

June 11, 2003

MINUTES

THE STATE MEDICAL BOARD OF OHIO

June 11, 2003

R. Gregory Browning, Ph.D., President, called the meeting to order at 1:05 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, Capitol Theatre Lobby, with the following members present: Lance A. Talmage, M.D., Vice-President; Anand G. Garg, M.D., Secretary; Carol L. Egner, M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Deepak Kumar, M.D.; Anquetette Sloan; Patricia J. Davidson, M.D.; Andrew F. Robbins, Jr., M.D., and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Raymond J. Albert, Supervising Member.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director, ; Diann K. Thompson, Assistant Executive Director; Douglas L. Edwards, Investigation Supervisor; Mark Wayda, Chief of Executive Staff; Lauren Lubow, Senior Executive Staff Attorney; Shannon K. Freed, Executive Staff Attorney; Lori S. Gilbert, Chief Enforcement Coordinator; Marcie P. Burrow, David P. Katko, Rebecca J. Marshall, Karen H. Mortland, Kathleen S. Peterson, and Charles A. Woodbeck, Enforcement Coordinators; Rebecca J. Albers and Mark A. Michael, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Danielle Bickers, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants; and David Payne, Director of Boards and Commissions, Office of the Governor.

RECEPTION HONORING OHIO'S SENIOR PHYSICIANS

At this time the Board and Mr. Payne presented commendations, signed by Governor Bob Taft, to nine of 37 physicians over the age of 85 who were nominated by their families and their peers for the honor. Emeritus Certificates were also issued to those physicians who had not yet received one.

Commendations and certificates were subsequently mailed to the remaining physicians who were unable to attend the reception.

The Board then recessed and reconvened in Room 1932 of the Vern Riffe Center.

EXECUTIVE SESSION

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

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

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Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye

The motion carried.

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

The following joined the meeting after the executive session: R. Gregory Porter, Chief Hearing Examiner; and Daniel J. Roberts, Hearing Examiner.

MINUTES REVIEW

DR. BUCHAN MOVED TO APPROVE THE MINUTES OF MAY 14-15, 2003.

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

VOTE:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Mr. Browning announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ashfaq Taj Ahmed, M.D.; Anil K. Bajaj, M.D.; Steven W. Crawford, M.D.; Ryan Hanson, M.D.; Rezso Spruch, M.D.; and David Vinson, Jr., M.D. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- aye

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

Mr. Browning asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

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

Mr. Browning 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.

Mr. Browning 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.

ASHFAQ TAJ AHMED, M.D.

Mr. Browning directed the Board's attention to the matter of Ashfaq Taj Ahmed, M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

Mr. Browning advised that materials included with the objections are being construed as a request to

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submit additional evidence. The Assistant Attorney General subsequently filed a Memorandum In Opposition To Respondent's Motion For Admission Of Documents. Mr. Browning asked if there was a motion to grant the request to admit the additional documents. No motion was made.

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

Dr. Ahmed was accompanied by his attorney, David C. Greer.

Mr. Greer stated that he understands that the Board members have had the opportunity to read his objections. He asked that the Board stay whatever sanction it feels is appropriate and impose probationary terms. He at this time introduced Dr. Ahmed.

Dr. Ahmed thanked the Board for allowing him to address it. He stated that he would like to sincerely apologize for the mistakes he made in his training. His problem started in the momentum of graduation, applying for a cardiology fellowship, a baby on the way and an examination pending, and he made mistakes.

Dr. Ahmed stated that four years ago he was trying to pass an exam and was too fearful of failing it. Hindsight is 20/20. Had he known then what he knows now, he would have taken a failed score. After getting through school without receiving any detention or having problems with dishonesty of any nature before this incident, the Board may wonder how he got himself into this mess. Dr. Ahmed stated that there is no one-word answer for that question, but a lot has to do with an immature person's ability to handle stress. His youth, combined with his ambition to succeed, led him to uncharacteristic behavior. Dr. Ahmed stated that he is sorry. He stated that he truly made a mistake in his residency, and that he was dishonest.

Dr. Ahmed stated that this is more than an apology, but it is recognizing the fact that the medical profession is held to a higher standard. When a physician makes poor decisions, there are long-term effects. Dishonesty has consequences. Dr. Ahmed stated that he has learned that the hard way.

Dr. Ahmed advised that his life has dramatically changed since these events four years ago. He paid heavily for his mistakes. His American Board of Internal Medicine exam was nullified, his certificate of completion from Riverside Hospital was revoked, and his cardiology fellowship that he worked so hard to attain was terminated. He's lost two years professionally. He added that he's not sure how to describe what this has done to his family and his two small children. They've moved five times in four years: from Ohio to Michigan, where his fellowship was, back to Ohio, to Staten Island, Manhattan, and then back to Ohio. The uncertainty of not knowing where they were going to go next has been emotionally draining. Economically, he still hasn't recovered the cost of the second examination, lawyers' fees, moving, and selling his house in Michigan. It's been difficult. The pending decision on his present practice would be irreversible as far as the consequences.

Dr. Ahmed stated that he has learned from his mistakes. He has taken steps to remediate and redeem himself. He completed an additional one-year of internal medicine training at Staten Island and received a

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certificate of completion. Susan Grossman, M.D., was his program director. She monitored him very closely, and spoke to the American Board of Internal Medicine frequently that year. During his hearing, she flew from New York and stated that he was honest and forthright. The reason she took him into her program was because he was open with all of the correspondence and paperwork she verified with Riverside. Because of the year in Staten Island, he met the strict requirements of the American Board of Internal Medicine as far as the non-cognitive things of professional, ethical, and moral behavior, and he was allowed to become a member of the ABIM.

Mr. Browning advised Dr. Ahmed that he had a minute to finish his statement.

Dr. Ahmed stated that he subsequently sat for the ABIM examination and passed. He did an additional year of training in Manhattan. Farooq Chaudhry, M.D., testified on his behalf at the hearing about his honesty and being truthful. In 2001 he was presented with a situation similar to that that occurred in 1999, leaving a medicine program, going to a fellowship, and still having the anxiety of test-taking, which was even more fearful because he didn't know if he passed the first time. This time he did it the right way; he was honest and forthright. He feels like he learned his lesson. He's been honest and thorough with insurance companies and in getting hospital privileges in his hometown of Springfield.

Dr. Ahmed stated that he hopes that the Board sees that he's human and has made mistakes. He can't change the poor decisions he's made in the past, but he can learn from them. He's truly sorry for what he's done. He paid a substantial price for his mistakes, and he hopes that the Board sees that he's taken steps to remediate and has learned from them. He hopes to be a credit to his profession. He loves medicine and taking care of his patients. With the Board's help he can get his life back together again and start his career.

Mr. Browning asked whether the Assistant Attorney General wished to respond.

Mr. Michael stated that Mr. Wilcox handled this case and he asked Mr. Michael to share a few of his thoughts with the Board.

Mr. Michael advised that Dr. Ahmed was in the last year of his residency program and set to graduate when he failed to complete two separate months of rotations. In addition to that, he filled out the evaluations for the doctors for those programs for those two months and submitted them as having attended them. In July, the residency program director, Dr. Baird, spoke with Dr. Ahmed about the problem. Instead of admitting what he'd done, he lied about it and gave an explanation. When Dr. Baird found that explanation to be false, Dr. Ahmed lied again. During the process, Dr. Ahmed solicited a lab supervisor to try to help him in his fraud and his explanations by lying on his behalf. Fortunately, she refused to do that.

Mr. Michael stated that the bottom line here is that Dr. Ahmed falsified and filed with the program important documents that he absolutely knew to be false. When confronted, he continued to lie and lie again. Eventually, Riverside Hospital allowed him to come back in and gave him another chance to try to complete his residency. His certificate being rescinded was the first time in 18 years, according to Dr. Baird, that that had happened at Riverside. Instead of taking the opportunity to redeem himself that Riverside gave him, he was ultimately dismissed out of that program.

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Mr. Michael stated that he thinks the Hearing Examiner put it well when he said, "how many times can an honest person lie and still be considered to be an honest person." The State is in full agreement with the Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ASHFAQ TAJ AHMED, M.D. MS. SLOAN SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Kumar stated that he looked at this case extensively and gave it a lot of thought. On one hand, he doesn't believe that this was a benign lie, as Dr. Ahmed would like the Board to believe; but he doesn't see this absolutely as the Report and Recommendation makes it out to be either. He believes that the Board should take action against Dr. Ahmed's license. He noted, however, that there is no evidence in the record that Dr. Ahmed's actions caused any harm to a patient or hurt any citizen. As a matter of fact, Dr. Ahmed got excellent commendations from all of the program directors. He was resident of the year. Also, when he went to the Staten Island program, he received glowing reviews from that residency program.

Dr. Kumar continued that it appears that Dr. Ahmed can be rehabilitated. Dr. Ahmed worked hard in getting his residency done again. He worked hard to get his ABIM boards. Also, it appears that everybody else has given Dr. Ahmed a second chance. The residency program and the ABIM gave him a second chance. Dr. Kumar stated that he hopes that Dr. Ahmed has learned his lesson and can be given a second chance.

DR. KUMAR MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ASHFAQ TAJ AHMED, M.D., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Ashfaq Taj Ahmed, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Ahmed's certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Ahmed's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Ahmed shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

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2. **Personal and Professional Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Ahmed shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee, but in no event shall the number of hours be less than thirty. Dr. Ahmed is advised to seek input from Board staff in selecting a course to present to the Board for its consideration. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.
 3. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Ahmed has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.
- C. **PROBATION**: Upon reinstatement or restoration, Dr. Ahmed's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law**: Dr. Ahmed shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance**: Dr. Ahmed shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances**: Dr. Ahmed shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Annual Continuing Medical Education Course(s) in Personal and Professional Ethics**: Dr. Ahmed shall provide acceptable documentation of successful completion of a program of at least five hours of Continuing Medical Education credit in personal and professional ethics for each year of

probation, such courses to be approved in advance by the Board. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

5. **Monitoring Physician:** Within thirty days of the date of the reinstatement or restoration of Dr. Ahmed's certificate, or as otherwise determined by the Board, Dr. Ahmed shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Board. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Ahmed and who is engaged in the same or similar practice specialty. Further, the Board may, in its discretion, request the substitution of another individual to serve in this capacity at any time.

