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**MINUTES**

**THE STATE MEDICAL BOARD OF OHIO**

**July 9, 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, Room #1932, with the following members present: Lance A. Talmage, M.D., Vice-President and Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Deepak Kumar, M.D.; Andrew F. Robbins, Jr., M.D.; and Anand G. Garg, M.D. The following did not attend the meeting: Anquetette Sloan; Patricia J. Davidson, M.D.; and Anita M. Steinbergh, D.O.

Also present were: Thomas A. Dilling, Executive Director; Diann K. Thompson, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; 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, Mark A. Michael, and Kyle C. Wilcox, Assistant Attorneys General; Jewell M. Bates, Administrative Assistant; 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.

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. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

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

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R. Gregory Porter, Chief Hearing Examiner, joined the meeting after the executive session.

MINUTES REVIEW

**DR. GARG MOVED TO APPROVE THE MINUTES OF JUNE 11-12, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- 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: Brett Bolton, D.O.; Ayman M. Kader, M.D.; Terrence Francis McCoy, M.D.; and Paramjit Singh, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- 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:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye

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Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Dr. Robbins	- aye
Dr. Garg	- 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.

BRETT BOLTON, D.O.

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

Mr. Browning advised that a Motion to Admit Additional Evidence, filed by Dr. Bolton, and a Memorandum in Opposition to Respondent's Motion to Admit Additional Evidence, filed by Mr. Wilcox, were previously distributed to Board members. He asked whether the Board wished to accept the additional evidence.

There was no motion made to admit the additional evidence.

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

Dr. Bolton was accompanied by his counsel, Kevin P. Byers.

Mr. Byers stated that he trusts that the Board members have had the opportunity to study the objections. He stated that he wanted to highlight the fact that this nightmare began for Dr. Bolton when he was approached by a high school buddy and was solicited to create marketing materials before he was actually licensed in Ohio. Obviously, Dr. Bolton wasn't practicing at that time. This was during or shortly after Dr. Bolton's period of training in the state of Florida. Eventually, this relationship with this individual, Mr. Purcell, was determined to be of a criminal nature. Mr. Purcell's conduct was certainly of a criminal nature. Mr. Purcell entrapped at least three other individuals into these kinds of schemes. Dr. Bolton had

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no idea that Mr. Purcell was involved in other fraudulent business dealings.

Mr. Byers stated that Dr. Bolton was charged and went under a Bill of Information, showing complete cooperation with the government and the criminal justice system. Dr. Bolton was convicted of felonious activity in the state of Florida, but all of this occurred prior to licensure in the State of Ohio. Dr. Bolton fully cooperated with the various authorities who investigated his activity. Mr. Purcell paid the restitution ordered against Dr. Bolton. Dr. Bolton has fully completed his community service hours ordered by the Florida Court.

Mr. Byers stated that he feels it is important that the Board be cognizant of these paramount facts. He again stressed that these events preceded licensure in Ohio. They preceded any private practice at all. He first hooked up with Mr. Purcell when he was in his internship year in Florida. Dr. Bolton has completely accepted responsibility for his bad judgment, which led to this outcome. The underlying conduct of his conviction has absolutely no connection with the practice of medicine. Mr. Byers commented that the Board should consider its Disciplinary Guidelines, which suggest a minimum penalty of 30 days suspension followed by appropriate probationary terms. Dr. Bolton is an Ohio practitioner. He practices here on a regular basis, although he resides in Florida. He practices in Ohio, Tennessee and Florida. Mr. Byers stated that any penalty the Board chooses to impose should involve a 30-day wind-down period because Dr. Bolton does practice in Ohio.

Dr. Bolton stated that when this whole incident began he was 27 years old. He's now 33 years old. He knows that what he was involved in is completely wrong, and he accepts full responsibility for his naiveté. He's worked his entire life to become a physician. He takes it very seriously; it means the world to him. Dr. Bolton stated that it is beyond him to think that he could be so foolish and destroy that in one fell swoop. His father is a physician, and he was not raised to act in this manner.

Dr. Bolton thanked the Board for allowing him to speak, and he stated that he wanted to assure the Board that, if given the chance, he will never make such a foolish mistake again, and he will not be before the Board again.

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

Mr. Wilcox stated that he agrees with the Report and Recommendation of the Hearing Examiner in this case. Dr. Bolton has been found guilty of 19 felony counts of misapplying funds in Federal Court. These funds were knowingly stolen from the Miccosukee Indian Tribe in the State of Florida. It is not credible, given how specific the 19-count plea agreement was, that Dr. Bolton was duped by his business partner in this matter. Dr. Bolton knew what he was doing when he entered into this scheme, and he pled guilty, therefore, to the 19 felony counts. This is bolstered by the transcript of the sentencing hearing, in which the details of the crime are laid out in open court. Dr. Bolton agreed on the record that the details were accurate.

Mr. Wilcox stated that the Hearing Examiner was correct in her assessment that Dr. Bolton's testimony regarding these convictions was not credible. These significant crimes show that Dr. Bolton does not have

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the honesty or character required to practice medicine. Permanent revocation is appropriate in this case.

**DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF BRETT BOLTON, D.O. DR. KUMAR SECONDED THE MOTION.**

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

Dr. Bhati stated that being guilty of 19 felony counts is a very serious offense. Although it is not related to the practice of medicine, it tells the Board a lot about Dr. Bolton's honesty and character. It's a very important factor to be taken into account.

Dr. Egner agreed with Dr. Bhati. She stated that Dr. Bolton had to know that he was scheming, and yet part of his testimony is still justifying the marketing plan. Dr. Bolton may not have known about the other people and his youth may have affected his judgment, but she believes that Dr. Bolton knew that this was fraudulent. Dr. Egner stated that her other concern is Dr. Bolton's claim that this has nothing to do with the type of person he is and has no impact on his day-to-day decision-making process. Dr. Egner stated that she doesn't think you can be two different people like that in the practice of medicine. It's a privilege to practice medicine, and it's a shame that Dr. Bolton did this in his youth, but Dr. Bolton has stepped over the line. It will affect his day-to-day decision-making process. It is part of who he is and his personal makeup. In medicine you are faced with so many ethical decisions, if you haven't come to grips with that as a person, you'll continue to make poor decisions somewhere along the line.

Dr. Robbins stated that he agrees with both Dr. Bhati and Dr. Egner. He added that this clearly goes to Dr. Bolton's ability to be a physician. Dr. Robbins stated that he truly believes that honesty and character are part of the hallmarks of being a physician.

Dr. Robbins added that, as he read this, he was disappointed that there was no work product of any kind produced. He found that to be somewhat incredible. If this was a serious endeavor, there would be work products. If nothing else, you'd be proud of what you did. Getting the money, paying the taxes, but then going ahead and splitting the money with his partner should have immediately sent up a red flag that something was amiss here. That's pretty much common sense.

Dr. Buchan stated that he believes that revocation is reasonable in this case. He reviewed this case significantly, he felt that the Board was on track with the Proposed Order. However, as he read, pondered and reviewed, there are some mitigating issues: Dr. Bolton's youth, naiveté, and the fact that the federal courts sanctioned him with some leniency. Dr. Buchan stated that the reason he's in favor of the report, as written, is because in his final review, he still doesn't think that Dr. Bolton came clean with what was happening here. He feels that Dr. Bolton was not being truthful and honest as he reviewed his dealings with Mr. Purcell. Dr. Buchan stated that, had that happened, he would have felt that there was some salvaging potential here. In reviewing this, he just feels that Dr. Bolton has held back and not given the Board full disclosure of his dealings. Dr. Buchan stated that Dr. Bolton appears to continue to feel like he was more of a victim than a criminal, and Dr. Buchan does not buy that. Dr. Buchan agreed with the

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Order, as written.

A vote was taken on Dr. Buchan'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
	Dr. Robbins	- aye
	Dr. Garg	- abstain

The motion carried.

AYMAN M. KADER, M.D.

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

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

Dr. Kader was not present to address the Board.

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

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

Dr. Talmage stated that this case involves trafficking in drugs and the illegal processing of drug documents, and it is totally contrary to the good practice of medicine. It's harmful to people for whom the drugs were prescribed. Dr. Talmage stated that he believes the Proposed Order is totally appropriate.

Dr. Kumar stated that he agrees with Dr. Talmage, but one mitigating factor he found was that Dr. Kader was eventually only charged with prescribing five weight loss pills, and that was to an undercover agent. Dr. Kumar stated that, since Dr. Kader did not appear to defend himself or say something about it, he will vote for the Proposed Order.

Dr. Egner stated that Dr. Kader also lied on his renewal application when it was very clear that he'd had hospital privileges taken away, and he'd been charged with Medicaid fraud. Dr. Egner stated that Dr. Kader is either a dishonest person, or he can't come to grips with this. She added that she's sorry that

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he's not present today because, from his opening statement at the hearing, that was what he wanted. He wanted to talk to physicians and hear what the physicians had to say. Dr. Egner stated that she does, unfortunately, feel that permanent revocation is appropriate in this case.

A vote was taken on Dr. Talmage'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
	Dr. Robbins	- aye
	Dr. Garg	- abstain

The motion carried.

Mr. Dilling asked for the time for the record.

Dr. Buchan stated that it was 1:29 p.m.

TERRENCE FRANCIS MCCOY, M.D.

Mr. Browning directed the Board's attention to the matter of Terrence Francis McCoy, M.D. He advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation.

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

Dr. McCoy was accompanied by his attorney, Deborah R. Lydon.

Dr. McCoy thanked the Board for allowing him to address it. He stated that he takes full responsibility for his actions. He was wrong, and he's sorry. It will never happen again. Dr. McCoy added that he will make no excuse. He's willing to accept the consequences of his actions and follow through as the Board orders.

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

Mr. Michael stated that the State believes that the egregious conduct of Dr. McCoy would warrant a more severe sanction than is proposed in the Report and Recommendation. Dr. McCoy treated this patient for six years, leading up to the sexual encounters that took place. During the course of his treatment, the records and Dr. McCoy's testimony show that this patient was being treated for what Dr. McCoy called "adjustment reaction," which he described as a type of situational depression. This patient was being

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treated for depression. Dr. McCoy also knew that the patient had a history of marital problems and had been seeking counseling relating to those marital problems. Furthermore, three or four months prior to beginning the sexual encounters, the relationship between Dr. McCoy and this patient became personal through daily e-mails and contacts that were not within the physician/patient relationship. Furthermore, Dr. McCoy acknowledged that that part of the relationship was inappropriate at the time it was occurring. That led to three sexual encounters that occurred over a three-month period. This wasn't a spontaneous act. These acts were planned. It took a conscious decision on Dr. McCoy's part to go to this patient's house. Dr. McCoy testified that he knew full well what was going to happen when he went to the patient's house. There was a significant period of time between each encounter.

