discretion of the Board. He again advised that the Committee did feel that the Board should institute the restriction that no step can be taken more than three times to pass, per sequence. If someone fails a step three times, he or she must start the process over after seven years.

Dr. Kumar stated that USMLE Step 1 is given after the second year of medical school. Step 2 is given in the fourth year, prior to graduating from medical school. The ambiguity comes up with Step 3. Essentially, the way the rule is currently written, the clock starts ticking from the second year of medical school on. They get, essentially, five years after they graduate from medical school to pass Step 3. If they can't do Step 3 in that five years, and they have not been told to do so by the medical schools, there's a problem there. Dr. Kumar agreed that an exception is needed for medical problems or the M.D./Ph.D. applicant, but there are also those doing M.D./M.P.H. or M.D./G.A.D., where that four-year window for medical school may be longer. Dr. Kumar stated that he can see exceptions for that.

Dr. Kumar stated that there was a letter e-mailed to the Board stating that an institution could not get a neurosurgeon because he didn't do his USMLE within seven years. The reason given was that the individual changed her residency in mid-course. Dr. Kumar stated that the residency has nothing to do with taking the USMLE. This individual just didn't get around to it.

Mr. Dilling stated that this new language would give that individual the ability to come before the Board and explain her "good cause" for not completing the sequence within seven years. He advised that this language will help keep good physicians in Ohio.

Mr. Browning asked for clarification on the three-attempt restriction. He asked whether that restriction will be placed on physicians who are able to complete the sequence within seven years.

Dr. Robbins stated that it will not. The restriction will only be on those physicians who come to the Board requesting a waiver of the seven-year requirement. He stated that the Board won't know if someone took a step more than three times if that individual passes all three steps within seven years.

Mr. Browning asked that the staff determine how many requests for exception the Board has signed off on.

Mr. Dilling stated that staff is going to get that information. He suggested tabling this topic until

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tomorrow.

Mr. Browning commented that the ten-year exception may not be needed.

MR. BROWNING MOVED TO TABLE THIS TOPIC UNTIL THE FOLLOWING DAY.
DR. KUMAR SECONDED THE MOTION. All members voted aye. The motion carried.

At this time, Dr. Bhati indicated that this would be the last meeting he would attend. He thanked his fellow Board members for the courtesy and consideration they have shown him during the past ten years.

Board members expressed their regret for Dr. Bhati's leaving the Board.

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

Thereupon at 3:56 p.m. the March 9, 2005 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on March 9, 2005, as approved on April 13, 2005.

Patricia J. Davidson, M.D., President

Lance A. Talmage, M.D., Secretary

(SEAL)

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MINUTES

THE STATE MEDICAL BOARD OF OHIO

March 10, 2005

Patricia J. Davidson, M.D., President, called the meeting to order at 8:00 a.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, Room #1932, with the following members present: Andrew F. Robbins, Jr., M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Deepak Kumar, M.D.; and R. Gregory Browning, Ph.D. The following joined the meeting at a later time: Anquetette Sloan. The following did not attend the meeting: David S. Buchan, D.P.M.; Anant R. Bhati, M.D.; Anand G. Garg, M.D., and Anita M. Steinbergh, D.O.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Diann K. Thompson, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; Shannon F. Baldwin, Executive Staff Attorney; Rebecca J. Marshall, Enforcement Attorney; Rebecca J. Albers, Assistant Attorney General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Danielle Bickers, Compliance Officer; and Barbara Jacobs, Public Services Administrator.

LICENSURE

MASSARAT ZUTSHI, M.D.

Dr. Davidson stated that, prior to voting on the items to be considered in a consent agenda, she would like the Board to consider Dr. Zutshi's request for licensure. Dr. Davidson reminded the Board that it initially considered Dr. Zutshi's application at its February meeting, at which time the Board tabled the request and instructed staff to request Dr. Zutshi to provide the Board with additional information regarding her clinical duties while doing research at the Cleveland Clinic. Dr. Davidson stated that the Licensure Committee discussed this application at its meeting, and she asked Dr. Robbins to address the Board.

Ms. Sloan joined the meeting at this time.

Dr. Robbins stated that the question about which the Board was concerned in February was whether there was enough clinical experience in Dr. Zutshi's work at the Clinic to meet an equivalency to 24 months of graduate medical education through the second year level. A number of Board members were uncomfortable finding that she did.

Dr. Davidson commented that the Board has received additional information since February. She noted that Dr. Zutshi is present today if Board members wish to ask her questions.

Dr. Kumar asked Dr. Zutshi whether she had a training certificate when she did her fellowship at the Clinic.

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Dr. Zutshi replied that she did not.