The monitoring physician shall maintain frequent, regular contact with Dr. Ahmed and other individuals with whom Dr. Ahmed interacts both personally and professionally, such that he or she can speak with authority as to Dr. Ahmed's ongoing reputation in the community for veracity and integrity. The monitoring physician shall provide the Board with written status reports as to that reputation, to include any complaints or concerns of which he or she is aware, whether or not substantiated. Dr. Ahmed shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Ahmed's quarterly declaration.

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

6. **Tolling of Probationary Period While Out of State:** In the event that Dr. Ahmed should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Ahmed must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
7. **Violation of Terms of Probation:** If Dr. Ahmed violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may

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set aside the stay order and impose the permanent revocation of Dr. Ahmed's certificate.

- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Ahmed's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ahmed shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Ahmed shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ahmed shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Ahmed shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Ahmed shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

DR. STEINBERGH SECONDED THE MOTION.

Mr. Browning stated that he would entertain further discussion in the above matter.

Dr. Steinbergh stated that this is a case of a young man who has been very unprofessional because of his lying. She added that, in her years, she has never known anyone who didn't go to his rotations and then continue to lie about it. She was overwhelmed by the amount of dishonesty on Dr. Ahmed's part. Dr. Steinbergh added that it's true that Dr. Ahmed had good recommendations in regard to his clinical abilities, but the practice of medicine goes beyond clinical skills. Every decision has to be honest and open. When you take a look at a physician who's been dishonest, at what point do you believe that he's honest? How do you repair a broken trust?

Dr. Steinbergh stated that she would like to give Dr. Ahmed another chance because he's young and made mistakes at an age where they can be corrected, if Dr. Ahmed has the desire to correct them. Riverside Hospital did the honorable thing in letting him out of their residency program. They had no other choice. This Board has a desire for programs to monitor their young physicians and be certain that they are going to be appropriate physicians for practice in the state of Ohio. In this case, Riverside did the most appropriate thing. It was sad, then, to see Dr. Ahmed continue to lie after that, when he knew that he had lied and then he perpetuated the lie and asked other people to try to cover up for him. Dr. Steinbergh stated that, as she read through this, she was very alarmed about a young person starting out in the practice of medicine with this audacity and inability to be honest.

Dr. Steinbergh added that the Board doesn't know that Dr. Ahmed has not harmed a patient. This Board doesn't know if he's lied about certain medical records, about his impression on a case. The Board has to take the opinion of those people who have been doing quality assurance in his hospitals. Dr. Ahmed is the only one who knows whether he's harmed a patient because he's the only one responsible for making those decisions. Those are critical decisions – to make sure that he's evaluated the patient properly, that he puts down the proper assessment, that his plans are appropriate. Dr. Ahmed has these people's lives in his hands every single day. The Board doesn't know to this day whether or not he's harmed anyone. The Board can assume, that if Dr. Ahmed lied about the kinds of things he lied about, there are a lot of other things he can lie about.

Dr. Steinbergh spoke in support of Dr. Kumar's amendment, adding that the proposed six-month suspension might be a little short. The conditions in the amendment are appropriate. She stated that an interesting addition is the language in paragraph C.5., concerning the role of the monitoring physician.

Dr. Kumar stated that the reason he chose a six-month suspension is because he was told by Ms. Lubow that the process for finding and receiving approval of an ethics course will probably take longer than six months. It will probably take between six months and a year to finish that.

Dr. Steinbergh stated that Board members may or may not agree with that time out, although she thinks that the time out is important. She added that she would admit that she's been pleased to see Dr. Ahmed's recovery in the sense that he has gone on and has apparently successfully completed his postgraduate years. But this is the most critical time of his life, in terms of his professional life, and she thinks that Dr. Ahmed knows that.

Dr. Egner spoke in support of the amendment. She stated that she looked at this and believes that Dr. Ahmed has some positive points. He certainly was persistent in getting through medical school; it took him two extra years to do that. He was persistent in finding postgraduate education. Dr. Ahmed wants to be a physician, and there's no doubt that he has the dedication and has put in the time to become a physician.

Dr. Egner noted that Dr. Ahmed did get the "Resident of the Year" award from his residency program, and he got high marks from the other programs he attended. The Board can't ignore that. On the other hand, she looks at the residency program, and that does raise some questions for her. How can a resident miss two whole months of rotation and it's not discovered until after he graduates? She's not dismissing the fact

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that Dr. Ahmed didn't go, but it doesn't speak well for the program. And then they give this resident the "Resident of the Year Award." They should have known that he hadn't shown up for rotation in April and June. It's a problem that they didn't even realize it until afterward. Then, Dr. Neiger, who had been his advisor, is suddenly gone and there's no one to replace him. Dr. Egner stated that she thinks that Dr. Ahmed went up against a system that had all the power. She sometimes wonders if that wasn't why the program was somewhat uncooperative with him. Dr. Egner stated that she doesn't want to excuse Dr. Ahmed's behavior and untruthfulness. She thinks that this recommendation gives the Board enough time to watch him, and that he understands the seriousness of this. She is not in favor of his losing his license.

Dr. Talmage stated that there are several things that influenced him in this case. If somebody of the stature of Dr. Ruff, whom he knows and respects, and who has been a member of the AMA Council on Ethical and Judicial Affairs, says that Dr. Ahmed is a good resident and that he is capable of practicing, he respects that opinion very highly. The fact that he has gone through two other programs, and the American Board of Internal Medicine has looked at his veracity and his ability to practice honorably and has given him the opportunity to take the exam, weighs very heavily for him. Dr. Talmage stated that he would not be in favor of a suspension longer than 180 days, and even questions 180 days. How much time does he need out for reflection? Does this really serve a useful purpose? It does serve the useful purpose of being an object lesson. This is a punishment for not being honest. He doesn't object too highly to it, and would not vote against it if the rest of the Board thought it was appropriate. Consideration of a lesser period might be appropriate.

Dr. Buchan stated that on its face this case read clearly without much question about the honesty issue and without much question about the course of events that occurred. His notes in reviewing this case reflect that a three-month suspension would be adequate. He thinks the lessons have been learned. He believes Dr. Ahmed, and he believes that this behavior is not likely to repeat. Based upon that and Dr. Ahmed's presentation today, he would agree with the amendment as written, but would side with a lesser suspension time and let this young physician get on with his life.

Dr. Bhati stated that, if you really dissect this case, it was a simple situation where a person went into a residency program, and both the physician and the administration of the residency program are at fault. Having taken care of residents for 30 years, this was not a one-sided story. This was a young man who definitely lied and has been dishonest, not only once, but more than once, quality wise, and personally wise. He hopes that Dr. Ahmed understands what he did wrong and never does anything like it again. Dr. Bhati also questioned why Dr. Ahmed was not caught when he didn't show up for his rotation for two months. That is ridiculous. He doesn't think the Board will gain a whole lot by suspending Dr. Ahmed for 180 days. A three-month suspension is adequate.

Dr. Kumar commented that when he initially drafted the proposed amendment, he had put in a three-month suspension.

Mr. Dilling stated that the original amendment was for not less than 180 days. He stressed that, whatever the Board does, it needs to include the words "not less than," unless the Board wants to set a specific time out. If the Board wants to amend the proposal to "not less than 90 days," the Board should understand that

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Ms. Lubow was only giving Dr. Kumar some idea of what it has taken in the past for a physician to find and complete a program.

Mr. Albert joined the meeting during the previous discussion.

DR. KUMAR WITHDREW HIS MOTION AND MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ASHFAQ TAJ AHMED, M.D., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Ashfaq Taj Ahmed, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Ahmed's certificate shall be SUSPENDED for an indefinite period of time, but not less than ninety (90) days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Ahmed's certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Ahmed shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Personal and Professional Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. Ahmed shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee, but in no event shall the number of hours be less than thirty. Dr. Ahmed is advised to seek input from Board staff in selecting a course to present to the Board for its consideration. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.
 3. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Ahmed has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.
- C. **PROBATION:** Upon reinstatement or restoration, Dr. Ahmed's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a

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period of at least five years:

1. **Obey the Law:** Dr. Ahmed shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
2. **Declarations of Compliance:** Dr. Ahmed shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances:** Dr. Ahmed shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Annual Continuing Medical Education Course(s) in Personal and Professional Ethics:** Dr. Ahmed shall provide acceptable documentation of successful completion of a program of at least five hours of Continuing Medical Education credit in personal and professional ethics for each year of probation, such courses to be approved in advance by the Board. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.
5. **Monitoring Physician:** Within thirty days of the date of the reinstatement or restoration of Dr. Ahmed's certificate, or as otherwise determined by the Board, Dr. Ahmed shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Board. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Ahmed and who is engaged in the same or similar practice specialty. Further, the Board may, in its discretion, request the substitution of another individual to serve in this capacity at any time.

The monitoring physician shall maintain frequent, regular contact with Dr. Ahmed and other individuals with whom Dr. Ahmed interacts both personally and professionally, such that he or she can speak with authority as to Dr. Ahmed's ongoing reputation in the community for veracity and integrity. The monitoring physician shall provide the Board with written status reports as to that reputation, to include any complaints or concerns of which he or she is

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aware, whether or not substantiated. Dr. Ahmed shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Ahmed's quarterly declaration.

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

6. **Tolling of Probationary Period While Out of State**: In the event that Dr. Ahmed should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Ahmed must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
 7. **Violation of Terms of Probation**: If Dr. Ahmed violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the permanent revocation of Dr. Ahmed's certificate.
- D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Ahmed's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ahmed shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Ahmed shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ahmed shall provide a copy of this Order by

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certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Ahmed shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Ahmed shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

DR. STEINBERGH, AS SECOND, AGREED TO THE WITHDRAWAL OF DR. KUMAR'S ORIGINAL MOTION AND SECONDED HIS NEW MOTION.

A vote was taken:

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

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF ASHFAQ TAJ AHMED, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

ANIL K. BAJAJ, M.D.

Mr. Browning directed the Board's attention to the matter of Anil K. Bajaj, M.D. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANIL K. BAJAJ, M.D. DR. TALMAGE SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Talmage stated that he thinks that Mr. Porter has written a perfectly good order for this case. He objects to Dr. Bajaj's suggestion that the Board might restrict his practice to a VA clinic, serving as a medical officer with the army/navy, serving as medical officer for jailed inmates, or taking part in a fellowship in a hospital. Dr. Talmage indicated that it is ludicrous to think that the Board would find someone incapable of practicing in a community, and yet let that individual practice as Dr. Bajaj outlines. The weight of the evidence shows that permanent revocation is justified in this case.