Mr. Michael stated that Dr. McCoy took no positive steps on his own part to end the physician/patient relationship. It ended when the patient's husband found out about it. The patient called Dr. McCoy to end the relationship and to get a referral for another physician. Mr. Michael stated that he believes a more lengthy suspension would be appropriate in this case.

**DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF TERRENCE FRANCIS MCCOY, M.D. DR. KUMAR SECONDED THE MOTION.**

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

Dr. Bhati stated that he had a little problem with this case. In the past, the Board has had zero tolerance with sexual abuse cases. Dr. McCoy is young, he's admitted that he became sexually involved with a patient and he cooperated with the Board in this case. That does not excuse him for what he's done.

Dr. Talmage agreed with Dr. Bhati. Dr. Talmage stated that, as he reviewed this case, the comment he wrote concerning the Proposed Order was that the suspension period was too short. The Board has had cases of a similar nature. What makes this case particularly egregious is that Dr. McCoy was treating someone for an emotional problem, the patient was particularly vulnerable, and taking advantage of that vulnerability was egregious.

**DR. TALMAGE MOVED TO AMEND THE SUSPENSION LANGUAGE OF THE PROPOSED ORDER TO SUSPEND DR. MCCOY'S LICENSE FOR A PERIOD OF ONE (1) YEAR.**

Dr. Talmage stated that he believes this amendment would be consistent with past actions by the Board.

**THE MOTION DIED FOR LACK OF A SECOND.**

Dr. Egner stated that she doesn't want to justify anything Dr. McCoy did; certainly this was a terrible incident. Dr. Egner added, however, that every victim that the Board sees is a vulnerable patient. The physician never picks a patient who is independent, assertive and wouldn't get involved in this kind of relationship.

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Dr. Egner continued that she believes Dr. McCoy's appearance before the Board adds something. She does believe that Dr. McCoy is truly remorseful and will not get himself involved in these situations again. Also, the Proposed Order is for a stayed permanent revocation. If the Proposed Order didn't include that, she would probably be more in favor of a longer suspension. With a stayed permanent revocation, she doesn't think that the suspension will do anything more to him or make him understand this any better. Dr. McCoy must understand that if he does anything that's against the Medical Practices Act, he'll lose his license. Dr. Egner stated that she does think this is a very serious Proposed Order.

**DR. BHATI MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. THE MOTION DIED FOR LACK OF A SECOND.**

Dr. Robbins stated that he also went over this case with a lot of turmoil. He personally does not see a benefit in increasing the suspension period further than what it is now. He doesn't think that there is any question that what was done here was egregious, especially in light of the fact of the patient history; but he is convinced that Dr. McCoy has accepted the blame, and has not tried to sugarcoat anything. Dr. McCoy has stopped his current practice and is being forced to set up another practice. He has obviously undergone personal anguish. Dr. Robbins stated that he's having a hard time seeing the positive nature of an increased suspension period. He would personally favor not increasing the suspension time.

Dr. Buchan stated that the facts in this case are clear. His initial thoughts were more in line with Dr. Bhati. This individual needed to be revoked. As he reviewed this case, he does believe that Dr. McCoy understands the significance of this case, his indiscretions, and his exceedingly poor choices. Dr. Buchan stated that he can't imagine what an extended period of time out would mean to Dr. McCoy, whether it be one or two years. Dr. Buchan stated that he decided that, in his mind, permanent revocation wasn't necessary. He made a note that six months to a year's suspension would not be unreasonable. As he listens to his colleagues, he thinks that the message is loud and clear that there is no room for these kinds of choices. Dr. Buchan stated that he thinks that the point is well made. He added that the proposed suspension time is the minimum amount of time he would accept. Dr. Buchan stated that he believes Dr. McCoy has learned his lesson and can be a valuable practitioner in his community.

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

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

The motion failed.

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**DR. BUCHAN MOVED TO AMEND THE SUSPENSION PERIOD TO SIX (6) MONTHS.  
DR. EGNER SECONDED THE MOTION.**

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

Dr. Talmage stated that he would accept the proposed amendment as a compromise. He believes that a suspension period of 60 days was a slap on the wrist. The Board uses suspensions for several purposes: one is to allow someone to prove that they have overcome an addiction or impairment, and for others it's a strong signal that this is a punishment meted out because of what was done. The Board doesn't fine individuals, but when it suspends a license, it does put someone at some financial jeopardy. Although that it somewhat regrettable, in some states they would be fined \$5,000 to \$10,000.

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

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

The motion carried.

**DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF TERRENCE FRANCIS MCCOY, M.D. DR. EGNER 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
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Mr. Browning	- aye

The motion carried.

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PARAMJIT SINGH, M.D.

Mr. Browning directed the Board's attention to the matter of Paramjit Singh, 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 advised that objections were filed, but were not filed in a timely manner. He asked whether the Board wished to admit Dr. Singh's objections into the record.

**DR. TALMAGE MOVED TO ADMIT DR. SINGH'S OBJECTIONS INTO THE RECORD.  
DR. BUCHAN SECONDED THE MOTION.** Board members assented.

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

Dr. Singh was accompanied by attorney, John Carney.

Dr. Singh thanked the Board for allowing him to speak today regarding the Report and Recommendation. He stated that he understands that the Board should take action against his license because of the fifth degree felony conviction. He stated that he knows that he was convicted because of the untrue statement that he gave to the probation officer. He stated that, although he got bad legal advice from his attorney, he takes full responsibility. Before making the false statement to the probation officer, he should have thought twice. When he tried to rectify it, it was too late and he was convicted of a fifth degree felony. Dr. Singh asked that the Board be lenient and give him one more chance.

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

Mr. Wilcox stated that he supports the Hearing Examiner's Report and Recommendation in this case. He believes that the judge who presided over Dr. Singh's criminal trial pretty much summed up the reasons why permanent revocation is appropriate. The judge found that Dr. Singh's position as a physician was used to facilitate this crime. He found that Dr. Singh showed absolutely no remorse and was likely to repeat similar offenses. Finally, the judge found that Dr. Singh lied under oath in the courtroom during the trial.

Mr. Wilcox continued that he believes that Dr. Singh also lied to the Board during his hearing. He agreed with the hearing examiner's conclusion that Dr. Singh's testimony at hearing regarding his conviction was not credible. Given the seriousness of his conviction, and the fact that this Board cannot trust Dr. Singh to be forthcoming, his license should be permanently revoked.

**DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF PARMJIT SINGH, M.D.  
DR. TALMAGE SECONDED THE MOTION.**

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

Dr. Kumar stated that he looked at this case very closely, and certain things became somewhat clearer to him. Firstly, it appears that, despite all that has been said, Dr. Singh continues to blame other people for his actions. In one aspect it was a matter of driving under the influence, and even at that point, he references that it is a custom where he comes from for the guest to pour drinks for the host. Dr. Kumar stated that he is from the same region as Dr. Singh, and he attended the same medical school Dr. Singh attended, and he is unaware of this "custom." Dr. Singh continues to put the blame on other factors, and that troubles him a lot. He noted that Dr. Singh also blames his attorney for giving him bad advice, and that is why he lied.

Dr. Kumar continued that, on the other hand, he is looking at the fact that the Board has tried to give abusers of alcohol and drugs a chance to recover. Dr. Kumar stated that he finds that the permanent revocation in this case is too extreme, and asked to hear from other Board members.

Dr. Talmage stated that he believes he analyzed this case very similarly to the way Dr. Kumar did, and his feeling was that the Board should stay the permanent revocation, with a suspension period of one year.

**DR. TALMAGE MOVED TO AMEND THE PROPOSED ORDER TO STAY THE PERMANENT REVOCATION, AND TO SUSPEND DR. SINGH'S LICENSE FOR A PERIOD OF ONE YEAR. DR. BHATI SECONDED THE MOTION.**

Mr. Browning asked for further discussion.

Dr. Egner stated that the problem with the Board's treating Dr. Singh as an impaired physician is that Dr. Singh doesn't say that he is impaired. Whenever the Board does impairment cases, the Board always requires that the physician make admissions. Dr. Singh admits to nothing. To treat Dr. Singh as an impairment case would be an exercise in failure for Dr. Singh and the Board. She does think that the Report and Recommendation is harsh, but Dr. Singh admits to nothing and takes responsibility for nothing. Treating Dr. Singh as an impaired physician isn't going to make him responsible.

Dr. Bhati stated that most impaired people go through phases. He thinks that if someone has a DUI with .2 blood levels, he's impaired to a great degree. Most of them would not agree until they hit rock bottom. The rock bottom situation tells them that they can't go any further from that place. Despite the fact that Dr. Singh disagrees with the diagnosis, Dr. Bhati stated that he feels that Dr. Singh is impaired.

Dr. Kumar stated that he agrees with Dr. Egner that Dr. Singh doesn't admit to anything, and that was his problem as he went through this case. On the other hand, he does believe a one-year suspension with a chance to be rehabilitated, as well as probationary terms, would be appropriate in this case.

Mr. Dilling stated that Dr. Singh was given notice and an opportunity to be heard on allegations of a violation of §4731.21(B)(9), a felony conviction. There has been no notice given for impairment of ability to practice. What he's heard from the Board's discussion is about impairment in a general sense, abuse,

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perhaps of whatever, not a discussion about impairment of ability to practice. If the Board is talking in terms of mitigation and how that might mitigate the Order, that might be appropriate. If it is talking about fashioning an Order based upon some thought of impairment of ability to practice, that is not in order and should not be part of the Board's discussion.

Dr. Talmage stated that the basis for his motion was that the Board is considering a felony conviction. In the body of the Report and Recommendation, there is indication that Dr. Singh did attend a three-day evaluation at Shepherd Hill. Although Dr. Singh reported that this was a clean bill of health, he would encourage Dr. Singh to hear what the Board is saying and consider further evaluation and/or treatment for potential impairment. Dr. Talmage stated that the Board doesn't have those particulars before it, and he doesn't think the Board could consider it. He does think that the suspension would give Dr. Singh time to reflect and engage in treatment if it was felt needed.

Dr. Bhati stated that the Board doesn't even have a report from Shepherd Hill. It just has a verbal statement by Dr. Singh that this is the case.