Dr. Kumar stated that that is a concern. If she didn't have a training certificate, she couldn't have clinical patient interaction. Although Dr. Zutshi's research is exemplary, in his mind, it could indicate that she was not seeing patients and essentially tabulating the data information and collecting that information to be able to present it. Dr. Kumar stated that he has difficulty qualifying the 40 months of research as clinical experience. He added, however, that he finds Dr. Zutshi's experience prior to Cleveland Clinic is the equivalent.

Dr. Talmage stated that he thinks that the Board has argued this in regard to medical directors. Is that patient care? When they review charts, they look at patient care, and they are examining laboratory studies. They don't have to have hands-on experience. Dr. Talmage stated that with the expertise Dr. Zutshi has, it would not be in the Board's best interest to argue over her licensure at this point.

Dr. Robbins stated that the Committee felt the same way, but last month there were members of the Board who were uncomfortable granting licensure.

DR. KUMAR MOVED TO FIND THAT DR. ZUTSHI'S PREVIOUS EXPERIENCE AND TRAINING ARE EQUIVALENT TO 24 MONTHS OF APPROVED TRAINING THROUGH THE SECOND YEAR LEVEL AND TO GRANT HER A LICENSE.

Dr. Kumar commented that the Board should notify institutions that research fellows should hold a training certificate.

Mr. Browning asked what the difference is between clinical research position and a clinical scholar.

Dr. Zutshi stated that a clinical scholar is just a fellowship position. Once the ECGME requirement is fulfilled, it's just a title for the sake of payroll. She did the same work in both positions.

DR. TALMAGE SECONDED DR. KUMAR'S MOTION.

Ms. Sloan stated that the Board wanted additional information also because she had listed clinical trials, indicating that she would have been working with patients. The Committee focused on the fact that she would have had some patient contact with those clinical trials.

Dr. Kumar stated that he did have a discussion with Victor W. Fazio, M.D., the Chairman of the Dept. of Colorectal Surgery at the Cleveland Clinic, and he apprized Dr. Fazio of the fact that when you're bringing in clinical research fellows, a training certificate is required. Dr. Kumar stated that some sort of letter from the Board telling the programs that would be appropriate.

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

VOTE:

Mr. Albert

- aye

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Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

Dr. Robbins indicated that the Licensure Committee would be looking at issues such as this in an effort to come to grips with them.

Mr. Browning indicated that he voted for approving this application, and he understands the arguments for doing so, but he expressed concern that the Board is throwing its standards over the side. This program was not 100% clinical.

Mr. Dilling stated that the Board doesn't require 100% clinical training.

Mr. Browning stated that that's not the point. Arguably, you could say that this was 0% clinical by the Board's standards. He stated that, if this is the way the Board is going to do business, it ought to change its standards. The Board just voted against its own standards. You have to have clinical, which means that there must be patient/physician interaction.

INTRODUCTION OF THE DIRECTOR OF FISCAL AND HUMAN RESOURCES

At this time Dr. Davidson introduced Gary Holben to the Board, advising that he had started working with the Board the previous Monday. Mr. Holben has a master's degree in public administration from UVA, he's had extensive experience in private and public service, and most recently he has returned from service in Iraq. Dr. Davidson stated that the Management Committee has tasked Mr. Holben with the pretty hard job of a quick, 30-day turnaround of an assessment of the Board's needs as far as human resources and fiscal. She noted that this position has been open for two years.

Mr. Holben indicated that he's glad to be here and glad for the opportunity. He indicated that he's spent the last couple of days talking to a lot of different people, but hasn't talked to everyone yet. Mr. Holben stated that he's committed to public service. He also described his past experiences and how they can help him in his job.

LICENSURE & PROBATIONARY REPORTS

Dr. Davidson advised that at this time she would like the Board to consider the licensure requests and probationary reports on today's agenda. Dr. Davidson asked whether any Board member wished to consider either an application for licensure or a probationary report separately. She noted that all probationers are in compliance.

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No Board member indicated that he or she would like to consider a matter separately.