Dr. Bhati stated that this Board has minimal tolerance for sexual abuse cases. Dr. Bhati stated that he agrees with Dr. Talmage; this case deserves permanent revocation.

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

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

The motion carried.

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STEVEN W. CRAWFORD, M.D.

Mr. Browning directed the Board's attention to the matter of Steven W. Crawford, M.D. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

Mr. Browning advised that a Motion to Reopen the Hearing Record has been filed by Dr. Crawford. Subsequently, Mr. Michael filed his Memorandum Contra to Respondent's Motion to Reopen the Hearing Record and Motion to Strike Proposed Exhibit J for Violating Patient Confidentiality Requirements. Mr. Browning noted that these materials were previously distributed to Board members. He continued that, subsequently, Mr. Plinke, Dr. Crawford's attorney, filed his Memorandum in Opposition to Mr. Michael's Memorandum Contra. Mr. Browning at this time allowed Board members time to read Mr. Plinke's Memorandum.

Mr. Browning asked whether the Board wished to grant Dr. Crawford's motion to reopen the hearing record. There was no motion by the Board to reopen the hearing record.

Mr. Browning stated that a request to address the Board has been timely filed on behalf of Dr. Crawford. Five minutes would be allowed for that address.

Dr. Crawford apologized to the Medical Board for its having to review his case. He stated that his conduct that brought him before the Board today is an incredible embarrassment to him. As a resident in obstetrics and gynecology in Cincinnati he developed lumbar back pain due to disc disease. He began treating himself. Initially he thought the pain would inhibit him from being able to work. Over time, as his dependence to hydrocodone grew, his use became abuse. In May 2002 his hospital medical director asked him if he felt that he had a problem with narcotics. Dr. Crawford stated that he informed the medical director that he did feel that he had a dependency issue. At that time he voluntarily resigned his hospital privileges and admitted himself to Shepherd Hill the next day, May 29, 2002.

Dr. Crawford stated that he successfully completed treatment at Shepherd Hill on August 23, 2002. He entered into a Step 1 agreement with the Medical Board in August 2002. In November 2002, he entered into a "treatment in lieu of conviction" agreement with the Scioto County Court of Common Pleas. The former prosecutor in his case wanted to charge his mother, a colleague, and a patient with several felony offenses. He wanted to protect these people, whom he'd used and manipulated to get his hydrocodone for him. His mistake was in being misleading and trying to protect these people. He finds that unacceptable at this point. Dr. Crawford stated that his process has enabled him to see and to understand that this is unacceptable.

Dr. Crawford stated that he has been out of practice since May 2002. He has many patients and colleagues who would like to see him return to work in his home town of Portsmouth, Ohio. He misses his practice, patient care, and delivering babies. He celebrated his one-year clean date on May 30, 2003. His recovery program is in place, and he has abided by the contracts of his aftercare and OPEP.

Dr. Crawford again apologized to the Medical Board. He stated that his past conduct was unacceptable. He understands what is required of him under the Report and Recommendation, and he is prepared to fulfill

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his responsibilities.

Mr. Browning asked whether the Assistant Attorney General wished to respond.

Mr. Michael stated that Dr. Crawford is a severely impaired physician, which became clear throughout this case. He pattern of drug use in relation to his treatment of his patients is particularly appalling. Over the couple of years when his pattern of use grew, Dr. Crawford said that he was taking up to 60 to 100 pills a day. He continued to treat patients while impaired. Additionally, it took Dr. Crawford a long time to become forthright about his actions, especially his involvement with Patient 1. Not only was she his patient, she was also an employee of a private investigation company that Dr. Crawford owned, and of which he was a principle. That came out in the hearing. Additionally, it took quite a long time for Dr. Crawford to admit that he was paying for prescriptions that Patient 1 had filled at multiple pharmacies and which she then returned to Dr. Crawford. Dr. Crawford lied to the Board. He denied critical elements of his use, and his level of impairment is excessively high. In recent cases, heavily impaired physicians have been given several years' suspension. The State feels that the recommended 18-month suspension is not commensurate with the level of Dr. Crawford's impairment, and would urge the Board to consider a lengthier period of suspension.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF STEVEN W. CRAWFORD, M.D. DR. TALMAGE SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Talmage indicated that he watched the videotape, and as it progressed through, he questioned whether or not the subterfuge was the product of Dr. Crawford's trying to protect someone, or the product of the impairment itself. He doesn't know that that question was ever satisfactorily answered. Dr. Talmage stated that he's encouraged by the fact that Dr. Crawford has had one year of being clean, and he believes that the order is appropriate. The suspension is for 18 months, and the continued probation after that will keep Dr. Crawford under surveillance. Dr. Talmage stated that he appreciates the Attorney General's concern that this suspension is shorter than others, but he has argued for shorter suspensions on others, too. He thinks 18 months is appropriate. Dr. Talmage noted that that will only leave eight more months of suspension, but with one year of being clean and an additional eight months, he is satisfied with that and would be comfortable with Dr. Crawford going back into practice at that point.

Dr. Steinbergh agreed with Dr. Talmage that the Board Order is appropriate. She added that she appreciates the State's desire to see a longer suspension, but noted that this suspension will be retroactive to August 14, 2002. The Board can either accept the 18 months or something longer.

Dr. Buchan suggested that, whether the Order suspends Dr. Crawford's license for 18 months, 2 years or 1 year, it represents the end of the line in his view. The Order calls for a stayed revocation. The length of time for suspension is appropriate, but if he ever, personally, sees this case come back before the Board, there won't be this much discussion. He would simply vote to revoke the license.

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Dr. Egner spoke against tallying the suspension period from August 2002. She believes that Dr. Crawford needs a true 18 months out from today's date. Dr. Crawford has a severe addiction. He took 60 to 100 Vicodin a day, while taking care of obstetrical and gynecological cases. She stated that this is appalling. Obviously, this had to have affected his practice. Secondly, Dr. Crawford did not spend 28 days in an in-patient facility. He spent three months in the inpatient recovery process. Even after that he had not come to grips with it enough to tell the truth. He answered the Board's interrogatories in October 2002, after he had been out of his in-patient treatment since August. She stated that she would have thought that he would have come to grips enough with his addiction and the need for truthfulness to have been honest with the Board. Dr. Egner stated that she doesn't want to put too much stock into the videotape, because it is so unusual for the Board to review videotapes. She doesn't want it to harshly turn her against Dr. Crawford, but she does think that he has a very severe addiction. She would be in favor of a true 18-month suspension from this date, and added that she wants Dr. Crawford to understand that he does have a permanent revocation hanging over his head.

Dr. Bhati stated that this is someone who was in in-patient treatment for three months, who took as many as 80 to 90 tablets daily and worked during that time. This wasn't a mild addiction. It was a very severe addiction, and at minimum, 18 months out is required in this case and not any less. He would have gone for more, but he will go along with Dr. Egner that the 18 months should start from now. This appears to be a very severe addiction case, and Dr. Crawford needs time out to sit down and think about it. This isn't going to go away.

Ms. Sloan stated that she will vote in favor of the 18-month suspension, retroactive to August 2002. She commented that she is usually in favor of a harsher sanction. Ms. Sloan stated that she thinks that Dr. Crawford needs to understand that this is a severe case. The Board does not want to see this case before it again.

**DR. BHATI MOVED TO AMEND THE PROPOSED ORDER TO SUSPEND DR. CRAWFORD'S LICENSE FOR A MINIMUM OF EIGHTEEN (18) MONTHS, EFFECTIVE TODAY.
DR. EGNER SECONDED THE MOTION.**

Mr. Browning stated that he would entertain discussion on the motion to amend.

Dr. Davidson spoke in favor of the amendment. She remarked that she is still muddling over what the role of suspension is supposed to be. Is it punishment? Is it an example for others? Is it rehabilitation? If you take that it's rehabilitation, you have to consider that some impairments require a longer suspension to be rehabilitated. Dr. Davidson stated that she agrees with Dr. Bhati that this is a significant case, and the proposed amendment is not by any means out of line with some of the suspensions the Board has dealt out recently.

Dr. Talmage stated that the amendment would make the total suspension time close to two and a half years. He's not in favor of that, and would prefer the 18 months total.

Dr. Davidson stated that, mitigating in this circumstance, this is Dr. Crawford's first opportunity for treatment. She believes that such may deserve a shorter suspension than one who has failed after

treatment.

A vote was taken:

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

The motion carried.

DR. EGNER MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF STEVEN W. CRAWFORD, M.D. DR. BHATI SECONDED THE MOTION.

Dr. Egner expressed concern about the severity of the addiction. The additional time out is an assurance to the Board that he will remain drug free for that two and a half year period of time. She admitted that it is a long time out of practice, but she would put this with other cases the Board has seen, when the Board has imposed four years of suspension. She stated that her motion was made due to the severity of Dr. Crawford's addiction and her need to see that Dr. Crawford can stay drug free.

Dr. Bhati agreed with Dr. Egner, stating that this case is so severe that Dr. Crawford needs time to sit back and realize what he's done. He believes that the Board would be doing him a favor.

Dr. Buchan stated that the amended Order has now moved into the zone where the Board would require SPEX and retraining because of the over-two-year suspension. He stated that he believes there is a therapeutic need for time for Dr. Crawford to process, but 18 months is a long time in his view. He referred to the reinstatement requirements in the amended Proposed Order that describe letters of fitness to practice, urine screens, evidence of full compliance with the Order as written. There is a tremendous number of safeguards in place that suggest that the Board will be monitoring Dr. Crawford very severely. If he is not fit to practice, there's nothing magic about 18 months. It could be 20 or 22 months. He believes that Dr. Crawford understands that this is the end of the line. He just doesn't see the merits in the extended time. He thinks there are enough barriers and safeguards in place.

Dr. Steinbergh agreed with Dr. Buchan. If the Board does go forward with the amended order, it will need to include language in the Order regarding the SPEX. Dr. Steinbergh added that she has mixed feelings

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about this case, because there have been physician who have wished that the Board had been more severe. She noted that Dr. Crawford agreed that the original proposed Order is appropriate. She noted that Dr. Crawford has been compliant for a year, and she doesn't think that the Board needs to go with a longer suspension period.

Dr. Bhati stated that, based upon the severity of this case, 18 months out of practice from today is reasonable.

Dr. Kumar commented that the fact that Dr. Crawford has been drug-free for the last year weighs heavily in his mind. He spoke in support of approving the Hearing Examiner's Proposed Order.