Dr. Buchan stated that he believes there may have been mitigating issues, but he is confused about the terms Dr. Singh would have to meet to be allowed to return to practice after a year.

Dr. Bhati stated that there should be the usual terms and conditions as the Board usually uses for impaired physicians.

Dr. Buchan asked how long that probation would be.

Mr. Dilling again reminded the Board that there is not a basis in the record for the Board to put someone under terms of an impairment-type Order in this case. If the Board wants that evaluated further, the Secretary and Supervising Member are here and listening to the Board's conversation. Today the Board can only consider the felony conviction. The felony has a lot of facts attached to it, to which the Board is more than able to speak in terms of mitigation or aggravation. To craft an order that puts into play things that are geared toward impairment or monitoring impairment would be inappropriate in this case.

Dr. Buchan stated that the Board has learned that folks who have DUIs in the year 2003 have a high percentage of impairment. It's over 90%. He'd have a difficult time suggesting that the Board not ask for some evaluation in the time-out period, if the Board is moving in that direction. Otherwise, he came to the Board today anticipating a revocation based upon the felony and the record as written. Dr. Singh doesn't admit to anything, and until he comes clean, he has no other basis by which to form an opinion.

Dr. Egner stated that Dr. Singh has a drug-related felony, a felony committed in the course of practice. The Board knows certain facts to be true. Concerning the Oxycodone in the car, the Board has heard, far too many times, the story that "it didn't belong to me, and I don't know how it got there." Even to this day Dr. Singh says that. Under the disciplinary guidelines, the minimum penalty for both of these is a permanent revocation. Dr. Egner stated that she doesn't see, with the facts before the Board, and the charges in the citation letter, that the Board has any other way to go.

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Dr. Talmage stated that his proposed amendment would allow for a permanent revocation, but it is stayed, under the presumption that, after the suspension, the evaluation will prove that Dr. Singh is capable of going back into practice. If he is not, the stayed revocation becomes a permanent revocation.

Mr. Dilling stated that there is an amendment on the table that was seconded. As far as he heard, the amendment was to stay the revocation and suspend the license for a year. There were no other terms in that motion. If, after discussion, the Board wants to consider another amendment that includes terms, someone needs to offer a second amendment. Mr. Dilling stated that, when the Board goes to that second amendment, it must try to concentrate on the (B)(9) aspects and not impairment of ability to practice. The latter is not what the Board has before it today.

**DR. BHATI MOVED TO TABLE THE MATTER TO ALLOW FOR THE CRAFTING OF AN AMENDMENT. DR. KUMAR SECONDED THE MOTION.**

Dr. Talmage stated that, if the Board tables this, it becomes a discussion among a select group, which he would rather resolve here and now. If it takes a secondary amendment, he thinks that can be accomplished. The Board must rely on its legal advisors as to the secondary amendment, whether to include probationary terms or an evaluation of impairment.

Dr. Bhati stated that that is why he is moving to table the matter.

Mr. Dilling stated that Dr. Bhati made the motion to table. If Dr. Bhati needs some assistance in coming up with an alternative order, his motion to table is appropriate.

A vote was taken on the motion to table:

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

The motion carried.

#### ADMINISTRATIVE REPORT

At this time, Mr. Dilling awarded service pins to Mr. Porter and Ms. Bickers honoring them, individually, for their 10 years of state service.

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FINDINGS, ORDERS AND JOURNAL ENTRIESLEANNE MCDONALD BERTANI, M.D.

By letter of May 1, 2003, the Board notified Dr. Bertani that it proposed to approve her application for restoration of her certificate to practice medicine and surgery provided that she take and pass the Special Purpose Examination (SPEX), due to the fact that Dr. Bertani has not engaged in the active practice of medicine for more than two years. Said notice was mailed via certified mail, return receipt requested, to Dr. Bertani's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Dr. Bertani, and more than 30 days have elapsed since the mailing of that notice. The matter was presented to the Board at this time for final disposition.

**DR. BUCHAN MOVED TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, GRANTING DR. BERTANI'S RESTORATION REQUEST, PROVIDED SHE TAKE AND PASS THE SPECIAL PURPOSE EXAMINATION (SPEX) WITHIN SIX MONTHS OF MAY 1, 2003. DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

BRIAN T. BRADY, M.T.

By letter dated April 23, 2003, the Board notified Mr. Brady of its determination that it had reason to believe that he was in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered him to undergo an examination. Mr. Brady failed to appear for this scheduled examination. At no time did Mr. Brady inform the Board that his failure to appear was due to circumstances beyond his control.

Section 473 1.22(B)(26), Ohio Revised Code, provides that the failure to submit to an examination, ordered by the Board, to determine whether the habitual or excessive use or abuse of drugs, alcohol, or other substances impairs an individual's ability to practice "constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence." The matter of Brian T. Brady, M.T., was presented to the Board at this time for final disposition.

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**DR. BHATI MOVED TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING MR. BRADY A CERTIFICATE TO PRACTICE MASSAGE THERAPY. DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

GHASSAN HAJ-HAMED, M.D.

By letter of May 14, 2003, the Board mailed its Notice of Opportunity for Hearing to Ghassan Haj-Hamed, M.D. based on a prior action against Dr. Haj-Hamed's license by the Kentucky Medical Board, including an amended emergency order of suspension and a final order upholding that emergency suspension. Signed certified mail receipts were returned to the Board documenting proper service of the notice on Dr. Haj-Hamed and his attorneys of record. A hearing request was received from Dr. Haj-Hamed; however, it is considered untimely due to the fact that the request was received more than thirty (30) days after the mailing of the notice. The matter was presented to the Board at this time for final disposition.

**DR. EGNER MOVED TO ENTER THE FOLLOWING ORDER IN THE MATTER OF GHASSAN HAJ-HAMED, M.D.:**

It is hereby ORDERED that the certificate of Ghassan Haj-Hamed, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.

This Order shall remain in effect until either of the following occurs:

1. A final resolution on the merits of the matter currently pending before the Kentucky Board of Medical Licensure is reached and, based upon that resolution, the Ohio Board enters a Final Order following issuance of a notice of opportunity for hearing.
2. The Ohio Board determines, after a final resolution of the pending Kentucky Board action, that no further action is warranted and notifies Dr. Haj-Hamed of that determination in writing.

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This ORDER shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.

**DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

RODGER MARTING, D.O.

By letter of May 6, 2003, the Board notified Dr. Marting that it proposed to approve his application for a certificate to practice osteopathic medicine and surgery provided that he take and pass the Special Purpose Examination (SPEX), due to the fact that Dr. Marting has not engaged in the active practice of medicine for more than two (2) years. Said notice was mailed via certified mail, return receipt requested, to Dr. Marting's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Dr. Marting and more than 30 days have elapsed since the mailing of that notice. The matter was presented to the Board at this time for final disposition.

**DR. EGNER MOVED TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, GRANTING DR. MARTING'S REINSTATEMENT REQUEST, PROVIDED HE TAKE AND PASS THE SPECIAL PURPOSE EXAMINATION (SPEX) WITHIN SIX MONTHS OF MAY 6, 2003.**  
**DR. BHATI SECONDED THE MOTION.**

Dr. Kumar stated that he has difficulty accepting the following language in the proposed Order:

WHEREFORE, having reviewed the notice of opportunity for hearing, the application for licensure, and the March 12, 2003, minutes of the Board's discussion of this application, all of which are attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the notice of opportunity for hearing issued on May 6, 2003.

Dr. Kumar stated that this may be correct, legally, but he doesn't think that there were really allegations.

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The individual was out of practice for two years for whatsoever reason. He suggested that the Board might want to look for different language.

Mr. Dilling stated that he will take Dr. Kumar's concerns under consideration. He added that the term, "allegations," when used in this context, doesn't have the same connotation as it would in a criminal matter.

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

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

The motion carried.

Mr. Dilling added that such cases aren't reported in the same way to other entities, such as the NPDB, the Federation, etc. It is treated differently in other ways.

#### CITATIONS, PROPOSED DENIALS & ORDERS OF SUMMARY SUSPENSION

##### MILES J. JONES, 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. JONES. DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

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The motion carried.

MAIYOOR S. VIDYASAGAR, 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. VIDYASAGAR. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

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

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

The motion carried.

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ALBERTO LEON, 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. LEON. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

LARRY JOHN LITTLE, MD. - 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. LITTLE. DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

VLADIMIR VASIC, M.D. - CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which

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shall be maintained in the exhibits section of this Journal.

**DR. BHATI MOVED TO SEND THE CITATION LETTER TO DR. VASIC. DR. EGNER SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Dr. Talmage left the meeting at this time.

#### RATIFICATION OF CONSENT AGREEMENTS

##### CAROL E. LEWIS, M.D.

**DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. LEWIS. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Mr. Browning	- aye

The motion carried.

##### ALLEN H. SHIPPEL, M.D.

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

Vote:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Mr. Browning	- aye

The motion carried.

GEORGE V. HASSINK, M.D.

**DR. EGNER MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. HASSINK. DR. BHATI SECONDED THE MOTION.** A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Mr. Browning	- aye

The motion carried.

MARY MEI-LING YUN, M.D.

**DR. KUMAR MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. YUN. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Mr. Browning	- aye

The motion carried.

Dr. Talmage returned to the meeting at this time.

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PROBATIONARY REPORTS

Mr. Browning referred the Board to the Compliance Staff's reports of conferences with probationers on May 12-13, 2003. The reports indicate that all probationers are in compliance.

**DR. TALMAGE MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH: DAVID E. ALLEN, M.D.; DIANE L. BAUM, M.T.; VICTOR BYKOV, M.D.; LESLIE R. (WOLF) DYE, M.D.; MARY JO FOOTE, P.A.; GARY F. GLADIEUX, M.D.; JEROME DAVID HOMISH, D.O.; BAK CHUL KIM, M.D.; ERIC W. LOTHES, M.D.; BRADFORD J. MURPHY, D.O.; ELLIOT L. NEUFELD, D.O.; HARRY P. NGUYEN, M.D.; STEPHEN R. PORTER, M.D.; JOSEPH S. SCHEIDLER, D.O.; MARK E. SENIOR, D.O.; ALLAN H. SHIPPEL, M.D.; AND MICHAEL J. STANEK, D.O. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

PROBATIONARY REPORTS AND REQUESTS

EDWARD M. BIRDSONG, D.O.