DR. KUMAR MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A", THE P.A. APPLICANTS LISTED IN EXHIBIT "B", AND THE P.A. UTILIZATION PLANS SUBMITTED BY THE FOLLOWING: ORDUEN ABUNKU, M.D.; ALLERGY/IMMUNOLOGY ASSOC., INC.; SAMUEL GETACHEW, M.D.; MARYMOUNT HOSPITAL; AND PETER MASON, D.P.M. DR. KUMAR FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH: MOHAMMAD A. ADAS, M.D.; MARK L. ALLEN, M.D.; CRAIG L. BIERER, D.O.; ROBERT R. BRIGHTWELL, D.O.; RICHARD M. DONNINI, D.O.; YAZEED MANSI ESSA, M.D.; MARK S. FLEMING, M.D.; DARRELL A. HALL, M.D.; PAUL F. HEYSE, M.D.; CYNTHIA J. JOHNSON, P.A.; JEFFREY T. JONES, P.A.; MELANIE E. JUNGBLUT, M.D.; LARRY J. LITTLE, M.D.; TIMOTHY S. KRESS, M.D.; TERRENCE F. MCCOY, M.D.; WILLIAM O. MURTAGH, JR., M.D.; THOMAS A. NGUYEN, M.D.; MICHAEL J. O'BRIEN, D.O.; RAMACHANDRA K. PUDUPAKKAM, M.D.; ROBERT S. REEVES, JR., M.D.; LAWRENCE B. ROTHSTEIN, M.D.; DON R. SHEGOG, M.D.; ROBERT D. SMARSCH, D.O.; DAVID P. SPEARS, D.O.; EUGENE F. TARESHAWTY, JR., M.D.; AND JEFFREY W. WINHOLT, M.D. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

PROBATIONARY REPORTS AND PROBATIONARY REQUESTS

Dr. Davidson suggested adding probationary requests that have recommendations by the Secretary and Supervising Member to the consent agenda. She noted that the Board usually adopts the Secretary and Supervising Member's recommendations in these cases.

Dr. Talmage stated that, if the Board does adopt that policy, the Chair should first ask whether there are any cases Board members want to extract from the consent agenda. Cases in which the Secretary and Supervising Member don't make a recommendation should also be pulled out of the consent agenda, automatically.

The consensus of the Board was that Dr. Davidson's suggestion, with Dr. Talmage's recommendation,

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would be acceptable. Dr. Davidson indicated that the April Agenda would reflect the change.

Dr. Davidson advised that, concerning the Probationary Reports and Requests on today's agenda, the Board would consider all but the following in a consent agenda format: Steven W. Crawford, M.D. and Joanne Poje, M.D.

MR. BROWNING MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCE AND THE REQUESTS FOR MODIFICATIONS OF THE FOLLOWING PROBATIONERS: ROBERT M. BENSON, M.D.'S REQUEST FOR A CHANGE IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS; BOYD D. CURTIS, M.D.'S REQUESTS FOR CHANGES IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS AND A CHANGE IN HIS DRUG SCREEN REQUIREMENT TO TWO PER MONTH; RICHARD R. DE LA FLOR, M.D.'S REQUEST FOR A CHANGE IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS AND A CHANGE IN HIS DRUG SCREEN REQUIREMENT TO TWO PER MONTH; LOUISE DELYTE MORRIS, P.A.'S REQUEST FOR A REDUCTION IN HER ALCOHOL AND DRUG REHABILITATION MEETINGS FROM THREE PER WEEK TO TWO PER WEEK WITH A MINIMUM OF TEN PER MONTH.; AND VIRGINIA C. WOODROW, M.D.'S REQUEST TO REDUCE HER PSYCHIATRIC SESSION REQUIREMENT TO ONCE PER MONTH. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

STEVEN W. CRAWFORD, M.D.

Dr. Davidson stated that she asked that this case be exempted from the consent agenda, because she wasn't clear on the recommendation. Dr. Crawford asked for return of his D.E.A. certificate, and the Secretary and Supervising Member support his request, "with the exception of the possession of controlled substances." She asked whether that means personal possession.

Mr. Albert stated that it means possession in the office. Mr. Albert added that Dr. Crawford would also be required to maintain a drug log. He stated that the Board doesn't have too many probationers that have surrendered their DEA certificates to the DEA. The Board has an unwritten agreement with the DEA that, unless there is something really egregious, it will allow doctors to retain their DEA certificates. The Board

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regulates their DEA certificates by requiring them to keep a drug log or by restricting their use of certain schedules, such as 2s and 3s. Mr. Albert commented that, if a doctor doesn't have a DEA certificate, he can't get a job.

Ms. Bickers stated that the Secretary and Supervising Member are agreeable to allowing Dr. Crawford to prescribe, write orders for, give orders for, administer and personally furnish drugs to patients.

Dr. Davidson stated that she remembers this case as being a pretty serious situation. The Board usually doles out privileges slowly, but Dr. Crawford is asking for a lot back at once, and he's getting a lot back at once.

Mr. Albert stated that they generally don't give them more than two things.

Ms. Bickers stated that Dr. Crawford is really just asking for the standard modifications. Requests for reductions in screens and reductions in appearances are typically the first requests. Dr. Crawford actually surrendered his DEA certificate to the DEA, so he's in a little different situation from other probationers.