Mr. Dilling noted that Dr. Kumar previously abstained in the vote to amend. He asked whether this was due to a conflict of interest on Dr. Kumar's part.

Dr. Kumar stated that it was not.

A vote was taken on the motion to approve and confirm, as amended:

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

The motion failed.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF STEVEN W. CRAWFORD, M.D., AS ORIGINALLY WRITTEN. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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Dr. Davidson	- nay
Dr. Robbins	- nay
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

RYAN HANSON, M.D.

Mr. Browning directed the Board's attention to the matter of Ryan P. Hanson, M.D. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Dr. Hanson's attorney, Joseph R. Landusky, II, appeared on Dr. Hanson's behalf. He advised that Dr. Hanson is currently attending patients and has decided not to appear before the Board today. He did appear at the hearing in March.

Mr. Landusky stated that he would like to highlight a few issues raised in his objections. He noted that Dr. Hanson pled "no contest" to a charge of fourth degree misdemeanor, public indecency. The allegations were that, on a certain date several months ago, Dr. Hanson was jogging through Berliner Park, was approached by an undercover police officer, and exposed himself. He was charged with the offense of public indecency. Dr. Hanson appeared before Judge Steven B. Hayes. He originally pled "not guilty" in the case. He was advised that if he were to plead "no contest," he would receive a one-year non-reporting probation and a \$250.00 fine. With the agreement of the State of Ohio, he would also be eligible to file for expungement of his record one year thereafter.

Mr. Landusky stated that, from the beginning, Dr. Hanson has stated to all involved that he did not commit the offense for which he was charged. Mr. Landusky commented that that's a tough thing to deal with because there has been a finding that he did commit the offense, and Dr. Hanson pled "no contest." Mr. Landusky stated that, with the promises he was given with regard to this offense and the situation he was in at the time, Dr. Hanson didn't think that he would be believed. He was told that this was the lowest level offense in the criminal justice system for which one can receive jail time. There's a 30-day maximum jail sentence and a \$250 fine. He was assured by everyone involved that a "no contest" plea would result in no jail time and he wanted to put this behind him because he's a very private individual.

Mr. Landusky stated that he wasn't there. No one was there, and who knows for sure what happened. Dr. Hanson may be lying about it. This whole thing has been a very difficult thing for him.

Mr. Landusky stated that he thought that Ms. Murphy's report was thorough. He believes that she listened to the evidence, but he feels that she went out of her way to mention a few things that he didn't think were fair to his client. She chose to believe the police officer. That was her prerogative in this matter. In the

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end, this case is one man's word against another's. There was no other evidence of any kind. Mr. Landusky stated that he knows that being truthful is very important to this Board, but he asked the Board to consider the fact that his client may be telling the truth. Maybe Dr. Hanson really didn't do the acts of which he was charged. If that were true, this is a very unfortunate situation for him. The allegations in his case were that one undercover officer "cruised" his client and there was eye contact back and forth. Even if the Board believes the officer, this was not a situation where there was anyone else around. It was at 8:30 at night, in a park, it was nearing dark. Even in the findings by the Hearing Examiner, it was determined that they had moved back 25 to 30 yards out of sight of anyone. However, in her Conclusions of Law she determined that women and children were likely to be present and would have seen this sort of activity. If that were true, and if there was evidence of that, he believes those witnesses would have come forward. Mr. Landusky stated that in that case, he would agree that it would be a question of moral turpitude. When it comes down to it, his client was convicted of the fourth degree misdemeanor. Mr. Landusky stated that he believes that the question for this Board is whether this is a situation where Dr. Hanson committed an act involving moral turpitude. He stated that he would disagree with a finding that a gay person engaging in gay sex is a case of moral turpitude. He doesn't believe that the Hearing Examiner was necessarily trying to say that or anything like that. Mr. Landusky continued that he believes that, even if the allegations were true, they were in a situation where there was not anyone else present. The evidence shows that there wasn't anyone else present, except there were other males around the area. No one had seen it at all.

Mr. Browning advised Mr. Landusky that he has one more minute to conclude his statement.

Mr. Landusky stated that he does not believe that his client should lose his license to practice medicine. It's very important to take into account the testimony by Dr. Grace, who took time out of his day to testify at hearing that he believed that, even if the allegations were true, there shouldn't be such a heavy-handed suspension, and that Dr. Hanson should not lose his license for a month. Mr. Landusky asked that the Board not suspend Dr. Hanson's license. He stated that he's certain that the State of Ohio didn't even ask at the hearing that Dr. Hanson lose his license to practice medicine for a month. Mr. Landusky noted that Dr. Grace, who is known nationwide and is a very respected member of the medical establishment, stated that, among other things, Dr. Hanson is one of the most productive and dedicated members of his medical staff, that he's a quite, dependable individual who has maintained a high standard of moral values, and that his professional conduct is exceptional. Dr. Grace also pointed out that Dr. Hanson is an outstanding member of the medical team, and that the student population of Ohio State University would be adversely impacted by any absence of this doctor.

Mr. Browning asked whether the Assistant Attorney General wished to respond.

Ms. Albers advised that this was also one of Mr. Wilcox's cases, and Mr. Wilcox is sorry that he's unable to be here today. Ms. Albers stated that she will address the Board in his absence.

Ms. Albers stated that the Board has the transcript of the hearing in this matter in front of it. The Board members were able to review the testimony of the police officer, as well as Dr. Hanson's testimony in this matter. The Hearing Examiner found Dr. Hanson's testimony to be not credible, and the police officer's testimony to be very credible.

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Ms. Albers stated that Dr. Hanson was convicted of public indecency for actions that took place in a public park. This is a physician who is in a position of trust in the community. Ms. Albers stated that the 30-day suspension is appropriate.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF RYAN HANSON, M.D. DR. ROBBINS SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Egner stated that, prior to the testimony today, she was going to ask for just a reprimand. The reason is that she does think that the Board has to make some distinctions here that are different from other sexual cases the Board has had. This was totally outside of Dr. Hanson's practice. There are no allegations of it involving patients. Dr. Egner stated that she does not think that the Board is the sex police. She does think that Dr. Hanson has incredibly poor judgment. She believes that it happened. When Mr. Landusky says that this is just one man's word against another, it's not. She stated that that is insulting. Dr. Egner stated that she believes that Detective Fisk has had a lot of training and knowledge in this area. It's not just one man's word against another. Dr. Hanson still cannot come to grips to tell the truth that this is what happened. Dr. Egner added that, whether or not Dr. Hanson's absence today should influence her, it does. He did not find this important enough to come to talk to the Board about this incident. She is concerned about his judgment. He probably could use a little bit of time out. Dr. Egner commented that there are some kinds of ethical and judgment courses from which Dr. Hanson could benefit if given time to take them.

Dr. Egner continued that, on the whole, his act, in and of itself, doesn't bother her all that much, except that it shows poor judgment. It is not related to his practice, and that's why she's not in favor of a five-year probation. She doesn't think that the Board needs to watch him that long. The short time-out of 30 days is appropriate.

Dr. Steinbergh stated she doesn't have to make a decision about whether Dr. Hanson did it or not. Dr. Hanson was convicted in the courts of one misdemeanor count of public indecency. He did it in a public park. Dr. Steinbergh noted that the third paragraph of the second summary of evidence in the Report and Recommendation does have an error, in that it refers to the incident occurring on June 2, 2003, rather than on June 2, 2002.

Dr. Steinbergh stated that her thought about this is that the Franklin County Court convicted him, fined him, suspended his jail sentence, and put him on non-reporting probation for one year. It also ordered him to stay off the lands and premises of all public parks in Franklin County. She noted that Dr. Grace, Dr. Hanson's employer, has indicated that Dr. Hanson must have a chaperone during male and female sexual examinations, and he recommended a five-year probation, which Human Resources reduced to one year. Dr. Steinbergh stated that she would support staying the 30-day suspension period, and reducing the probation to two years. She doesn't think the Board needs to watch him for five years, but she does think that, because of his conviction, this would be in order. Dr. Hanson made a very bad decision. She

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understands that it is his private business, but when he does it in a public park, it becomes a public decision, it becomes a state decision, and the court convicted him.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF RYAN P. HANSON, M.D., TO STAY THE PERIOD OF SUSPENSION, AND TO REDUCE THE PROBATIONARY PERIOD TO TWO YEARS, WITH ALL OTHER PARTS OF THE ORDER IN PLACE.

Dr. Bhati reminded the Board that it has suspended the licenses of physicians who lied about C.M.E. for 30 days. This man was convicted of indecency in a public park.

DR. EGNER SECONDED THE MOTION.

Dr. Talmage spoke against the amendment. He stated that he was a runner for 30 years and got chafed a number of times, but he certainly never left the trail, nor did he even check it when he was on the trail. He waited until he got back home. Dr. Hanson's testimony is not credible. Dr. Talmage stated that his other concern is the trust that has to be there at University Health Service is of such a degree that a five-year probation is totally appropriate. He can't agree with anything less than that.

Dr. Buchan spoke against the amendment. He stated that he has grave concerns about long-term behavior. He finds the suggestion that after two years, or even five years, Dr. Hanson is cured of whatever poor judgment he had in the park one day to be faulty. Dr. Buchan stated that he's not a psychiatrist, but he thinks a psychiatric evaluation is not unreasonable in this case. At this point, he's not sure that Dr. Hanson's behavior won't be repeated. This was a horrible scenario that developed. To say it was poor judgment is an understatement. He stated that he would support the order, as written, with the addition of psychiatric review. He believes that a psychiatrist has to give the Board the approval that Dr. Hanson is reasonable to take care of the public.

Dr. Egner stated that Dr. Hanson exposed himself. She believes that the Board is in agreement with that. The Court also found that. Dr. Hanson pled "no contest" to that. He didn't do this in his office or with a patient. He did it in a secluded section of a park to someone, whom, she assumes, he thought was open to that gesture. She doesn't consider this a psychiatric condition, and she thinks that that's a dangerous path to go down. There are many things that someone might do outside of their practice of a sexual nature that Board members may not do or may, personally, find objectionable. Does the Board say that this is against the medical practice act? Dr. Egner stated that, in this case, she would say no. It does not reach that level. There are many other things that don't. Dr. Egner commented that it's not the Board's job to watch every movement a physician makes in his or her life just because he or she is a physician. Dr. Egner stated that she thinks that the Proposed Order is too harsh, and she would definitely be against any kind of psychiatric evaluation. She doesn't think that there is anything in the record to show that he needs that or that the Board would benefit by his getting it.