Dr. Birdsong's request to modify the terms of his probation was presented to the Board for consideration at this time.

**DR. BUCHAN MOVED TO GRANT DR. BIRDSONG'S REQUESTS TO: CONTINUE WITH THE TERMS OF THE BOARD'S ORDER OF MAY 12, 2003 WHILE HE IS RESIDING AND PRACTICING IN NEW YORK; ELIMINATE THE CHART REVIEW REQUIREMENT; AND WAIVE APPEARANCES UNTIL HE IS ELIGIBLE FOR RELEASE FROM PROBATION IN 2005. DR. BUCHAN FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. BIRDSONG ON MAY 12, 2003. DR. EGNER SECONDED THE MOTION. A vote was taken:**

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

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Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Dr. Robbins	- aye
Dr. Garg	- aye

The motion carried.

ANN V. GOVIER, M.D.

Dr. Govier's request for approval of a new treating psychiatrist was presented to the Board for consideration at this time.

**DR. EGNER MOVED TO APPROVE PHILLIP L. BORDERS, M.D., TO SERVE AS DR. GOVIER'S TREATING PSYCHIATRIST. DR. EGNER FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. GOVIER ON JUNE 9, 2003. DR. ROBBINS 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

BRIAN HEIM, M.D.

Dr. Heim's request for elimination of his chart review requirement was presented to the Board for consideration at this time.

**DR. EGNER MOVED TO GRANT DR. HEIM'S REQUEST TO ELIMINATE THE CHART REVIEW REQUIREMENT. DR. EGNER FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. HEIM ON JUNE 9, 2003. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

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

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Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Dr. Robbins	- aye
Dr. Garg	- aye

The motion carried.

W. ANDREW HIGHBERGER, M.D.

Dr. Highberger's requests for permission to perform operative anesthesia and approval of a physician observer were presented to the Board for consideration at this time.

Dr. Kumar asked for more information on this case.

Ms. Bickers stated that Dr. Highberger cannot return to the performance of operative anesthesia until he has a certain number of procedures observed. If approved, Barbara M. Rogers, M.D., will be the physician observer. Once she observes those procedures and reports to the Board that everything is okay, Dr. Highberger will have to enter into an addendum to the Consent Agreement that will allow him to perform operative anesthesia.

Dr. Kumar asked whether operative anesthesia includes everything, such as conscious sedation and deep sedation.

Ms. Bickers stated that it does.

Mr. Dilling asked whether this will be done in a hospital setting.

Ms. Bickers stated that it would.

Dr. Kumar asked whether the Agreement specifies that Dr. Highberger can only work in a hospital setting. He stated that he doesn't want to leave the opening for Dr. Highberger to practice anesthesia outside the hospital.

Mr. Dilling stated that the Board could modify its motion to require that the anesthesia be performed in a hospital or ambulatory surgical facility setting.

**DR. KUMAR MOVED TO GRANT DR. HIGHBERGER PERMISSION TO PERFORM OPERATIVE ANESTHESIA ONLY IN A HOSPITAL OR AN AMBULATORY SURGERY FACILITY AND TO APPROVE BARBARA M. ROGERS, M.D., AS DR. HIGHBERGER'S PHYSICIAN OBSERVER. HE FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. HIGHBERGER ON JUNE 9, 2003. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

HANY M. ISKANDER, M.D.

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

Dr. Bhati asked why the Secretary and Supervising Member didn't make any recommendation on this case. He stated that he doesn't have any problem in accepting the Compliance staff's report of June 9, but he's not willing to reduce the appearances without Secretary and Supervising Member recommendations.

Dr. Buchan stated that it is not unreasonable to withhold approval of a change in his appearance schedule absent a recommendation from the Secretary and Supervising Member.

**DR. BHATI MOVED TO DENY DR. ISKANDER'S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE. DR. BHATI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. ISKANDER ON JUNE 9, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

JAMES L. KEGLER, M.D.

Dr. Kegler's request for a modification to the terms of the Board's Order of February 14, 1996 was

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presented to the Board for consideration at this time.

**DR. EGNER MOVED TO PERMIT DR. KEGLER TO APPLY FOR D.E.A. PRIVILEGES, AND TO PERMIT HIM TO PRESCRIBE, ADMINISTER, DISPENSE, ORDER, WRITE ORDERS FOR, GIVE VERBAL ORDERS FOR, OR POSSESS ANY CONTROLLED SUBSTANCES WITH THE MAINTENANCE OF A CONTROLLED SUBSTANCE LOG. DR. EGNER FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. KEGLER ON JUNE 10, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

JOSEPH A. TORE, M.D.

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

**DR. BHATI MOVED TO APPROVE DR. TORE'S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS. DR. BHATI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. TORE ON JUNE 9, 2003. DR. ROBBINS 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

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MICHAEL J. VJECHA, M.D.

Dr. Vjecha's request for approval of a treating psychiatrist and a treating psychotherapist was presented to the Board for consideration at this time.

**DR. KUMAR MOVED TO APPROVE FRANK L. VALCOUR, M.D., AS DR. VJECHA'S TREATING PSYCHIATRIST, AND MARGARET M. PAKULSKI, M.A., L.C.S.W.-C, AS DR. VJECHA'S TREATING PSYCHOTHERAPIST. DR. KUMAR FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. VJECHA ON JUNE 9, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

KELLI D. WAHL, M.T.

Ms. Wahl's request for a reduction in her appearance schedule was presented to the Board for consideration at this time.

**DR. BUCHAN MOVED TO REDUCE MS. WAHL'S APPEARANCE REQUIREMENT TO EVERY SIX MONTHS. DR. BUCHAN FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH MS. WAHL ON JUNE 10, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

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PAUL W. WILSON, D.O.

Dr. Wilson's request for a change in his drug screen requirement was presented to the Board for consideration at this time.

**DR. BHATI MOVED TO ELIMINATE DR. WILSON'S DRUG SCREEN REQUIREMENT. DR. BHATI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. WILSON ON JUNE 9, 2003. DR. ROBBINS SECONDED THE MOTION.**

Dr. Egner stated that the Board hasn't seen Dr. Wilson in a long time, and she asked for a report from those who have met with him.

Mr. Albert stated that Dr. Wilson was never really involved in drugs. He's been doing well; he's one of the plant doctors at the Daimler-Chrysler Plant in Toledo. Mr. Albert stated that he thinks that Dr. Wilson's request is okay.

Mr. Dilling noted the number of years Dr. Wilson has been tested. Part of this is that he's built up a good track record, and part of it is that the drug that he had been abusing earlier was probably not the heavy-duty drug that the Board normally sees.

Mr. Albert stated that Dr. Wilson never really had a drug problem, and he seems to do well. He did not do well when he didn't have a job, but now that he has a job, he seems to be doing well.

A vote was taken Dr. Bhati's motion:

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

The motion carried.

REGINALD O. WINDOM, M.D.

Dr. Windom's request for a reduction in frequency of psychiatric sessions and Depakote level testing was presented to the Board for consideration at this time.

**DR. BHATI MOVED TO REDUCE DR. WINDOM'S PSYCHIATRIC SESSIONS AND**

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**DEPAKOTE LEVEL TESTING TO ONCE PER MONTH. DR. BHATI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. WINDOM ON JUNE 10, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

EUGENE F. TARESHAWTY, JR., M.D.

Dr. Tareshawty's request for modification to the terms of his May 8, 2002 Consent Agreement was presented to the Board for consideration at this time.

**DR. BUCHAN MOVED TO APPROVE DR. TARESHAWTY'S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE TO EVERY SIX MONTHS AND A REDUCTION IN HIS DRUG SCREEN REQUIREMENT TO TWICE PER MONTH. DR. BUCHAN FURTHER MOVED TO DENY DR. TARESHAWTY'S REQUEST FOR A REDUCTION IN THE REQUIRED ALCOHOL AND DRUG REHABILITATION MEETINGS. DR. BUCHAN FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. TARESHAWTY ON JUNE 10, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

Dr. Buchan noted that Dr. Tareshawty is still in the early stages of his Step II Consent Agreement. Dr. Buchan stated that he believes that this is a critical time, and the meetings are still important.

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Mr. Albert stated that he's thought about this a lot, and he believes requiring someone to attend three meetings a week during the five years they are on probation is not that bad. He remarked that the Board will reduce appearances and drug screens, and then there's not much left in the standard Step II agreements. He, Mr. Schmidt and Ms. Bickers have talked with numerous probationers, and there aren't many who would object to attending three meetings per week. It's part of the recovery.

Dr. Buchan stated that there are probationers who attend seven to eight meetings per week. The importance of those meetings is not understated.

#### PROBATIONARY REQUESTS

##### JEFFREY A. BRIGGS, M.D.

Dr. Briggs' request for a determination of frequency and number of charts to be reviewed by J. Kevin Kingston, M.D., his monitoring physician, was presented to the Board for consideration at this time.

**DR. TALMAGE MOVED TO INSTRUCT DR. KINGSTON TO REVIEW TEN (10) CHARTS 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
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

##### JAMES L. REINGLASS, M.D.

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

**DR. TALMAGE MOVED TO APPROVE NEVILLE S. MARKS, M.D., AS DR. REINGLASS' NEW TREATING PSYCHIATRIST. 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
Dr. Robbins	- aye
Dr. Garg	- aye

The motion carried.

VIRGINIA C. WOODROW, M.D.

Dr. Woodrow's request for a reduction in her appearance schedule and a reduction in frequency of psychiatric sessions was presented to the Board for consideration at this time.

Dr. Talmage noted that the Secretary and Supervising Member did not support Dr. Woodrow's request for a reduction in the frequency of psychiatric sessions.

**DR. BHATI MOVED TO APPROVE DR. WOODROW'S REQUEST FOR A REDUCTION IN HER APPEARANCE SCHEDULE TO EVERY SIX MONTHS. DR. BHATI FURTHER MOVED TO DENY DR. WOODROW'S REQUEST FOR A REDUCTION IN THE FREQUENCY OF PSYCHIATRIC SESSIONS. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

LICENSURE

PHYSICIAN ASSISTANT APPLICANTS

At this time the Board considered applications for registration as physician assistants.