Dr. Kumar advised that he would have a problem in allowing Dr. Crawford to personally furnish controlled substances as well. Writing a prescription is different. Giving a verbal order is different. In a hospital situation, injecting the drug is different. But if you're personally furnishing those drugs in the office, it's the same thing as possession.

Mr. Albert stated that he can't furnish them if he doesn't have them in the office.

Dr. Talmage stated that he could do it in the hospital setting.

Dr. Kumar stated that the words, "personally furnish," become a little bit ambiguous to him.

Mr. Albert stated that if a doctor is addicted to drugs, and if he wants drugs, he'll get them. It doesn't matter whether or not the physician has a DEA certificate, he'll get them.

Dr. Robbins stated that he can't see why the Board would ever allow physicians in this situation to possess drugs in the office.

Dr. Talmage stated that there are offices in which you could give a small amount of IV Nubain before you did an endometrial biopsy, if you have a particularly skittish patient. Some offices will do hysteroscopies, where they'll put in an IV and give a little Nubain or Versed. There are instances where these drugs can be safely used in the office, but they're fairly limited.

Dr. Davidson commented that so many physicians get in trouble from samples of controlled substances.

Dr. Talmage and Dr. Egner indicated that they don't believe that there are samples of controlled substances any longer.

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DR. ROBBINS MOVED TO ACCEPT THE COMPLIANCE STAFF’S REPORT OF CONFERENCE ON FEBRUARY 7, 2005. DR. ROBBINS FURTHER MOVED TO APPROVE DR. CRAWFORD’S REQUESTS FOR: A REDUCTION IN HIS DRUG SCREEN REQUIREMENT TO TWICE PER MONTH AND PERMISSION TO APPLY FOR REINSTATEMENT OF HIS D.E.A. PRIVILEGES WITH THE EXCEPTION THAT HE CANNOT POSSESS OR PERSONALLY FURNISH CONTROLLED SUBSTANCES. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

JOANNE POJE, M.D.

Dr. Davidson stated that there is a difference in Dr. Poje’s request and the Secretary and Supervising Member recommendation in this matter. Dr. Poje asked that her counseling sessions be reduced from one every week to one every three weeks. The Secretary and Supervising Member are recommending that they be reduced to once a month.

MR. BROWNING MOVED TO ACCEPT THE COMPLIANCE STAFF’S REPORT OF CONFERENCE WITH DR. POJE. MR. BROWNING FURTHER MOVED TO REDUCE DR. POJE’S COUNSELING REQUIREMENT TO ONE SESSION PER MONTH, AND TO APPROVE DR. POJE’S PROPOSED PRACTICE PLAN TO WORK WITH PHYSICIANS LOCUM TENENS. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

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PROBATIONARY REQUESTS

Dr. Davidson stated that the following cases are those who have requested modifications, but have not recently appeared before the Secretary and Supervising Member. Therefore, the Board doesn't have a recommendation from the Secretary and Supervising Member.

Mr. Browning stated that it might be time for the Board to look at its process and see what it's having to sign off on every month. There may be some responsible streamlining that could happen. He asked Mr. Dilling to look at giving the Board some options or recommendations. He commented that the Board gets into every tiny miniscule detail here, and it would seem to him that in one or more cases, at least a Committee could be doing some of the things that the full Board is doing.

Dr. Davidson stated that she'll work with staff to streamline the meeting even further.

Mr. Albert stated that, regarding the chart reviews, he could count on one hand or less the number of times the Board has had a reviewer advise the Board that there's something wrong.

Mr. Browning stated that there is a division of labor here. He noted that the Secretary and Supervising Member know more about these than the Board does, and the Board routinely signs off on their recommendations. The Board respects the Secretary and Supervising Member, and it respects the logic and integrity of the process. He feels that the Board is doing double duty on these things. In some cases the Board has to do that because the whole Board is required to act. Mr. Browning stated that he's not sure that the whole Board has to act on every case.

Mr. Albert stated that the Board will also have to look at the way it does office conferences. Right now there are 230 probationers, and he, Mr. Schmidt and Ms. Bickers spent all day Monday and Tuesday meeting with probationers. They are exploring ways to do this more efficiently.

Dr. Davidson stated that at this point she's not prepared to offer any suggestions for handling probationary requests without a Secretary and Supervising Member recommendation.

MARK A. BANKS, M.D.

Dr. Banks' request for approval of a monitoring physician was presented to the Board for consideration at this time.

DR. KUMAR MOVED TO APPROVE MARTIN E. MENOSKY, M.D., TO SERVE AS DR. BANKS' MONITORING PHYSICIAN, REVIEWING 10 CHARTS PER MONTH. DR. KUMAR FURTHER MOVED TO APPROVE DR. BANKS' PROPOSED PRACTICE PLAN. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye

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Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

DOUGLAS P. BOSACK, M.D.