Mr. Browning stated that the psychiatric review is not part of the motion on the table.

Dr. Buchan stated that to suggest that there's not some cross-over of bad behavior in a medical practice

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from people who expose themselves publicly is difficult for him to accept. Because there may be some behavior problems, the Board has asked for a third party to be present during treatment. If the Board doesn't believe that there's some cross-over, or potential behavior problems, the Board should strike that from the Order; but he believes there may be. He added that he's not an expert in the area, which is why he calls for an expert's opinion before the Board moves forward with the Order, as written.

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

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

The motion failed.

Dr. Robbins stated that he is very disappointed that Dr. Hanson did not appear before the Board today. He added that he believes it would be wrong to make the order any more restrictive than originally proposed by the Hearing Examiner.

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

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

The motion carried.

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REZSO SPRUCH, M.D.

Mr. Browning directed the Board's attention to the matter of Rezso Spruch, M.D. He advised that objections were filed to Hearing Examiner Roberts' Report and Recommendation and were previously distributed to Board members.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF REZSO SPRUCH, M.D. DR. TALMAGE SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that this is a case of sexual misbehavior in practice. Dr. Spruch pled guilty to, and was adjudged guilty of, two misdemeanor counts of Attempt Criminal Sexual Abuse. He surrendered his medical license in New York in June 2002, based upon his guilty plea in Illinois to the sexual misdemeanor counts. Dr. Steinbergh stated that she finds the Board Order to be appropriate. This license should be permanently revoked.

Dr. Talmage agreed with Dr. Steinbergh.

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

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

The motion carried.

DAVID VINSON, JR., M.D.

Mr. Browning directed the Board's attention to the matter of David Vinson, Jr., M.D. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Mr. Browning continued that a Motion to Admit Additional Evidence has been filed by Dr. Vinson. Subsequently, Ms. Albers filed her Memorandum in Opposition to Respondent's Request. Mr. Browning

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asked whether there was a motion to grant Dr. Vinson's motion. There was none made.

Mr. Browning advised that a request to address the Board has been timely filed on behalf of Dr. Vinson. Five minutes would be allowed for that address.

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

Mr. Byers stated that he realizes that his motion to admit the additional evidence was not granted. In some respects, Dr. Vinson appears today as an outlier from the other cases. There are no issues of integrity, honesty, truthfulness, sexual boundaries, sexual acting out or criminal conduct. This is a true standard of care case. Unfortunately, what is on the table as a Proposed Order is a lifetime revocation of his license. Mr. Byers stated that, hopefully, once the Board members hear from Dr. Vinson and consider the objections, there will be a reasonable and fair outcome, other than revocation.

Dr. Vinson thanked the Board for the opportunity to present himself, and for the efforts the Board members have put forth in this case. This is a career-threatening case, so he would like to address some of the cases that were brought before the Board.

Dr. Vinson stated that the first case concerns the retained foreign body. He stated that he fully takes responsibility for this. He's the one who put it in there and he's the one who left it there, so he takes full responsibility. There are some extenuating circumstances, which he doesn't bring up to justify what he did, but to help to try to explain it. In the operating room, the surgeon and the operating room staff work together as a team. When the instrument counts are reported as correct, and they are actually incorrect, that does hinder the surgeon in the job that he has to do. In this case, the instrument count was reported as correct, when, actually, in fact, an instrument count had never actually been done. That was discovered subsequently.

Dr. Vinson stated that the second case concerns the total abdominal hysterectomy, in which there was a bilateral ureteral ligation. Dr. Vinson stated that he takes full responsibility for this, and he offers no excuses for his actions in this case. However, there are some extenuating circumstances, which in no way excuse what happened. The hysterectomy was done for a large bleeding fibroid. The fibroid was in the lumen of the uterus, and it was totally intralumen. During the surgery, the fibroid prolapsed into the vagina, and so during the last phases of the dissection, when he was feeling for the cervix, in actuality he was feeling the fibroid, which had prolapsed into the vagina. That caused him to take his dissection too deep. Going too deep with his dissection led to the ligation of the ureters.

Dr. Vinson stated that the third case is the case of placement of a portacath on the same side of the mastectomy. In this case, he disagrees with the expert witness because this was a 37-year-old patient who had had a previous mastectomy for cancer on the opposite side. Subsequent to that surgery, she had had an implant put in that side. When she developed breast cancer in the other breast and the time came to place the port for chemotherapy, she didn't want it placed on the side of the previous mastectomy because there was an implant there. There is a risk of infection in putting these ports in. Dr. Vinson stated that he agreed with the patient, because, if a port placed on the opposite side had become infected, then the implant would have had to be removed and a bad situation would be made much worse. Dr. Vinson stated that he strongly

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supports what he did in this particular case.

Mr. Browning advised Dr. Vinson that he had a minute left to complete his statement.

Dr. Vinson stated that there are other cases that are similar to this. He again thanked the Board for the opportunity, and stated that he is not here to make excuses, but to offer some additional explanations as to why things happened. In terms of his career, prior to these allegations coming forth, he decided to leave surgery and to pursue something else. That didn't happen until after these allegations came forth, but still he went on and obtained a residency in occupational medicine. However, due to his inability to get his training certificate because of these proceedings, that has been postponed, and now he is getting his masters in public health. He again thanked the Board for the opportunity to address it.

Mr. Browning asked whether the Assistant Attorney General wished to respond.

Mr. Michael stated that the public places great value and trust in physicians who are granted a license to practice in this state. In order to earn and keep that trust, a physician must possess both the technical and judgmental skills necessary to maintain a practice that is within the standards of care. While technical skills are pertinent to a specific area of specialty, for example, surgery, judgment skills transcend the specific specialty and reflect on a doctor's ability to practice in any area of medicine.

Mr. Michael stated that it is clear from the record that Dr. Vinson does not possess the technical skills required to practice surgery. It is equally clear that he doesn't possess the judgment skills to practice medicine in the State of Ohio in any form. Also, the fact that, even today, he's still making excuses for what happened with these ten patients, reflects poorly on both his technical and judgmental skills.

Mr. Michael stated that Edward Christopher Ellison, M.D., Chief of Surgery at Ohio State University, testified on behalf of the State in this case. Dr. Ellison testified that physicians need to make judgment decisions on a daily basis. They need to objectively assess data to know the natural history of diseases and know when to intervene and when not to intervene. Dr. Ellison found that the evidence in the cases indicated a judgmental cognitive practice of medicine deficiency in Dr. Vinson that's below the standards of care for physicians in the State of Ohio. Particularly with Patient 6, Dr. Ellison found that case itself so severe and egregious that it stood alone in his opinion in terms of Dr. Vinson's breach of the standard of care. Dr. Ellison noted that Dr. Vinson tended to do too much over-aggressive surgery, recommended inappropriate operations, and didn't prepare his patients well. Dr. Ellison testified that Dr. Vinson's intra-operative decision making was below the minimal standards of care, led to critical decisions that were in error and led to poor outcomes.

Mr. Michael stated that the practice of medicine by Dr. Vinson is dangerous, and it puts the patients of Ohio at risk. He should not be allowed to practice in the State in any form. Mr. Michael stated that the State respectfully asks that the Board adopt the Hearing Examiner's Report and Recommendation and permanently revoke Dr. Vinson's license to practice in this state.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF DAVID VINSON, JR., M.D.

DR. STEINBERGH SECONDED THE MOTION.

Mr. Browning stated that he would now entertain discussion in the above matter.

Dr. Kumar stated that he is a surgeon, and performs surgery close to the kinds described by Dr. Vinson. On one hand he can sort of agree that some of the things are judgment calls, but two or three things are very troubling to him. It appears that Dr. Vinson is a careless person when he is in the operating room. Dr. Kumar stated that he can't accept someone leaving in a fish retractor when he placed it there himself. It's right there in your face. There's no issue of instrument count. Dr. Kumar stated that he's not sure that in the hospital where Dr. Vinson practices instrument counts for abdominal surgeries had started. In many institutions counts are just being started now.

Dr. Kumar stated that, concerning the case involving the implantation of the port, the side doesn't matter. What is very troubling is that Dr. Vinson implanted it deep into the pectoralis major muscle, making it inaccessible. That is basically simple carelessness. It's not an issue of choosing a side, it's that he's not paying attention to what he is doing.

Dr. Kumar stated that another thing that is very troublesome to him in this case is the fact that the utilization review committee of the hospital in which he practices took some strong, severe action against Dr. Vinson because of his conduct and activities. Dr. Kumar commented that a surgeon is not just a person who is a technician who can operate. He needs to have the skills to make decisions before, during and after the surgery. Dr. Kumar stated that he does not believe that Dr. Vinson meets that standard, so he would agree with the Proposed Order to revoke Dr. Vinson's license.

Dr. Egner stated that both the Board and its staff spend an incredible amount of time and effort on all minimal standards cases. She stated that she is no different from everyone else who spent a lot of time thinking about this case. As a surgeon, she doesn't want to be too quick to judge, but she thinks you have to look at a few aspects of the case overall. The Board is looking at someone who should have had enough training to not get himself into repeated trouble. Not only did he do a surgery residency, he also did an extra year at MCO, not as official training, but in surgery. He also did something with critical care patients. This is someone who should have had the extra knowledge on how to take care of these very sick people.

Dr. Egner stated that she does want to speak to the expert on this case, Dr. Ellison, the head of surgery at Ohio State. Dr. Egner commented that she sometimes thinks those in private practice might question whether they want to be held to the standard of the university. They are not necessarily in the same trenches that practicing physicians are at times. She found Dr. Ellison's opinions to be very straightforward and not the "ivory tower" words that are sometimes used. She stated that she very much supports Dr. Ellison's testimony.

Dr. Egner continued that the case to which she can best relate is, obviously, the hysterectomy. Even today she cannot understand exactly what the problem was. If there was an eight centimeter fibroid that was up in the uterus and during the course of that case pedunculated and went through the cervix, into the vagina, that is a tennis ball moving from the uterus into the vagina. You'd have to notice a change in the volume

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of the uterus. You would feel that there is a mass in the vagina. There are other things to do for that in order to take that out that would have probably avoided this situation. Dr. Egner remarked that there are not very many general surgery residencies today that spend a lot of time on gynecological surgery. So there are very few young surgeons who do gynecological surgery. It's not like in the past when there weren't that many gynecologists and general surgeons were really trained in it. She thinks this all speaks to Dr. Vinson's judgment errors. Dr. Vinson is too aggressive a surgeon. There are only two reasons why someone would be too aggressive; they either lack the knowledge and the judgment that you need in the operating room, or they do it for financial gain. Either way, she doesn't think that either of these things are remediable, and she is therefore supportive of permanent revocation. This is very serious, but this is not one case or two cases. There were ten cases of varying severity, but all with either a technical or judgment error associated with them.