**DR. BHATI MOVED TO APPROVE THE APPLICANTS LISTED IN LICENSURE EXHIBIT (A) FOR REGISTRATION AS PHYSICIAN ASSISTANTS, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. TALMAGE SECONDED THE MOTION.** A vote was taken:

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

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Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Dr. Robbins	- aye
Dr. Garg	- 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: VINAYAK KULKARNI, M.D., MHM SOLUTIONS, INC., MARTIN SURGICAL ASSOCIATES, NEUROSURGICAL ASSOCIATES, INC. PATIENT FIRST AND THE SURGERY CENTER AT AKRON CITY GENERAL HEALTH & WELLNESS, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

#### COSMETIC THERAPY EXAMINATION RESULTS

Dr. Buchan referred to the results from the Board's June 2003 Cosmetic Therapy examination.

**DR. BUCHAN MOVED TO APPROVE THE RESULTS OF THE JUNE 2003 COSMETIC THERAPY EXAMINATION, AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE EXAMINATION, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. DR. GARG SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

SONG FANG SHUAI, ACUPUNCTURIST APPLICANT

The above-captioned's application for registration as an acupuncturist in Ohio was presented to the Board for consideration at this time.

**DR. TALMAGE MOVED TO GRANT SONG FANG SHUAI'S REGISTRATION AS AN ACUPUNCTURIST, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

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. BUCHAN MOVED TO APPROVE THE APPLICANTS LISTED IN LICENSURE EXHIBIT (B) FOR ENDORSEMENT LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

#### JUNE 2003 PMLEXIS RESULTS

At this time the Board reviewed the results of the June 2003 PMLexis.

**DR. BUCHAN MOVED TO APPROVE THE RESULTS OF THE JUNE 2003 PMLEXIS, AND TO CERTIFY AS PASSING AND FIND ELIGIBLE FOR LICENSURE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE EXAMINATION, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

#### PHYSICIAN ASSISTANT APPLICANTS

At this time the Board considered additional applications for registration as physician assistants.

**DR. TALMAGE MOVED TO APPROVE THE APPLICANTS LISTED IN LICENSURE EXHIBIT (C) FOR REGISTRATION AS PHYSICIAN ASSISTANTS, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. GARG SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

P.A. UTILIZATION PLANS

Additional 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: BENACOURT, LTD., KIDNEY ASSOCIATES, AND ELIOT MOSTOW, M.D., CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. 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  
Dr. Robbins - aye  
Dr. Garg - aye

The motion carried.

PARAMJIT SINGH, M.D.

**DR. TALMAGE MOVED TO REMOVE THE MATTER OF PARAMJIT SINGH, M.D., FROM THE TABLE. 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

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Dr. Robbins           - aye  
Dr. Garg               - abstain

The motion carried.

**DR. BHATI MOVED THAT THE PROPOSED ORDER IN THE MATTER OF PARAMJIT SINGH, M.D., BE AMENDED TO READ AS FOLLOWS:**

It is hereby ORDERED that:

1. The certificate of Paramjit Singh, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Singh's certificate shall be SUSPENDED for an indefinite period of time, but not less than one year.
2. The Board shall not consider reinstatement or restoration of Dr. Singh's certificate to practice medicine and surgery until all of the following conditions have been met:
  - A. Dr. Singh shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
  - B. In the event that Dr. Singh 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.

This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.

**DR. TALMAGE SECONDED THE MOTION.**

Dr. Talmage stated that this Order is consistent, at least in what it cites, with the Findings of Fact and Conclusions, as well. The quality or the quantity of the suspension is subject to debate. The Secretary, in reviewing the final Order here, can self-generate a complaint if there is sufficient evidence or statements in the body of this investigation that would indicate that there is the possibility of any other complaint, such as impairment or anything else. The Secretary can then order an investigation, a thorough evaluation, or anything else that is necessary. Dr. Talmage stated that, saying that as the Secretary, he has not been involved in the investigation to this point. He therefore can vote on this Order, but he would, from this day forward, be recused by virtue of the fact that another complaint would be generated by himself, as Secretary.

Mr. Dilling stated that Dr. Talmage made a motion, that was seconded, for a stayed revocation and a one-year suspension.

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**DR. TALMAGE WITHDREW HIS ORIGINAL MOTION TO AMEND. DR. BHATI, AS SECOND, AGREED TO THE WITHDRAWAL.**

Mr. Browning asked whether there was any further discussion.

Dr. Kumar stated that he believes the amendment was very well drafted, but he continues to have a problem because of the fact that Dr. Singh probably does not recognize his problems and he keeps putting the blame on other people. Dr. Kumar stated that he hopes Dr. Singh recognizes that fact and takes it into account when he applies for reinstatement.

Dr. Buchan stated that he's having a difficult time with this scenario. He understands the proposed amended order, but there are no provisions for denial of licensure aside from the fact that he has to pay fees and then he's back in practice. Dr. Singh is a convicted felon. Dr. Buchan stated that he's having a difficult time in terms of not putting a barrier in front of Dr. Singh that assures that he's fit to practice. Dr. Buchan stated that he understands the comments made, but he wants to go on the record as saying he has genuine concerns about Dr. Singh. He added that this is probably the Board's best option, but he does believe that it is not unreasonable to try to engage him back into practice. He's just concerned about fitness to practice.

Dr. Talmage stated that when Dr. Singh's application for restoration comes up, he will have to answer that he has had a sanction. That then triggers a review by the Secretary and Supervising Member and by the staff. The matter could then be looked at critically to make sure that there is no longer an issue or that Dr. Singh has satisfactorily demonstrated the fact that the suspension had the desired effect.

Mr. Dilling asked to clarify the Secretary and Supervising Member and staff's role once the Board puts this Order in place. What the Board sees before it is what it gets. In terms of a review, Dr. Singh will apply for reinstatement, and he must meet the conditions in the Order. If he takes longer than two years out of practice, the Board would have another chance to look at him. The other suggestion in terms of questioning fitness to practice was answered as clearly as it could be answered at this point in time by Dr. Talmage. That's something for the Secretary and Supervising Member to review. They have heard the Board's comments and will take a look at it, just as they would any other matter. Mr. Dilling added that that's a process that would be done for any similar situation. In terms of the Board's concerns, they have been stated on the record, but the Board has also discussed the lack of legal means necessary to act upon them under the record before the Board today.

Dr. Bhati stated that, nevertheless, the picture is clear that this is a gentleman who does not admit that there is a problem, who has not been cooperative, and who has been passing the buck every time he gets the chance to somebody else. Dr. Bhati stated that that's bad. Dr. Bhati stated that he hopes Dr. Singh changes all of that when he comes before the Board for reinstatement.

Dr. Egner stated that she doesn't agree with this proposed amendment. It's not in keeping with what the Report and Recommendation says. If the motion passes, she hopes that Dr. Singh knows that this is the luckiest day of his life. She doesn't think that the proposed amendment is in keeping with what the Report

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says. Dr. Singh had a good attorney for his hearing, and he did not offer any more explanation than the Board has.

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

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

The motion carried.

**DR. TALMAGE MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF PARAMJIT SINGH, M.D. DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

#### PERSONAL APPEARANCES

##### JESSICA B. CAMPBELL, M.D.

Dr. Campbell appeared before the Board pursuant to her request for release from the terms of the Board's Order of May 14, 1997. If approved, release from probation would become effective July 10, 2003.

In response to Dr. Buchan's questions, Dr. Campbell stated that she has a solo practice in Zanesville, Ohio.

In response to Dr. Garg's questions, Dr. Campbell stated that she is in vascular surgery. She added that she would rather be fixing a ruptured aneurysm right now. She is working full time.

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Mr. Albert stated that he has known Dr. Campbell for six years now. When first she came to the Board, she had a very serious problem, but Dr. Campbell has dealt with her problems and has been an ideal probationer. Mr. Albert wished her well.

Dr. Campbell stated that she appreciates Mr. Albert's sincere advocacy for recovering physicians.

Dr. Talmage asked Dr. Campbell for input on the Board's process.

Dr. Campbell stated that she was told that the Board would ask her questions, and she has put a few thoughts together. She stated that she would first like to thank Mr. Schmidt and Ms. Bickers, stating that they were very professional and both did a fine job. They were responsible, and were good models for people trying to be responsible. Dr. Campbell stated that she doesn't feel that she is qualified to comment on her own situation and the disciplinary action because she doesn't see how she can be objective about that. The Board did what it felt was appropriate, and she's clean and sober seven years later, so it worked for her.

Dr. Campbell continued that, in reading *Your Report* and seeing the vast amount of chemical dependency issues with which the Board must deal, the thought crossed her mind that Board members should either receive C.M.E. in this subject or have an addictionologist on the Board. Dr. Campbell stated that, as a physician, with a license to practice medicine and having been through a good medical school, she was not trained in chemical dependency and was not qualified to make any decisions. She wouldn't want to project that on the Board because she doesn't know what its members' education interests are, but it couldn't hurt a medical board to be educated in dependency issues.

Dr. Talmage commented that that is an excellent point. He continued that the Board does, in fact, have retreats each year. Those retreats are often devoted to having experts in addictionology come talk to the Board.

**DR. BHATI MOVED TO RELEASE DR. CAMPBELL FROM THE PROBATIONARY TERMS OF THE BOARD'S ORDER OF MAY 14, 1997. DR. BUCHAN SECONDED THE MOTION.**

Dr. Buchan asked Dr. Campbell whether there is anything she will do that that will assure her of success ten years down the road.

Dr. Campbell stated, personally, that she has a commitment. She remarked that they say that A.A. is a one-day-at-a-time thing; but, were she a member of the Board, she wouldn't want somebody to come before her and say, "who knows what tomorrow will bring." If she does tomorrow what she's doing today, she will enjoy the recovery that she enjoys today. Her commitment is to the activities of recovery. She hopes that will do her for this lifetime.

Dr. Campbell stated that she also wishes to thank Mr. Farrier of OPEP, who has been a great liaison person.

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Dr. Bhati congratulated Dr. Campbell on her success.

A vote was taken:

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

The motion carried.

KAREN M. PARADIES, M.D.

Dr. Paradies made her initial appearance before the Board, pursuant to the terms of the Board's Order of April 2, 2003.

Dr. Kumar noted that Dr. Paradies just witnessed one success story. Dr. Paradies is at the starting point on that road. Dr. Kumar stated that he hopes that Dr. Paradies is also successful.

In response to Dr. Kumar's questions, Dr. Paradies stated that she is dealing with her alcohol and drug dependency by being engaged in aftercare, and involved in A.A. and N.A. She's also seeing a psychologist, as well. She was seeing a psychiatrist before, but she switched to a different psychologist, and she feels that it's a better working relationship at this time. Dr. Paradies stated that she believes her attitude has dramatically changed. The more time she has clean and sober, the more clearly she can see the steps she needs to take and the irresponsible steps she took in the past. Seeing Dr. Campbell is inspirational, and she hopes to one day be in the same position.