Dr. Bosack's request for approval of a practice plan and a new monitoring physician was presented to the Board for consideration at this time.

Dr. Kumar noted that Dr. Bosack is a clinical cardiologist, and Dr. Baker, his nominee for monitoring physician, is an internal medicine physician.

Dr. Egner stated that she thinks that this is because there is only one other cardiologist in town. She added that she thinks that an internal medicine person could monitor. They do enough cardiology.

Ms. Bickers noted that there's not a chart review requirement for Dr. Bosack. Dr. Baker would simply be reporting on how Dr. Bosack is doing.

Mr. Browning asked whether Dr. Bosack was in a solo practice before.

Ms. Bickers stated that he was not.

Mr. Browning asked whether he is ready to be on his own. He asked whether there is enough monitoring in place.

Ms. Bickers stated that she believes there is enough monitoring in place. She commented that he's pretty much under a microscope.

Mr. Browning commented that he needs to be.

**MR. BROWNING MOVED TO APPROVE DR. BOSACK'S REVISED PRACTICE PLAN.
MR. BROWNING FURTHER MOVED TO APPROVE J. JAY BAKER, M.D., TO SERVE AS
DR. BOSACK'S MONITORING PHYSICIAN, REPLACING DAVID J. UTLAK, M.D.
MS. SLOAN SECONDED THE MOTION. A vote was taken:**

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye

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Ms. Sloan - aye
Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

EUGENE A. BREWER, M.D.

Dr. Brewer's request for approval of a C.M.E. program was presented to the Board for consideration at this time.

DR. ROBBINS MOVED TO APPROVE THE AMERICAN UROLOGICAL ASSOCIATION'S SELF ASSESSMENT STUDY PROGRAM, TOWARDS PARTIAL FULFILLMENT OF PARAGRAPH 3.f. OF THE BOARD'S ORDER OF JULY 10, 1996. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:

Mr. Albert - aye
Dr. Egner - aye
Dr. Talmage - aye
Dr. Kumar - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

ROBERT E. MARSICO, M.D.

Dr. Marsico's requests for approval of a treating psychiatrist and a supervising physician were presented to the Board for consideration at this time.

DR. ROBBINS' MOVED TO APPROVE: ANIL N. PARIKH, M.D., TO SERVE AS DR. MARSICO'S TREATING PSYCHIATRIST; AND VICTORIA L. SANELLI, M.D., TO SERVE AS DR. MARSICO'S SUPERVISING PHYSICIAN. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:

Mr. Albert - aye
Dr. Egner - aye
Dr. Talmage - aye
Dr. Kumar - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Robbins - aye

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Dr. Davidson - aye

The motion carried.

FRANCINE R. MOSLEY, M.D.

Dr. Mosley's requests for approval of a practice plan and a monitoring physician were presented to the Board for consideration at this time.

DR. KUMAR MOVED TO APPROVE DR. MOSLEY'S PROPOSED PRACTICE PLAN. DR. KUMAR FURTHER MOVED TO APPROVE MICHAEL F. BOSWORTH, D.O., TO SERVE AS DR. MOSLEY'S MONITORING PHYSICIANS, WITH 10 CHARTS REVIEWED PER MONTH. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

RALPH G. OSTING, D.P.M.

Dr. Osting's request for approval of personal ethics courses was presented to the Board for consideration at this time.

Ms. Bickers stated that Dr. Osting is requesting approval of both courses, and will then decide which one he will take.

DR. ROBBINS MOVED TO APPROVE THE PERSONAL ETHICS COURSES TAILORED BY STEPHEN B. LEVINE, M.D. AND DONNA F. HOMENKO, Ph.D., AS FULFILLMENT OF PARAGRAPH 2.b. OF DR. OSTING'S NOVEMBER 12, 2004 CONSENT AGREEMENT. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye

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Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

KOLLI M. PRASAD, M.D.

Dr. Prasad's request for approval of a revised practice plan was presented to the Board for consideration at this time.

Ms. Bickers advised that Dr. Prasad hasn't practiced since 1998. His license was suspended by Board Order of February 11, 1998 and restored in November 2003. At the time of his reinstatement, the Board approved a monitoring physician, as well as conditions for chart review. Ms. Bickers suggested that, since Dr. Prasad is only now returning to practice, the Board may wish to require the same chart review conditions it approved in 2003.

DR. KUMAR MOVED TO APPROVE DR. PRASAD'S REVISED PRACTICE PLAN. DR. PRASAD IS TO HAVE 20% OF HIS FILMS AND REPORTS REVIEWED IN THE FIRST THREE MONTHS AFTER EMPLOYMENT, 15% OF HIS FILMS AND REPORTS REVIEWED IN MONTHS FOUR THROUGH SIX, AND 10% OF THE FILMS AND REPORTS REVIEWED THEREAFTER. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Kumar	- aye
Dr. Talmage	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

TOM R. STARR, M.D.