Dr. Davidson stated that she's not sure that she has the answer, but the Assistant Attorney General clarified the matter when he said that there were judgment skills and technical skills involved. It appears that Dr. Vinson sought to be a surgeon, was deemed adequate by his medical school, was deemed adequate by his internship, spent four years in a residency and was deemed adequate, did a two-year fellowship in surgical critical care, and they found him adequate. He seemed to remediate himself with that year in Toledo. Dr. Davidson stated that she thinks Dr. Vinson knew that he was not a very good surgeon. Technically, he didn't cut it, and he knew that, and at this point it sounds like he's realized that. The Report and Recommendation indicates that Dr. Vinson plans to move away from surgery and into another area. Then you get into the judgment errors. The Board can draw from Dr. Ellison's testimony that Dr. Vinson's judgment errors rise to the level of permanent revocation of his license. She stated that she's not sure that they do. Dr. Vinson certainly passed many hurdles along the way. Maybe he's not cut out to be a surgeon, maybe he's realized that. Dr. Davidson stated that she's not sure where the Board goes from here, but she's not sure that the Board has the considered evidence to say that Dr. Vinson does not have the judgment to be a physician.

Dr. Steinbergh stated that the Attorney Hearing Examiner did an incredible job with this case. In her mind, there were many medical details that Ms. Murphy had to present in order to present the case properly. She commended Ms. Murphy on the job she did.

Dr. Steinbergh stated that the Board has, in the past, revoked physician licenses for fewer numbers of cases; for example, the Board revoked the license of a physician for one particularly egregious case. The number of cases that this physician misperformed was incredible to her. She stated that she focused on one case, because she knew that there were surgeons on the Board who would absolutely know the surgical difficulties. As a family physician who sees patients go to surgery frequently and who has an opportunity to review the operative notes and sees what goes on, she feels that she can adequately evaluate these cases.

Dr. Steinbergh continued that the one case that stuck out in her mind that comes to judgment and the inability, in her mind, of this physician to continue, is patient #6, this 86-year-old woman whom he took to surgery for constipation. This was an 86-year old woman who, when she presented to the emergency department, was diagnosed with severe dehydration, hyponatremia, hyperkalemia, anemia, urinary retention, constipation, and excessive anticoagulation. She noted that the anemia was never addressed in this case. The patient had been living at home and caring for herself. This woman was ill, but did not need

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to go to surgery. There was no crisis here, no reason to take this patient to surgery. The question of anemia was never addressed. The patient had a hemoglobin of 10.8 and 33.9 and Dr. Vinson went on to give her a unit of packed blood cells. Even after the transfusion her hemoglobin was lower, and it continued to be low. No one addressed the issue of her anemia during the time of her workup.

Dr. Steinbergh stated that it was clear that this patient did not need surgery. There was no reason to take her to surgery. Dr. Vinson's answer was that the patient had all this constipation, she had a megacolon, and he had permission from the patient and from her nephew. These are not people who can make decisions about whether or not this 86-year old woman should go to surgery. This is common sense, and it's at the very basis of medicine. Dr. Vinson then failed to get an appropriate cardiac consultation.

Dr. Steinbergh stated that she feels confident that this woman would never have been cleared for surgery. She stated that she also faults the family physician, who participated in the case and did not order a cardiac consult.

Dr. Steinbergh stated that in this one case alone, besides the other cases in which she finds fault, she does not believe that Dr. Vinson has the ability to perform appropriately as a physician.

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

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

Dr. Bhati stated that this was a very difficult decision. He feels that Dr. Vinson is definitely proven to be surgically deficient, but does that mean that he can't do anything else?

ROLL CONTINUED:	Dr. Bhati	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- abstain
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.

FINDINGS, ORDERS & JOURNAL ENTRIES

AZAM M. BHATTI, M.D.

By letter of April 3, 2003, the Board notified Dr. Bhatti that it proposed to deny his application for a certificate to practice medicine and surgery in Ohio based upon the fact that Dr. Bhatti has not passed an examination sequence that would, pursuant to Section 4731.14, O.R.C., and Rule 4731-6-14, O.A.C., permit the Board to grant a license. Said notice was mailed via certified mail, return receipt requested, to

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Dr. Bhatti's address of record. A signed certified mail receipt was returned to the Board from that mailing, documenting proper service of the notice. However, no hearing request has been received from Dr. Bhatti and more than 30 days have elapsed since the mailing of the second notice. The matter was presented to the Board at this time for final disposition.

DR. BHATI MOVED TO ENTER AN ORDER DENYING DR. BHATTI'S APPLICATION FOR LICENSURE. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

FREDERICK COHN, M.D.

By letter of March 13, 2003, the Board mailed a Notice of Opportunity for Hearing to Frederick Cohn, M.D., based on Dr. Cohn's conviction on February 18, 2003, in the United States District Court, Eastern District of Kentucky, on one felony count of Attempt and Conspiracy, one felony count of Laundering of Monetary Instruments, one felony count of Health Care Fraud, and one felony count of Criminal Forfeitures. Signed certified mail receipts were returned to the Board documenting proper service of the notice on both Dr. Cohn and his attorney of record. However, no hearing request has been received from Dr. Cohn and more than 30 days have elapsed since the mailing of that notice.

Dr. Steinbergh noted that this is a case involving severe controlled substance prescribing.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY, IN THE MATTER OF FREDERICK COHN, M.D. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye

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Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

CITATIONS, PROPOSED DENIALS & ORDERS OF SUMMARY SUSPENSION

GEOFFREY D. SNYDER, M.D. - CITATION LETTER

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

**DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. SNYDER.
DR. TALMAGE SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

JOSEPH W. FISCHKELTA, P.A. - CITATION LETTER

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

**DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO MR. FISCHKELTA.
DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

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Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

RALEIGH SHIPP CALLION, 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. TALMAGE MOVED TO SEND THE CITATION LETTER TO DR. CALLION. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHAEL SHANE GAINEY, 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. TALMAGE MOVED TO SEND THE CITATION LETTER TO DR. GAINEY. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

DAVID A. HOXIE, 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. HOXIE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PAUL EVAN KELNER, M.D. - CITATION LETTER

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

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

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

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Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

ERDULFO PAZ PAAT, M.D. - CITATION LETTER

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

DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. PAAT. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DAVID JOSEPH LEVY, 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. BUCHAN MOVED TO SEND THE CITATION LETTER TO DR. LEVY. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

RATIFICATION OF CONSENT AGREEMENTS

JUAN CARLOS MEJIA, M.D.

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

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

The motion carried.

FRANK RAYMOND BRUENING, M.D.

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

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

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Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

SANDRA KAY HAREWOOD, M.D.

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

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

The motion carried.

ROBERT FRANCIS LINN, D.O.

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

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

The motion carried.

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ASHOK VISHRAM PADHIAR, M.D.

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

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

The motion carried.

JEFFREY ALLEN BRIGGS, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BRIGGS. DR. TALMAGE SECONDED THE MOTION.

Ms. Gilbert advised the Board that this physician entered into a Step II consent agreement in May, and he was required by his evaluator to do blood alcohol screenings. Since that time, his evaluator has become more comfortable with the concept of saliva testing. This agreement will replace the blood alcohol screening with saliva alcohol screening with the same frequency. He also does urine screens for both drugs and alcohol.

Dr. Egner asked why this physician has been tested in so many different ways.

Ms. Gilbert stated that this evaluator has been uncomfortable with doing urine tests for alcohol in the manner that they are picked up. Alcohol stays with you for a shorter amount of time. Saliva testing is what has been found to be the least invasive, most cost effective, and most accurate way of picking that up. The Board will probably be seeing that more with its committee as far as the Board becoming more comfortable with it.

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

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

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Dr. Buchan	- aye
Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.

CHARLES WILLIAM SNYDER, M.D.

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

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

The motion carried.

PERSONAL APPEARANCES

SAMUEL L. FRIEDMAN, D.O.

Dr. Friedman appeared before the Board pursuant to his request for release from the terms of the Board's Order of June 13, 2000. If approved, release from probation would become effective June 16, 2003. He was accompanied by his attorney, Kevin Kerns.

In response to Dr. Bhati's questions, Dr. Friedman stated that he traveled from Willingboro, New Jersey, which is near Philadelphia, for this meeting. Things are going all right for him. He no longer has physical therapy assistants working for him. Everything has been resolved with the New Jersey Board.

DR. BHATI MOVED TO RELEASE DR. FRIEDMAN, EFFECTIVE JUNE 16, 2003, FROM THE TERMS OF THE BOARD'S ORDER OF JUNE 13, 2000. DR. STEINBERGH SECONDED THE MOTION.

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Dr. Buchan asked Dr. Friedman to give the Board a synopsis of how he fell down this road.

Dr. Friedman stated that he actually had an insurance claim he negotiated with an insurance company, but they sent it to the State Board to evaluate the claim. The State Board asked for some records, and then came out with eleven charges, including the fact that his notes weren't detailed enough and that he had a P.T. assistant working for him that wasn't supervised by a physical therapist. He stated that for years his P.T. assistants were supervised by a physical therapist, but he lost his physical therapist, who had been working for him a long time. The issue came up during the period he didn't have a physical therapist.

Dr. Buchan asked whether it is possible for Dr. Friedman to offer that service now.

Dr. Friedman stated that it is. He does the therapy himself now, with his nurse.

Dr. Steinbergh asked whether a physician is allowed to bill for physical therapy in New Jersey.

Dr. Friedman stated that he is. The issue was that a P.T. assistant could only be supervised by a physical therapist, and not by a physician. He added that this was unusual because he could tell a medical assistant what to do, but not a P.T. assistant. He again stated that he had had physical therapists, but it became difficult to hire them because they didn't want to work for physicians.

Dr. Bhati asked whether that was because of the statutes or the rules of the New Jersey Board.

Dr. Friedman stated that that was a ruling by the P.T. Board.

Dr. Bhati stated that Dr. Friedman isn't governed by the P.T. Board.