In response to Dr. Bhati's questions, Dr. Paradies stated that she has had a chance to read the Board's Order and has no questions on it. She added that she spoke with Ms. Bickers, who helped her understand the terms.

Dr. Bhati wished Dr. Paradies well. He also cautioned her that the Board has a low tolerance for relapse.

Dr. Paradies stated that she has a very serious problem and would expect nothing less than permanent revocation should she relapse.

In response to further questions by Dr. Bhati, Dr. Paradies stated that she attends aftercare weekly. As far as family support, Dr. Paradies advised that her family is in New York state, so she doesn't have close

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family support. She does feel that she has a new family in aftercare. She's become very close to the people in that group, as well as to her A.A. sponsor. She keeps in touch with people with whom she went through treatment. They are still maintaining their sobriety. She does have support from them.

In response to Dr. Talmage's questions, Dr. Paradies stated that she will be allowed to apply for custody of her daughter in October of this year. She sees her daughter every weekend, and sometimes she sees her during the week. She had her daughter for four days over the July 4<sup>th</sup> weekend, and that is the longest span since all this began.

In response to Dr. Egner's questions, Dr. Paradies stated that she sees a psychologist once a month. The Board had requested that she get an evaluation by a psychiatrist. She submitted Ronald Sachs' C.V. The Board reviewed that request on June 11. Dr. Paradies stated that she's been waiting to hear from the Board whether Dr. Sachs would be appropriate. Dr. Sachs is to determine whether further treatment is necessary. Dr. Paradies stated that she had seen a psychiatrist before her relapse, mostly as training to become a psychiatrist herself. She had also seen a psychiatrist in the past, when she suffered an episode of depression prior to medical school. When she relapsed and everything came to a head in May 2002, a lot of her friends were very concerned about her in the emergency room, and she ended up getting admitted to a psychiatric hospital at that time. At the psychiatric hospital they had made a diagnosis of psychosis, but that diagnosis was in error. She stated that she believes the Board wants to be sure that she's not psychotic, and that is why the evaluation was ordered.

In response to Dr. Garg's questions, Dr. Paradies stated that she has completed two years of her residency. She stated that she's extremely fortunate in that she's working in the research department at the University of Cincinnati, so she's working in the psychiatry department, helping with research protocols, doing regulatory work. She's spoken with the Chairman and the Director, and they are very eager to have her back. She will have to reapply, but she expects that she will be allowed to return to the residency program.

Dr. Garg asked whether the residency program is monitoring Dr. Paradies.

Dr. Paradies stated that it is not. The program is aware of everything she is doing, as far as aftercare is concerned. They are aware that she does weekly drug screens with OPEP.

**DR. BHATI MOVED TO CONTINUE DR. PARADIES UNDER THE TERMS OF THE BOARD'S ORDER OF APRIL 2, 2003 AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. 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

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Dr. Robbins           - aye  
Dr. Garg               - aye

The motion carried.

AKI S. PURYEAR, M.D.

Dr. Puryear made his initial appearance before the Board, pursuant to the terms of his April 2, 2003 Consent Agreement.

In response to Dr. Bhati's questions, Dr. Puryear stated that he is doing all right, and is managing reasonably well under the circumstances. He has reviewed his consent agreement and has no questions concerning it. His recovery is going very well. Dr. Puryear stated that he believes he has a great recovery group in Toledo. There's a large network in Toledo, which has been very helpful for him because he really doesn't have any family in that area. His aftercare group and Caduceus group have been wonderful to him. Everybody within that community has helped him out a lot.

In response to Dr. Buchan's questions, Dr. Puryear stated that he initially came to Toledo to join the staff of MCO as a fellow in pediatric orthopedics. He's been having some problems getting his credentials there, so he's teaching right now, waiting for his credentials. This has been almost like the process of getting licensure.

Dr. Bhati asked what the problem is. Dr. Puryear replied that he doesn't understand what the problem is. It's not something to which he's privy. He's told that his application has to go to the executive board, that they have questions. Nothing has changed since January last year. There's been nothing new, it's just going through that process. Dr. Puryear stated that he thinks that they're afraid, but added that that is understandable. You fear the unknown, and they don't know him, so they're just being very cautious. That's understandable.

Dr. Egner asked whether it was correct that MCO didn't know about his chemical dependency at the time he interviewed for his job.

Dr. Puryear stated that they didn't, but he did inform them soon after.

Dr. Egner stated that when she looks at Dr. Puryear's history, it appears he applied for an Ohio license, withdrew it, then applied again with those facts and then went through treatment.

Dr. Puryear stated that he had gone through treatment prior to withdrawing his application. His sobriety date is January 22. He informed MCO, and a week or so later he notified Dr. Ebraheim, who then notified Dr. Gohara. Dr. Puryear advised that he met with Dr. Gohara and informed him of everything. He also spoke with a Mr. Conley, an attorney for MCO, who instructed him to provide all of the documentation, which he did. They were aware of his withdrawal of his Ohio licensure application, secondary to the Board's concerns. Dr. Puryear stated that he was very upfront with MCO. They had all the documentation

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that he's ever received, and he's kept them updated.

In response to Dr. Talmage's questions, Dr. Puryear stated that he believes his credentials are being held up at the Board of Trustees level. He stated that he doesn't get to attend those meetings. They informed him that they met and will have to meet again, and they'll make a recommendation to the full Board.

Dr. Egner asked when Dr. Puryear received treatment in lieu of conviction.

Dr. Puryear stated that he'd been through treatment prior to this making it to the court system. By the time he got to the court system he had already been in a program where he received screens, had already gone through treatment, and by the time it got to the judge, the Brandywine counseling group recommended that he didn't need any more treatment since he'd already done. Dr. Puryear commented that the system is a little slow.

Dr. Egner stated that she wants Dr. Puryear to understand that his problem is very serious, and his relapse rate is rather high. The probationary conditions are in place to ensure the safety of the patient. Dr. Egner stated that she can understand why MCO is probably thinking a little harder. She would also think harder if someone she was interviewing told her that he or she had been sober for a week. Dr. Egner stated that she would probably want more assurance. That's what the Board needs, too. Dr. Egner advised that the Board takes relapses very seriously.

Mr. Albert stated that "treatment in lieu of conviction" is criminal. He added that there are counties in the state that don't give out "treatment in lieu of conviction". Had Dr. Puryear been unfortunate enough to be in one of those counties, he would probably be in jail. Mr. Albert advised Dr. Puryear to consider himself lucky, and to appreciate the gift he was given by maintaining his sobriety.

Mr. Dilling stated that in January 2002 he spoke with Dr. Puryear and Dr. Ebraheim at the same time, and both asked similar types of questions. Mr. Dilling remarked that it is very difficult for him to give people the answer of what will happen should they apply. It was obvious that Dr. Puryear wanted to come to Ohio, wanted to continue on, but he also had the realization that he was involved in a series of events that would impact his medical practice and his license considerably. Mr. Dilling added that Dr. Puryear was in Delaware at the time, and they were treating it differently from the way Ohio might. Dr. Puryear was caught between two different states, two different systems – the criminal system and the administrative system – at the same time, one of which required 28 days of treatment and the other of which says "you're okay, you've done your treatment." Mr. Dilling stated that it was apparent that both Dr. Ebraheim and Dr. Puryear were working from some set of similar facts or similar understandings.

Mr. Dilling continued that Dr. Puryear did apply for his license. The Secretary and Supervising Member reviewed his applications and advised him that they didn't think he was ready for licensure yet. They recommended that Dr. Puryear withdraw his application, and take a little more time to recover. To his credit, Dr. Puryear apparently did as he was advised. Mr. Dilling commended Dr. Puryear for his efforts toward recovery.

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**DR. BHATI MOVED TO CONTINUE DR. PURYEAR UNDER THE TERMS OF HIS APRIL 2, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.  
DR. TALMAGE SECONDED THE MOTION.**

Mr. Browning noted that Dr. Puryear also had a question regarding the possibility that he may be involved in the military. He asked Dr. Puryear to explain that situation.

Dr. Puryear stated that he's been called up by the army to go to Iraq, and must leave by July 20. He will be working as an orthopedic surgeon with the forward surgical team.

Ms. Bickers stated that the possibility of being called up by the military has come up a couple of times with probationers. The probationers' concerns are with the monitoring requirements, whether or not the Board would put an agreement or order on hold while they are away. As of yet, there is no precedent as to how the Board would handle this.

Mr. Albert stated that he believes there was a similar case during Desert Storm in 1991.

Dr. Egner asked Dr. Puryear whether he had some idea how much time he'd be gone.

Dr. Puryear stated that he hasn't received his orders yet, but it could be a minimum of 30 days or up to a year. Because of what happened to physicians in Desert Storm, when they were kept for over six months, they have recently cut it down to 90 days or less than six months. He doesn't have anything at this moment to say how long he'll be gone.

Dr. Egner asked whether Dr. Puryear feels he can handle that stress at this point in his recovery.

Dr. Puryear stated that, even though it's very early in his recovery, he believes he's tolerated a lot more stress over the last three months than he will in Iraq. There have been a lot of personal trials and tribulations.

Dr. Buchan asked whether Dr. Puryear's exposure to opiates will be increased in Iraq. Dr. Buchan expressed concern over Dr. Puryear's fitness for duty and his exposure to opiates while doing orthopedic surgery in Iraq.

Dr. Puryear stated that that is a concern that he would have as well. He would first inform his commander of his situation and he would make sure that the nurses administer the medications. Dr. Puryear stated that he personally has never administered drugs and has never given medications, either injectables or oral medications. Dr. Puryear stated that the military is aware of his history. He can't refuse to go.

Dr. Garg asked Dr. Talmage whether the military requires an unrestricted license.

Dr. Talmage stated that the military requires a license; it doesn't matter where it's from.

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Dr. Puryear stated that he does have unrestricted licenses in Michigan and Delaware.

Dr. Talmage stated that Dr. Puryear is in a particularly unique situation in that the Secretary can communicate with his commanding officer. The commanding officer would be Dr. Puryear's supervisor in more ways than one. The Board could request a quarterly report from the commanding officer. He asked Dr. Puryear to provide the Board with the name and address of his commanding officer. Dr. Talmage stated that he believes communicating with Dr. Puryear's commanding officer should be sufficient.