Dr. Starr's request for approval of a monitoring physician was presented to the Board for consideration at this time.

DR. KUMAR MOVED TO APPROVE DR. STARR'S REQUEST TO APPROVE HOWARD ALLAN FELLER, M.D., AS DR. STARR'S NEW MONITORING PHYSICIAN. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye

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Dr. Talmage	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

BRUCE S. WORRELL, D.O.

Dr. Worrell's request for modification in his probationary terms was tabled at this time.

REINSTATEMENT REQUESTS

JULIA RUFFIN, D.P.M.

Dr. Ruffin's request for approval of physicians to perform the psychiatric assessments required by her November 16, 2004 consent agreement was presented to the Board for consideration at this time.

MR. BROWNING MOVED TO APPROVE EDWARD N. DUTTON, M.D., AND DENTON H. WYSE, M.D., TO PERFORM THE PSYCHIATRIC ASSESSMENTS REQUIRED BY PARAGRAPH 7.b.ii, OF DR. RUFFIN'S NOVEMBER 16, 2004 CONSENT AGREEMENT. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

MARC H. SCHWACHTER, M.D.

Dr. Schwachter's request for approval of a controlled substance course was presented to the Board for consideration at this time.

DR. KUMAR MOVED TO APPROVE CASE WESTERN RESERVE UNIVERSITY'S "INTENSIVE COURSE IN CONTROLLED SUBSTANCE MANAGEMENT," AS FULFILLING PARAGRAPH 10.b.v. OF DR. SCHWACHTER'S JUNE 9, 2004 CONSENT AGREEMENT.

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

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

MICHAEL CRAIG WARREN, D.O.

Dr. Warren's request for approval of a chemical dependency assessor was presented to the Board for consideration at this time.

MR. BROWNING MOVED TO APPROVE KENNETH H. ADLER, M.D., AS AN ASSESSOR FOR PURPOSES OF PERFORMING A CHEMICAL DEPENDENCY ASSESSMENT, AS REQUIRED BY PARAGRAPH 10.b.iv OF HIS MAY 12, 2004 CONSENT AGREEMENT. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Mr. Albert left the meeting at this time.

RATIFICATION OF CONSENT AGREEMENTS

WILLIAM OWEN MURTAGH, JR., M.D.

MR. BROWNING MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. MURTAGH. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Dr. Egner	- aye
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Dr. Talmage	- abstain
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

MICHAEL CRAIG WARREN, D.O.

MR. BROWNING MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. WARREN. DR. KUMAR SECONDED THE MOTION. A vote was taken:

VOTE:	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Dr. Egner left the meeting at this time.

REPORTS BY ASSIGNED COMMITTEES

LICENSURE COMMITTEE

Dr. Robbins advised that the Committee reviewed two applications for licensure.

Shagufta Asifa Khan, MBBS

Dr. Robbins advised that Dr. Khan's application for licensure was previously considered by the Board in 2002, at which time, due to Dr. Khan's not having practiced clinically since 1997, the Board approved Dr. Khan's application, subject to her passing the SPEX. Dr. Khan took the SPEX in June 2004, and did not pass. She has once again applied for a license. Dr. Robbins advised that the Committee again recommends that Dr. Khan be required to pass the SPEX for licensure.

DR. ROBBINS MOVED TO GRANT DR. KHAN'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO HER PASSING THE SPEX. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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VOTE:	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

Dr. Egner returned to the meeting at this time.

Karen Sterling, M.D.

Dr. Robbins stated that the Committee also reviewed Dr. Sterling's request for endorsement licensure. Dr. Sterling has indicated that she has not been engaged in the active practice of medicine since January 2001. Her duties since that time have been 100% administrative. The Committee recommends that she be required to pass the SPEX.

DR. KUMAR MOVED TO GRANT DR. STERLING'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO HER PASSING THE SPEX. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

LEGISLATIVE LIAISON AND RULES COMMITTEE

Mr. Browning referred Board members to a copy of the written report, a copy of which shall be maintained in the exhibits section of this journal.

Mr. Browning reported on the Board's budget for the coming fiscal year. He noted that the Board isn't in the General Revenue Fund, which is why it will get the same funds it got last year.

Mr. Browning referred to the list of bills that are of interest to the Board. He stated that if the Board members want additional information on any of the bills, they should contact him, and he will get the information. He briefly reviewed the bills listed in the written report.