Dr. Friedman stated that he knows that, but the P.T. Board did not feel that he should tell a physical therapy assistant what to do.

Dr. Steinbergh stated that the issue is that Dr. Friedman understands the New Jersey laws.

Dr. Friedman stated that he no longer has a physical therapy assistant.

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

Vote:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye

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Dr. Robbins - aye
 Dr. Garg - aye
 Dr. Steinbergh - aye

The motion carried.

PAUL W. BURKE, JR., M.D.

Dr. Burke made his initial appearance before the Board, pursuant to the terms of the Board's Order of March 12, 2003.

In response to Dr. Steinbergh's questions, Dr. Burke stated that he is doing well. Everything is going well in terms of the Board's Order. Dr. Burke advised that he's pretty sure that he understands the terms of the Board Order.

In response to Dr. Bhati's questions, Dr. Burke stated that he hasn't had a drink in a little over five years. He commented that, financially, he almost didn't survive during the period his license was suspended, but now he's back at work and is getting by.

In response to Dr. Steinbergh's questions, Dr. Burke stated that he's board certified in surgery, but the West Virginia Board is requiring him to do some formal retraining in surgery since it's been five years since he practiced surgery. Right now he's working in an emergency room. Under his West Virginia Consent Order, he can do any aspect of medicine except that in which he's trained. He's been approached by one of the hospitals in Parkersburg, and he'll see if he can work out something there. Otherwise, he'll talk to one of the residency programs.

In response to Dr. Garg's questions, Dr. Burke stated that the West Virginia Order does specifically restrict him from performing surgery without additional training. He added that he would want to do something like that before returning to the practice of surgery. He doesn't think he can get privileges at any hospital because he hasn't performed surgery in five years. He believes that the amount of training he'll be required to do would be up to the director of the program.

DR. BHATI MOVED TO CONTINUE DR. BURKE UNDER THE TERMS OF THE BOARD'S ORDER OF MARCH 12, 2003, AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

DR. STEINBERGH 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
Ms. Sloan	- aye

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Dr. Davidson - aye
Dr. Robbins - aye
Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

BRUCE S. WORRELL, D.O.

Dr. Worrell made his initial appearance before the Board, pursuant to the terms of his March 13, 2003 Consent Agreement.

In response to Dr. Steinbergh's questions, Dr. Worrell stated that he is currently doing very well. He had 28 days of inpatient treatment at Parkside. He's been doing outpatient continued care at Parkside since then. He also attends three A.A./Caduceus meetings per week. He stated that he prefers attending Caduceus meetings because he relates better to the people in the group. The group in Cincinnati has about 15 to 18 members that come on a regular basis. He also attends the Caduceus meeting at Parkside, which has 8 to 12 individuals attending on a regular basis. Dr. Worrell stated that he last used drugs on January 10. He stated that he does understand his consent agreement.

Dr. Buchan asked Dr. Worrell how he feels about his suspension time.

Dr. Worrell stated that he believes the suspension period is therapeutic and helpful. When this all happened, the suspension was a relief to him, and a way to stop doing what he was doing and get away from it. He has chronic back pain and has been trying to find non-prescription, non-narcotic ways of treating it but hasn't been successful. This has forced him to do different things. He's glad he's gotten away from it.

In response to Dr. Garg's questions, Dr. Worrell stated that he has put himself on a regime of weight loss and exercise, which has helped. When he was at Parkside, he had some x-rays which showed some bone spurs in the lower back. He has been using some non-prescription methods of trying to control inflammation, which seems to have helped. The weight loss and exercise have also helped.

In response to Dr. Davidson's questions, Dr. Worrell stated that he abused Vicodin for about three years.

In response to Dr. Talmage's questions about Dr. Worrell's court activities, Dr. Worrell stated that he has an evaluation on July 1 by the Court counselor or psychologist, and then he has a court date of July 14 to follow up on that. He is seeking intervention in lieu of conviction.

In response to Dr. Bhati's questions, Dr. Worrell stated that the maximum amount of Vicodin he had taken was four a day.

DR. BHATI MOVED TO CONTINUE DR. WORRELL UNDER THE TERMS OF HIS MARCH 13, 2003 CONSENT AGREEMENT, AND THE BOARD'S POLICY OF DECEMBER 9, 1998,

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**WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.
DR. STEINBERGH 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

PROBATIONARY REPORTS

Mr. Browning referred the Board to the Compliance Staff's reports of conferences with probationers on April 7-8, 2003. The reports indicate that all probationers are in compliance.

**DR. TALMAGE MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH: WILLIAM K. BASEDOW, D.O.; WILLIAM J. BOOTH, P.A.; WAYNE S. BRECHBUHLER, M.D.; JEFFREY A. BRIGGS, M.D.; MARGUERITE D. DOCTOR, M.D.; PETER E. DINTIMAN, M.D.; JAMES E. FLEMING, M.D.; VIRGINIA C. WOODROW, M.D.; MARK S. FLEMING, M.D.; DONALD B. FORD, M.D.; DARRELL A. HALL, M.D.; CYNTHIA J. JOHNSON, P.A.; ROBERT S. REEVES, JR., M.D.; JAMES H. GRAY, JR., D.O.; CLIFFORD SONNIE, M.D.; ANDREW SCHNEIDER, M.D.; AND JEFFREY W. WINHOLT, M.D.
DR. STEINBERGH 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

PROBATIONARY REPORTS AND REQUESTS

ROBERT R. DAIBER, M.D.

Dr. Daiber’s requests for a reduction of his drug screen requirement and termination of his psychotherapy session requirement were presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF’S REPORT OF CONFERENCE WITH DR. DAIBER ON MAY 13, 2003. DR. STEINBERGH FURTHER MOVED TO APPROVE DR. DAIBER’S REQUEST TO TERMINATE HIS PSYCHOTHERAPY SESSIONS, BUT TO DENY HIS REQUEST FOR A REDUCTION IN THE FREQUENCY OF HIS DRUG SCREENS. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

MICHAEL S. MCINTOSH, M.D.

Dr. McIntosh’s requests for a reduction in his appearance schedule and a reduction in his drug screen requirement were presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO ACCEPT THE COMPLIANCE STAFF’S REPORT OF CONFERENCE WITH DR. MCINTOSH ON MAY 12, 2003. DR. TALMAGE FURTHER MOVED TO GRANT DR. MCINTOSH’S REQUESTS TO REDUCE HIS APPEARANCE SCHEDULE TO EVERY SIX MONTHS, AND TO REDUCE HIS DRUG SCREEN REQUIREMENT TO TWICE PER MONTH. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye

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Dr. Kumar	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye

The motion carried.

LEONARD K. SMITH, M.D.

Dr. Smith's request for a reduction in his appearance schedule was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCE WITH DR. SMITH ON MAY 13, 2003. DR. TALMAGE FURTHER MOVED TO APPROVE DR. SMITH'S REQUEST TO REDUCE HIS APPEARANCE SCHEDULE TO ONE APPEARANCE ANNUALLY. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

MARK E. TURNER, D.O.

Dr. Turner's request to reduce his alcohol and drug rehabilitation meeting requirement was presented to the Board for consideration at this time.

Dr. Steinbergh noted that Dr. Turner is due for release from probation in August. She expressed concern that Dr. Turner's comments indicate that he doesn't think attending A.A. meetings is important for him.

Mr. Albert stated that attending three meetings per week is not excessive. Dr. Turner is recovering from a serious problem, and requiring his attendance at three meetings per week is not that harsh.

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DR. TALMAGE MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCE WITH DR. TURNER ON MAY 12, 2003. DR. TALMAGE FURTHER MOVED TO DENY DR. TURNER'S REQUEST TO REDUCE HIS ALCOHOL AND DRUG REHABILITATION MEETING REQUIREMENT. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

PROBATIONARY REQUESTS

NICHOLAS G. ESPINOZA, D.O.

Dr. Espinoza's request to change his monitoring physician was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE ROBERTA J. GUIBORD, D.O., TO SERVE AS DR. ESPINOZA'S NEW MONITORING PHYSICIAN. DR. BUCHAN 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

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BENJAMIN P. FIEDLER, M.D.

Dr. Fiedler's request for approval of an OB/GYN residency program to fulfill paragraph 1 of the Agreed Conditions of his December 12, 2000 consent agreement was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE NEW YORK MEDICAL COLLEGE/METROPOLITAN HOSPITAL'S OB/GYN RESIDENCY PROGRAM FOR PURPOSES OF FULFILLING PARAGRAPH 1 OF THE LIMITATIONS OF DR. FIEDLER'S CONSENT AGREEMENT. DR. GARG 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

KAREN M. PARADIES, M.D.

Dr. Paradies request for approval of a treating psychiatrist was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE RONALD A. SACHS, M.D., TO SERVE AS DR. PARADIES' TREATING PSYCHIATRIST. DR. GARG 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye

The motion carried.

LICENSURE

PHYSICIAN LICENSURE APPLICANTS

At this time the Board considered applications for licensure as doctors of medicine and surgery, doctors of osteopathic medicine and surgery and doctors of podiatric medicine and surgery.

DR. TALMAGE MOVED TO APPROVE THE APPLICANTS LISTED IN LICENSURE EXHIBIT (A) FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF ALL NECESSARY DOCUMENTATION. DR. GARG 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

PHYSICIAN ASSISTANT APPLICANTS

Applications for full and temporary registration as physician assistants were presented to the Board for consideration at this time.

DR. EGNER MOVED TO APPROVE THE REQUESTS FOR FULL REGISTRATION AS PHYSICIAN ASSISTANTS OF LANCE BOLIN, P.A.-C; GREGORY CREEL, P.A.-C; THOMAS FREEMAN, P.A.-C; JEROD GROGG, P.A.-C; BRENDA HAZEN, P.A.-C; RUTH KOHSTALL, P.A.-C; TAMILA MAYBERRY, P.A.-C; JENNIFER MAE MUSCARELLI, P.A.-C; ALEXANDRA ROCCO, P.A.-C; REGINA STUTZMAN, P.A.-C; ERIZ SZMANIA, P.A.-C; AND TOBY TIPPIE, P.A.-C; DR. EGNER FURTHER MOVED TO APPROVE THE REQUESTS FOR TEMPORARY REGISTRATION AS PHYSICIAN ASSISTANTS OF KELLY ALBANESE, P.A.; CARA DORSEY, P.A.; SUSAN FIRSTER, P.A.; CATHY LINCH, P.A.; RAVI KANT SINGH, P.A.; SARAH SNYDER, P.A.; NANCY SPRANG, P.A.; VICTORIA WAGNER, P.A.; JENNIFER WEAN, P.A.;

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AND KEITH ZURMEHLY, P.A. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

P.A. UTILIZATION PLANS

A number of standard P.A. Utilization Plans were presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLANS SUBMITTED BY: AKRON RADIOLOGY; AULTMAN HOSPITAL; C. A. CAHALL, M.D.; ONSITE, LLC; PULMONARY MEDICINE OF DAYTON, INC.; SCOTT SWOPE, D.O.; TOLEDO NEUROLOGICAL ASSOCIATES, INC.; AND UNIVERSITY INTERNAL MEDICINE ASSOCIATES, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

JENNIFER LEE WALTHER, ACUPUNCTURIST APPLICANT

Ms. Walther's application for an acupuncturist license was presented to the Board for consideration at this

time.