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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

Dr. Bhati stated that Dr. Talmage will call Dr. Puryear's commanding officer, and if he is comfortable with the situation, Dr. Puryear should be allowed to go to Iraq.

Dr. Garg stated that that's up to the military. Dr. Puryear will have to make appropriate arrangements, acceptable to the Board.

Mr. Dilling stated that what he's hearing is that, should Dr. Puryear go to Iraq, the consent agreement would continue; the Board would not toll those provisions while he's there, as long as the Board has some communication from Dr. Puryear's superior as to Dr. Puryear's status.

Dr. Kumar stated that Dr. Puryear obviously won't be able to appear in person before the Secretary and Supervising Member.

Dr. Talmage stated that the Board would ask for reports from Dr. Puryear's commanding officer in lieu of appearances.

**DR. BHATI MOVED TO ACCEPT REPORTS FROM DR. PURYEAR'S COMMANDING OFFICER IN LIEU OF BOARD APPEARANCES FOR THE PERIOD OF TIME DR. PURYEAR IS IN IRAQ. DR. GARG SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

GUY M. SAVA, M.D.

Dr. Sava's scheduled appearance before the Board was postponed.

STEVEN J. SHOR, M.D.

Dr. Shor made his initial appearance before the Board, pursuant to the terms of his April 2, 2003 Consent Agreement.

In response to Dr. Kumar's questions, Dr. Shor stated that he's currently taking Prozac 40 mg per day. This is prescribed by his psychiatrist. Dr. Shor added that he is at this time switching psychiatrists.

In response to Dr. Garg's questions, Dr. Shor stated that he sees his psychologist every week. His new psychiatrist will assess him on August 7.

Dr. Garg asked Dr. Shor to explain why he discontinued taking his medications.

Dr. Shor stated that he didn't use his smarts and basically stopped taking his medication. He felt better, so he stopped taking them. Dr. Shor added that, basically, he shouldn't have been his own doctor. Trying to self-treat was the basic problem.

Dr. Bhati asked Dr. Shor whether he has any questions for the Board.

Dr. Shor stated that he's a little concerned about one aspect of this consent agreement. When he initially got this in April, there is a paragraph that discusses some of the situations that occurred that led to this. One of those had comments to the effect that he had threatened to kill everybody in the emergency room and do all of these other things. Dr. Shor stated that he didn't feel that that was appropriate to be included in the agreement. As far as he knew, this wasn't true. He did sign the consent agreement because he is basically naïve and was afraid not to. He also sent a letter back with it indicating that he didn't think it was right. Dr. Shor stated that he got a phone call from Ms. Mortland where she asked whether he would feel better if the wording was changed to indicate that it was alleged but never proven, or something like that. Dr. Shor stated that, to the best of his knowledge, he doesn't know how they can prove it because it's not true. He stated that he signed the agreement because he was afraid not to, but assumed he would be getting

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another document in the mail. When he called and asked Ms. Mortland about what happened, she stated that she took their phone conversation as verbal consent from Dr. Shor to change the agreement, but added that it didn't have to be changed in writing.

Mr. Dilling stated that if you don't agree with what's in a contract, you don't sign it. Mr. Dilling added, that Dr. Shor shouldn't be afraid of anything going on in the process or to comment upon the process. If he thinks something has gone awry with his agreement or the way the Board is doing things, it's very important that he and the Board have the same understanding on things. From time to time there are miscommunications, partly because communications are difficult between parties, especially in this type of situation. There is a clause that allows for the amendment of agreements with the agreement of both parties, and he'll try to understand better the facts of the situation.

Dr. Shor stated that one of the consequences of this agreement is that it was the only thing that kept him from getting a job with the university in Cleveland. He didn't want them to read that he was a homicidal maniac, so he didn't tell them about the agreement because he thought it was being amended.

Mr. Dilling stated that, if the Board is going to enter into consent agreements, it wants the public to know what the basis of the agreement is. If there is some cause for concern on behalf of the public, based upon past actions, it should be in the agreement so people can ask him what's happening here. If it's not a factual statement and it's not contributing to a better understanding on the part of all, the Board will take a look at it. If it turns out that there's enough there that the Board will stand by its statement, that's what it will do.

Dr. Shor stated that, unfortunately, the damage has been done. He lost that job because of those comments.

Dr. Egner disagreed.

Dr. Shor stated that he officially lost the job because he didn't tell them about the agreement. But the bottom line is that he didn't want to tell them about the agreement because he felt it was inaccurate, and that was his naiveté.

Dr. Bhati stated that the agreement has been signed, and Dr. Shor has been told by Mr. Dilling that he will look at it and if there is something to be amended, he will do that. He asked if there were any other concerns.

Dr. Shor stated that there are not.

In response to Dr. Egner's questions, Dr. Shor stated that he is roughly 12 years out of his residency program. He did an emergency medicine residency. He's been out of work since May 16. He did understand that the consent agreement requires him to disclose this information to all employers. He didn't tell them about any consent agreement because he thought there was another one coming.

Dr. Egner stated that the Board doesn't know that the problem in getting the job was with the paragraph on

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page two of the agreement.

Dr. Shor stated that he hasn't proven that, but it's certainly part of it. They were pretty happy with him, and he told them about the depression problems. He told them he had trouble.

Dr. Egner asked Dr. Shor how long he has been under a psychiatrist's care.

Dr. Shor stated that he's been seeing a psychiatrist off and on for roughly seven years.

Dr. Egner stated that Dr. Shor seems very angry and very frustrated. She stressed that Dr. Shor is just beginning this process, and it's not going to go away.

Dr. Shor stated that he feels frustrated because this incident occurred roughly a year and a half ago. In the meantime, he feels a lot better, he found a job near his home that he liked, and it evaporated.

Dr. Egner stated that this is going to live with him for a long, long time. She added that he's not the only physician in this situation. The Board understands that when it takes an action against a physician, it lives with that physician forever, but it's a fact of his life. Dr. Shor must come to some acceptance of that. Losing that job won't be his last disappointment. That's the truth for every physician disciplined by this Board. They live with a lot of grief from sources other than the Board because of that discipline.

Dr. Kumar asked about Dr. Shor's family support.

Dr. Shor stated that he has a mother and a sister in New Hampshire, and two children and an ex-wife locally.

Dr. Buchan stated that this is Dr. Shor's initial appearance, and the Board is here to help him through whatever it can help him through.

**DR. BHATI MOVED TO CONTINUE DR. SHOR UNDER THE TERMS OF HIS APRIL 2, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

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The motion carried.

Mr. Dilling again stated that he will look into Dr. Shor's concerns. If the information is not appropriate to be in the consent agreement, the Board will find some way to deal with it. At the same time, while the consent agreement might be a conduit for others looking at his past actions, it's not because of the consent agreement. It's because there were acts that led to that consent agreement. The positive spin that successful probationers put on this is that it does build up a public record of compliance. The people who go through that and build up that public record of compliance are the ones who are successful. Mr. Dilling referred to Dr. Campbell, who appeared earlier, as a success story. He stated that there are a lot more probationers like her.

#### OFFICE-BASED SURGERY RULES

Dr. Bhati stated that out of the seven rules, five were approved by JCARR. Two rules were withdrawn by the Board for various reasons.

Dr. Bhati stated that, concerning rule 4731-25-02, C.R.N.A.s objected to the language that said physicians were "responsible" for cases of anesthetic management in which they supervised the administration of the anesthesia. Board staff discussed this objection with the Ohio State Association of Nurse Anesthetists (OSANA) and the Ohio Society of Anesthesiologists (OSA), and the language agreed upon was taken directly from 4723.01 of the Revised Code. That section of the code defines "supervision" vis-à-vis C.R.N.A.s as being "under the direction of," and "when administering anesthesia, in the immediate presence of," a physician or podiatric physician.

Dr Bhati stated that the other rule pulled was 4731-25-06. Concern was expressed concerning the confidentiality of the data collected under the rule. Dr. Bhati stated that his understanding is that all complaints are confidential unless formal action is taken by the Board. However, there is a Supreme Court Case that requires the Board to make some language changes. He asked Mr. Wayda to explain.

Mr. Wayda stated that the Board has had a lot of questions come up on rule 4731-25-06. There are a lot of administrative pieces to this rule which the Board hadn't fully grasped at the time the rule was proposed. In terms of what the Board does with the data, how it will be disseminated, how the Board is going to aggregate it, etc. Staff, Dr. Bhati and Mr. Browning discussed the number of issues and felt that it makes sense at this point to not move forward with that rule until the Board has a better handle on some of those questions. He added that they've just begun to identify what the questions are and it makes sense from that perspective to not go forward.

Mr. Wayda stated that, concerning 4731-25-02, the staff has met with interested parties, has talked with people who had problems with the rules, has vetted the language through the interested parties, and everyone seems satisfied with it. It appears that the language still accomplishes what the Board hopes to accomplish, which is to let physicians know that working with a C.R.N.A. doesn't mean that physicians don't have a duty.

Mr. Wayda stated that he believes that this meets the Board's goals in terms of public protection, as well.

Dr. Bhati stated that the Board will refile 4731-25-02, but will hold on to 4731-25-06 until proper language is

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drafted.

Concerning 4731-25-02, Dr. Robbins asked what the C.R.N.A.'s objections were. He stated that, in his mind, that's exactly what it is. The anesthesiologist is responsible for the care, end of discussion.

Dr. Kumar stated that the C.R.N.A.s work in surgical centers where there are no anesthesiologists.

Dr. Bhati stated that there has to be a licensed physician supervising the C.R.N.A.

Dr. Egner stated that it doesn't have to be an anesthesiologist.

Dr. Bhati stated that, statutorily, the C.R.N.A. can anesthetize a patient under the supervision of any M.D., D.O., or D.P.M. The rule requires those supervising C.R.N.A. to obtain C.M.E. in anesthesiology.

Mr. Wayda stated that, concerning this particular objection, OSANA looked at the rule and said that it doesn't mind that the Board makes the point that there's a supervisory relationship between the physician and the C.R.N.A. The difference was that their statutes do not use the language "responsible" or "have responsibility for". Their point is that that's kind of a value-laden term that some people might take to mean more than other people might take it to mean. They were just more comfortable with the language being directly out of the statute. They had some support amongst the legislators on the JCARR committee for that position. The currently proposed language is all right with everyone because it does come out of the statutes. He believes that that will get the Board through the JCARR process.

Dr. Kumar stated that the previous wording could be interpreted to mean that only an anesthesiologist can supervise.