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Mr. Browning stated that the previous months the Board talked about Attorney General Petro's proposal for a comprehensive government reorganization proposal. Mr. Browning stated that that proposal has been turned into H.B. 77. It includes the consolidation of the Boards. Mr. Browning stated that the Board has not received any communication that this Board will not remain standing as an independent board. The question is, what happens in terms of moving into a relationship with the Ohio Department of Health. The way the proposal is constructed within the biennial budget bill, H.B. 66, many of the questions will not be answered. They have created a process to give the Board one-year's funding, and then there would be a process in FY06 as to how the consolidation would happen. Then there would be a new piece of legislation passed that would provide the Board with a budget for FY07. Mr. Browning stated that he continues to believe that a board consolidation proposal will become law. The questions are whether it will include all 27 boards, it will include the Medical Board, and it will be a reasonable, workable proposal. Mr. Dilling and others are communicating as best they can to make sure that there is a workable proposal that retains the appropriate level of autonomy for this Board.

Mr. Dilling advised that Dr. Kumar has suggested that the Board prepare something explaining what the Board would like in independence and autonomy.

Mr. Browning agreed.

LIMITED BRANCH AND ALTERNATIVE MEDICINE COMMITTEE

Dr. Kumar stated that the Committee reviewed applications for certificates of good standing from two institutions, and recommends approval of both.

DR. BHATI MOVED TO GRANT CERTIFICATES OF GOOD STANDING TO APOLLO COLLEGE AND TO HEALING HANDS HOLISTIC HEALTH CENTER SCHOOL OF MASSAGE. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:	Dr. Talmage	- aye
	Dr. Egner	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

The motion carried.

RULE 4731-6-14(C)(3) – SEVEN-YEAR RULE FOR COMPLETING THE USMLE SEQUENCE

Dr. Davidson removed the above topic from the table.

Mr. Browning advised that he asked that this matter be tabled for additional information on the Board's patterns for signing off on requests for exceptions to the rule.

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Ms. Thompson stated that, concerning waivers granted for those who have not yet taken Step 3 on the basis of illness, the Board requires documentation from treating physicians on how long they were disabled. The Board has granted eight requests without hearing, for anywhere from three months for a lumbar laminectomy to a year for a complicated pregnancy and delivery. Those were granted at the Secretary and Supervising Member level. On the illness cases, she gathers the information and takes it to the Secretary and Supervising Member, who makes a decision as to how long they were reasonably disabled, based on what the doctors are telling the Board.

Dr. Kumar and Mr. Browning indicated that they would like to know how many the Board denied.

Mr. Dilling stated that four cases have gone to hearing, ranging from seven years, eight months to eight years, ten months. The most recent case, which was eight years, ten months, was the individual who said he or she was in a fellowship program that should be equivalent to a doctoral program. The Board denied that, saying that it needs to be an M.D./Ph.D. program. That person would have passed through the "not failing three times at any step" route. The case before that was the individual from Michigan who had not yet attempted Step 3, but was at the seven year, ten months stage, and was a seemingly brilliant person. The third person encountered was an eight years, seven months, person who had multiple attempts at Step 3, so he or she would have failed on the new rule in that regard. The fourth person was at seven years, eight months, and had failed six times on Step 3.

Mr. Dilling stated that it seems that, under the proposed rule, the person who would have gotten through would have been the last person, who did the fellowship.

Dr. Kumar asked whether those statistics were from the past one year.

Mr. Dilling stated that this is over, he believes, a four-year period of time.

Mr. Browning stated that he thinks that there's a little bit of anxiety about ten years being too long. That was the reason to see where the Board is and whether or not a shorter period of time would be reasonable, while maintaining the amendments that Dr. Robbins discussed. He stated that he doesn't know whether it's worth doing nine years versus ten. He suggested that room to maneuver is necessary.

Dr. Egner stated that the standard will still be seven years.

Mr. Browning asked how big the Board members want the zone to be. Does it want to be three years, one year or two years?

Dr. Kumar stated that he would stay with three years because the combined Ph.D/M.D. takes longer.

Dr. Davidson stated that that will be separate. That's a whole other rule.

Dr. Kumar stated that he thinks it would be best to keep it at ten years, to make it uniform.

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Dr. Davidson commented that that's an awfully long time. They may not be involved in graduate medical education at all.

Dr. Robbins stated that he believes that the proposed rule change gives the Board the leeway. If someone comes having completed the sequence in nine and a half years, unless he or she shows good cause, the Board doesn't have to approve it.

Dr. Davidson acknowledged that the Board doesn't have to give it to them, but she added that it does. She expressed concern about being inconsistent. She stated that she doesn't think that the Board wants to put itself in that situation.