DR. STEINBERGH MOVED TO APPROVE MS. WALTHER'S APPLICATION FOR LICENSURE AS AN ACUPUNCTURIST. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

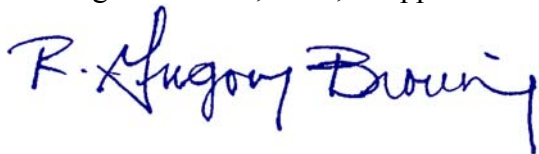
The motion carried.

At this time the Board acknowledged Mr. Albert's efforts toward honoring Ohio's senior physicians.

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

Thereupon at 4:43 p.m. the June 11, 2003 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 June 11, 2003, as approved on July 9, 2003.



R. Gregory Browning, President



Lance A. Talmage, M.D., Secretary

(SEAL)



June 12, 2003

MINUTES

THE STATE MEDICAL BOARD OF OHIO

June 12, 2003

R. Gregory Browning, Ph.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: Lance A. Talmage, M.D., Vice-President; Anand G. Garg, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Anant R. Bhati, M.D.; Deepak Kumar, M.D.; Patricia J. Davidson, M.D.; and Andrew F. Robbins, Jr., M.D. The following joined the meeting at a later time: David S. Buchan, D.P.M.; and Anquetette Sloan. The following did not attend the meeting: 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; Mark Wayda, Chief of Executive Staff; David P. Katko, Enforcement Coordinator; Rebecca J. Albers, Assistant Attorney General; Eileen M. Schmidt, Executive Assistant to the Director; and Joan K. Wehrle, Coordinator for Assessment and Development.

APPOINTMENT TO THE COMMITTEE ON PRESCRIPTIVE GOVERNANCE

Mr. Dilling stated that Dr. Davidson is the Board's representative on the above-captioned Committee (CPG), which has been in existence for a couple of years. The Committee also consists of representatives from the Pharmacy Board, the Ohio Pharmacy Association, the Nursing Board and the Ohio Nurses Association. Mr. Dilling commented that there seems to be a balanced representation on that Committee.

Mr. Dilling continued that Dr. Wayne Wheeler, who served for a number of years as a Medical Board appointee, nominated by O.S.M.A., is no longer able to serve on the Committee. O.S.M.A. subsequently nominated Roslyn Kade, M.D., to replace Dr. Wheeler.

Dr. Buchan joined the meeting at this time.

Dr. Talmage advised that, in looking at Dr. Kade's C.V., there are two concerns. Dr. Kade is not Board certified. Although that is not a disqualification, it is certainly a concern for overall expertise. Also, Dr. Kade has not actually finished her residency, and he would therefore assume that she does not have hospital privileges. Although Dr. Kade indicated that she does OB/GYN, she probably is not doing a complete practice because she would not have hospital privileges to do deliveries or gynecologic surgery. Dr. Talmage stated that he is concerned with that lack of complete qualification.

Dr. Talmage noted that the Board has another 60 days to make this appointment. He suggested that the Board contact O.S.M.A. concerning the perceived deficiencies, and ask them to nominate someone else.

Dr. Bhati agreed with Dr. Talmage. It's important that the appointee have better qualifications.

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Ms. Sloan joined the meeting at this time.

Dr. Davidson indicated that she also agreed with Dr. Talmage, and added that, having sat on the Committee for about six months, she believes that a strong solid voice is needed for this group. She further believes having hospital privileges would be a requirement to sit on this committee and speak knowledgeably about issues of prescriptive authority.

Mr. Browning asked Mr. Dilling to follow up with the O.S.M.A. about this.

Mr. Dilling stated that, as he understands the Board's concerns, it wants clarification on some of the background questions about Dr. Kade, and to make sure that the Board is reading Dr. Kade's C.V. correctly. The Board should reiterate to O.S.M.A. that the experts appearing before the Board have to meet certain qualifications, which include Board certification and completing residencies and internships. He commented that he might ask other Board members to make some contacts as well.

DR. TALMAGE MOVED TO TABLE THIS MATTER UNTIL THE NEXT REGULAR MEETING OF THE BOARD. DR. GARG 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
	Ms. Sloan	- abstain
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

FSMB ANNUAL MEETING REPORT/REPORT ON MIDWEST REGIONAL BOARDS MEETING

Mr. Dilling stated that, prior to this year's Federation meeting, the Board recognized the importance of the Board's participation in the Federation's annual meetings. The Board decided to send six members to the meeting, who would then bring back some of their knowledge to the rest of the Board. Mr. Dilling stated that he feels that it is important to have some review of the meeting on the record. Mr. Dilling referred the Board to the materials contained in the agenda package, copies of which shall be maintained in the exhibits section of this Journal. An extensive review of those materials took place, with discussion by Board members and staff on the various issues.

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ADMINISTRATIVE REPORT

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

REPORTS BY ASSIGNED COMMITTEES

EXECUTIVE COMMITTEE

Mr. Browning stated that the Committee discussed the Board's budget, noting that the Board is not in the General Revenue Fund, and has therefore been unaffected by State budget cuts.

Mr. Browning stated that the Committee also reviewed the Board's Annual Report to the Governor, a copy of which shall be maintained in the exhibits section of this journal. He commented that this is a very good summary of what the Board did in 2002.

Mr. Browning concluded by stating that the Committee also reviewed the Administrative Report and discussed other personnel matters.

LICENSURE COMMITTEE

Wendy Rogers, M.T. Applicant

Mr. Dilling stated that the Committee reviewed Ms. Rogers' ADA accommodation request. Ms. Rogers has been diagnosed with Dysthymia and severe Mixed Learning Disability. She requested a reader, someone to record her answers, extended testing time and a separate testing area. Mr. Dilling stated that the Board previously approved all requests but the request for a reader.

DR. GARG MOVED TO APPROVE MS. ROGERS' REQUEST FOR EXTENDED TESTING TIME OF TIME AND A HALF, SOMEONE TO RECORD HER ANSWERS, AND A SEPARATE TESTING AREA. HE FURTHER MOVED TO DENY HER REQUEST FOR A READER. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

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The motion carried.

EDUCATION, PUBLIC RELATIONS & RISK MANAGEMENT COMMITTEE

Dr. Egner stated that the Committee has nothing to report at this time.

Mr. Dilling commented that Ms. Lubow plans on having the first draft of the next issue of *Your Report* ready for the Committee's review in July.

PRESCRIBING COMMITTEE

Dr. Davidson stated that the Committee heard her report on the last meeting of the CPG and discussed the Compassionate Care Task Force. She noted that the next meeting of the CPG is scheduled for August.

Dr. Davidson continued that the Committee has also decided to write an article for the next issue of *Your Report* regarding the proper relationships that should exist between physicians and pharmaceutical companies. The article will include a specific reference to A.M.A. guidelines.

LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Browning stated that the Committee discussed the Board's budget. Copies of this month's Legislative Report, a copy of which shall be maintained in the exhibits section of this journal, were distributed to Board members.

Mr. Wayda asked Board members to read the information concerning H.B. 188 very carefully. He stated that, following discussion in Committee, the Committee instructed him to draft a general response letter to defend the concept of licensure.

Mr. Wayda stated that the Committee also reviewed the Board's Pronouncement of Death Rule, and changes being recommended by staff. These include changes that are necessitated by changes in the statutes and changes the staff feels are appropriate based upon information it has received. The Committee is recommending that the Board proceed to formal hearing process on these changes.

DR. GARG MOVED TO INSTRUCT STAFF TO PROCEED WITH THE RULEMAKING PROCESS ON PROPOSED CHANGES TO OAC 4731-14-01, THE PRONOUNCEMENT OF DEATH RULE. DR. BHATI 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

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

The motion carried.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

Dr. Buchan advised that the Committee received a request from the Cosmetic Therapy Training Center to approve two new instructors at the school. After reviewing the CVs submitted, the Committee recommends approval.

DR. GARG MOVED TO APPROVE BRIAN M. TREON, M.D., AND DAVID A. GARCIA, D.O., AS INSTRUCTORS AT THE COSMETIC THERAPY TRAINING CENTER. DR. BHATI 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
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

P.A. COMMITTEE

Derald Madson, Jr., M.D.

Dr. Talmage advised that the Committee reviewed Dr. Madson's application for P.A.s to use light-based medical devices for facial toning, using 10% direct supervision and 90% onsite supervision and the P.A. observing the physician in performing no less than 25 procedures and the physician observing the P.A. in performing no less than 25 procedures to determine competency, in an office setting. This request was previously reviewed by the P.A. Policy Committee (PAPC), who recommended denial on the basis that the requested duties are prohibited by Board rule. Dr. Talmage stated that the P.A. Committee concurs with this recommendation.

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DR. TALMAGE MOVED TO DENY DR. MADSEN'S SUPPLEMENTAL P.A. UTILIZATION REQUEST ON THE BASIS THAT THE DUTIES REQUESTED ARE PROHIBITED BY BOARD RULE. DR. GARG SECONDED THE MOTION. A vote was taken:

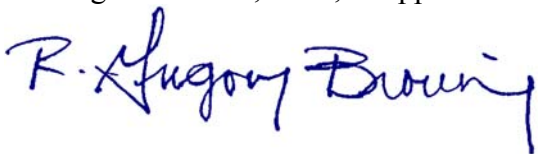
Vote:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

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

Thereupon at 9:15 a.m. on June 12, 2003, the June 11-12, 2003 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 June 12, 2003, as approved on July 9, 2003.



R. Gregory Browning, President



Lance A. Talmage, M.D., Secretary

(SEAL)