Mr. Dilling stated that he threw in an emergency rule idea because people are banging on the door, wanting to get people licensed. If the Board goes with a plan, and puts it in the rules hopper right away, it probably will be a three-month turnover. If something becomes an emergency in there, there's nothing to stop the Board from going up and asking for an emergency rule. During the time prior to the hearing, the Board staff can get some more numbers and information for the Board. If, after the rules hearing, the Board doesn't like a ten year waiver, there's nothing to stop the Board from changing it to a shorter term. He suggested that this proposal is a good starting point.

DR. ROBBINS MOVED TO ACCEPT THE PROPOSED RULE AND TO CHANGE IT TO INCLUDE THE FOLLOWING LANGUAGE:

A LIMITED EXCEPTION TO THIS RULE MAY ALSO BE GRANTED BY THE BOARD TO AN APPLICANT WHO PASSES ALL THREE STEPS WITHIN A TEN-YEAR PERIOD IF THE APPLICANT SHOWS GOOD CAUSE FOR WHY HE OR SHE DID NOT COMPLETE THE EXAMINATION SEQUENCE IN A SEVEN-YEAR PERIOD AND HAS NOT FAILED ANY STEP OF THE USMLE THREE TIMES OR MORE.

GOOD CAUSE REQUIRES A SHOWING THAT THE APPLICANT IS CURRENT IN HIS OR HER MEDICAL KNOWLEDGE AT THE TIME OF APPLICATION. GOOD CAUSE INCLUDES, BUT IS NOT LIMITED TO, PARTICIPATING IN GRADUATE MEDICAL EDUCATION AS DEFINED IN OHIO REVISED CODE SECTION 4731.091 WITHIN THE TEN-YEAR PERIOD FOR A PERIOD OF TIME GREATER THAN THAT REQUIRED BY STATUTE FOR LICENSURE.

DR. ROBBINS FURTHER MOVED THAT BOARD STAFF NOTIFY THOSE OBTAINING A TRAINING CERTIFICATE THAT THEY MUST COMPLETE THEIR USMLE SEQUENCE WITHIN SEVEN YEARS. MS. SLOAN SECONDED THE MOTION. A vote was taken:

VOTE:

Dr. Talmage	- aye
Dr. Egner	- aye
Dr. Kumar	- aye
Mr. Browning	- aye

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Ms. Sloan - aye
Dr. Robbins - aye
Dr. Davidson - aye

The motion carried.

P.A. COMMITTEE

Dr. Talmage stated that the Committee reviewed Capitol City Cardiology's request to allow their P.A.s to perform noninvasive cardiovascular studies to include pharmacological stress testing. The Committee recommends approval.

DR. KUMAR MOVED TO APPROVE CAPITOL CITY CARDIOLOGY'S SUPPLEMENTAL P.A. UTILIZATION PLAN TO ALLOW THEIR P.A.S TO PERFORM NONINVASIVE CARDIOVASCULAR STUDIES, TO INCLUDE PHARMACOLOGICAL STRESS TESTING, IN AN OFFICE SETTING, UTILIZING 100% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM 30 PROCEDURES TO DETERMINE COMPETENCY. MR. BROWNING SECONDED THE MOTION. A vote was taken:

VOTE:

Dr. Talmage	- aye
Dr. Egner	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Robbins	- aye
Dr. Davidson	- aye

The motion carried.

ADMINISTRATIVE REPORT

Dr. Talmage advised that he has been notified that Stacy Langford is going to resign from the Treasurer's office of the Federation prior to the annual meeting. The Federation is soliciting nominations for Treasurer. He stated that if anyone is interested, they will accept applications as quickly as they can get in.

MEETING WITH THE OHIO ASSOCIATION OF PHYSICIAN ASSISTANTS (OAPA) AND THE MEDICAL BOARD'S PHYSICIAN ASSISTANT POLICY COMMITTEE (PAPC)

At this time, the Board heard a presentation by representatives of the Ohio Association of Physician Assistants concerning the education and training of P.A.s. A copy of their Power Point presentation shall be maintained in the exhibits section of this journal.

Presenting were: John D. Trimboth, PA-C, MPAS, OAPA Governmental Affairs Committee Co-Chair;

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Daniel Goodrich, PA-C, MPAS, OAPA Vice-President; and Terrence O'Donnell, Esq., counsel for OAPA.

During the presentation, Board members expressed concern about the lack of formal training in specialty areas. It was noted that there was formal training until the specialty level was reached, at which time only apprenticeship-type training was available.

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

Thereupon, at 10:54 a.m. on March 10, 2005, the March 9-10, 2005 meeting of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on March 9-10, 2005, as approved on April 13, 2005.

Patricia J. Davidson, M.D., President

Lance A. Talmage, M.D., Secretary

(SEAL)