Dr. Talmage stated that the issue is not what they're licensed for. It's what the privileging is. Privileges are based on the hospital medical staff credentials committee's judgment of your training and experience. If you're in office surgery or if you are the sole physician in an ASF, you are privileging yourself. There are no checks and balances in that system. To keep the patient safe, it is the Board's responsibility to put in some criteria of privileging that allows you to privilege yourself to do what you're experienced to do. The Board doesn't want someone doing open-heart surgery in his or her office.

Dr. Robbins stated that he doesn't understand how a general surgeon or an ophthalmologist or a dermatologist can supervise a C.R.N.A. That doesn't protect anybody.

Mr. Wayda stated that the rule does not talk about the qualifications of the supervising physician. Rules 4731-25-03 and 04 indicate that, if you're going to supervise C.R.N.A.s practicing in your office, you do have to meet certain standards of privileging. There are procedures and safeguards put in place for the other rules.

Dr. Talmage stated that there are hospitals in which there are C.R.N.A.s with no anesthesiologists. In smaller communities in Ohio and throughout the country, the C.R.N.A. is the sole provider. For the Board to make a rule that requires C.R.N.A.s to be supervised by anesthesiologists is contrary to even Medicare rules, and it would be impractical.

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**DR. BHATI MOVED TO ACCEPT THE PROPOSED CHANGES IN LANGUAGE AND AUTHORIZE STAFF TO REFILE RULE 4731-25-02 WITH JCARR. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

#### APPOINTMENT TO COMMITTEE ON PRESCRIPTIVE GOVERNANCE

Dr. Talmage stated that O.S.M.A. has nominated Robert G. Axonovitz, M.D., for appointment to the CPG. Dr. Talmage noted that Dr. Axonovitz is an Internal Medicine Graduate of MCO. He at this time reviewed [Dr. Axonovitz' CV](#), a copy of which shall be maintained in the exhibits section of this journal, with the Board.

**DR. BHATI MOVED TO REAPPOINT DR. DAVIDSON AND TO APPOINT DR. AXONOVITZ TO THE COMMITTEE ON PRESCRIPTIVE GOVERNANCE. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

#### SECRETARY AND SUPERVISING MEMBER REPORT

Dr. Garg referred the Board to his written report, a copy of which shall be maintained in the exhibits section of this journal. He noted that Dr. Talmage assumed the role of Secretary at the beginning of the month, and has been working with him during the transition period for the past three months. Dr. Garg stated that he believes the three-month transition period went very well, and he believes it will make Dr. Talmage's job much easier. Dr. Garg suggested that such transition periods be used in the future.

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Dr. Garg stated that he has enjoyed his time as Secretary, and credited the staff with making the job easier. Dr. Garg stated that he believes the Board has an excellent staff, and he is very proud of it. It was an honor to work with them. Dr. Garg advised that this is a team effort, and he's always felt that the Secretary and Supervising Member's job is supervisory, not micromanagement. He's glad to see that the new Secretary will continue in that vein.

Dr. Garg advised that there have been a lot of changes in the past five and a half years. Mr. Dilling has done a lot to change things. Many things have been added, such as complaint protocols. Dr. Garg explained how the use of complaint protocols and priority code assignments have sped up the system of reviewing complaints. He added that he believes now that, with these improvements, any physician with some seniority on the Board could fill this position. The Board is very lucky to have Dr. Talmage agree to take the position.

Dr. Garg stated that the probationary office conferences are going very well, and he credited Mr. Albert for their success.

Dr. Garg stated that one thing that has also helped to speed up the process is that he and Mr. Albert go through the complaints together, rather than individually.

Dr. Garg indicated that he has heard some concern expressed about the number of minimal standards cases that come before the Board. He stated that the main reason is that most of them are going to QIP, which is handling approximately 100 cases per year. In the past three years, QIP has handled over 300 cases, some of which would have come to the full Board as a minimal standard or other kind of case.

Dr. Garg commented that, when he was first appointed to the Board, he heard a lot of complaints about the licensing system. In the last two or three years he hasn't heard the complaints, and Dr. Garg indicated that that was a result of the improvements made in the system. He doesn't believe that now there is any reason for an applicant to complain about the process.

Mr. Browning thanked Dr. Garg for the tremendous work he did as Secretary over the past several years.

Dr. Bhati stated that he would like the record to reflect that Dr. Garg has done a tremendous job for over five years.

The Board recognized Dr. Garg with applause.

Mr. Albert stated that over the last five years, working with Dr. Garg, they have developed a very good working relationship, as well as friendship. Under Dr. Garg's stewardship, the Board has made great strides.

Dr. Talmage stated that over the last three months it has been a wonderful learning practice. He added that he feels a bit like the step dad coming, because there is such an obvious bond between Dr. Garg, Mr. Albert

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and all of the staff. Dr. Garg was very gracious during the learning process. Dr. Talmage commented that his philosophy has been that one should always train one's successor; and that's what Dr. Garg wanted to do, and has done. Dr. Talmage added that, in the process of training, he's come to appreciate so much more of what Dr. Garg has been doing for the last five and a half years, when he was the recipient of that work. He will try to his utmost to carry out his duties in a similar manner. He added that if he seems to be slipping away from the principles of the Board, he asked that the Board call him back to the "straight and narrow." He wants to do what the Board wants. Everything that Dr. Garg has taught him is a reflection of the good work that Dr. Garg has done for five and a half years.

Dr. Talmage stated that the QIP system has reached a new level of usefulness and professionalism, and helps the Board a great deal. In some cases problems can be solved and physicians can be remediated well before they have to go through the disciplinary process.

Dr. Talmage stated that he appreciates the three months of training, and he appreciates the confidence the Board has shown in him in electing him to do the Secretary's job. He looks forward to continue working with Dr. Garg, as a Board member, and with Mr. Albert as Supervising Member.

Mr. Dilling stated that in his 15 years with the Board, each Secretary has, as Dr. Talmage indicated, carried out the principles of the Board. Mr. Dilling stated that Secretaries are elected on an annual basis and re-elected on an annual basis. Dr. Garg's election to the post six times shows the Board's approval of what Dr. Garg was doing, and, in essence, what the staff is doing. Dr. Garg took his direction from the Board. He wanted to make sure that things were done and in a manner to protect the public. It was easy for the staff to work with Dr. Garg under those principles.

Mr. Dilling stated that the position in which Dr. Garg has left the new Secretary and Supervising Member, the Board, and the State of Ohio, is much greater than at any point in time in this Board's history. He urged the Board members to look through the statistics attached to the written report. He advised that they will start to see the trending of the numbers down that priority code system. Dr. Garg stuck with the system and with the way the staff was doing it. Everybody seems to be on the same page now. Mr. Dilling praised the Board, the Secretary, and Mr. Browning in particular, for pushing for the two extra enforcement coordinators in this budget process. The Board went through a budget where every other state agency was getting slashed and, based in part on the good work it was doing, based in part on the presentation and the way it was packaged, and based in part on such things as the Board's paying for itself, the Board was able to get those two extra enforcement coordinators. The Board was able to convince that it does good work and could do even better with two more people.

At this time Mr. Dilling presented Dr. Garg with a plaque, honoring him for the years he served as Board Secretary.

#### ADMINISTRATIVE REPORT

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

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## REPORTS OF ASSIGNED COMMITTEES

### EXECUTIVE COMMITTEE

Mr. Browning stated that the Committee discussed the good news about the State budget. The Board came through it stable, and picked up funding for two additional spots. He stated that the Board should be very happy and thankful.

Mr. Browning stated that the Committee also discussed the organizational goals. He asked that Mr. Dilling and the staff provide the Board with a mid-year status report in his August Administrative Report. He believes that, generally, the news is good.

Mr. Browning continued that the Committee also talked about the formation of malpractice review panels. The Committee also scheduled the next Board retreat for Thursday, October 9, from 8:30 a.m. until 3:00 p.m. at Cedar Ridge lodge, at the Battelle-Darby Metro Park on the west side of Columbus.

Mr. Browning concluded by reporting that the Committee also discussed the secretarial transition. The Committee also requested that Dr. Talmage remain as Vice-President through the rest of this year. Dr. Talmage agreed.

### EDUCATION, PUBLIC RELATIONS & RISK MANAGEMENT COMMITTEE

Dr. Egner stated that the latest edition of *Your Report* has been distributed to Board members, and will be placed on the Board's website shortly. There are a few changes that will still go into this edition, but, basically, this is it. Dr. Egner stated that Ms. Lubow does a fantastic job in writing this newsletter. She advised that the newsletter will be mailed out shortly.

Dr. Egner continued that the Committee also discussed publishing an interim newsletter dedicated to the new Office-Based Surgery Rules. She commented that she believes that that is a fantastic idea. She added that, whether physicians do office-based surgery or not, they will find the rules to be helpful. It will help a lot of physicians to decide whether or not they want to do office-based surgery.

Mr. Dilling stated that what the Committee is looking for is not just a printing of the rules, but articles from various groups about the rules.

### LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Browning stated that the Committee discussed the budget bill, as well as the dietetics bill. A copy of Mr. Wayda's legislative report, a copy of which shall be maintained in the exhibits section of this journal, was distributed to the Board.

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LICENSURE COMMITTEE

No report this month.

PRESCRIBING COMMITTEE

Mr. Dilling stated that he reported to the Committee regarding the Compassionate Care Task Force. He, Dr. Davidson and Mr. Schmidt are each serving in a Committee.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

Dr. Buchan stated that the Committee reviewed candidates for replacement on the MTAC. The Committee considered ten qualified individuals. At this time the Committee is recommending the appointment of Mark Melecki to immediately replace Diane Sater on the Committee, and the appointment of Richard Phillips to replace Ed Denning, effective September 1, 2003.

**DR. BHATI MOVED TO APPOINT MARK MELECKI TO THE MTAC, EFFECTIVE IMMEDIATELY, AND RICHARD PHILLIPS TO THE MTAC, EFFECTIVE SEPTEMBER 1, 2003. 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
	Dr. Robbins	- aye
	Dr. Garg	- aye

The motion carried.

MINIMAL STANDARDS OF CARE COMMITTEE

Dr. Garg advised that the Committee reviewed a letter from the Nursing Board regarding prescription medications administered at school by a school aide to a student with an individualized education program. The question was asked whether this was the unlicensed practice of medicine or a medical delegation issue. The Committee felt that this is not the practice of medicine and is not a delegation issue. The Committee felt very comfortable with the situation. Absent objections by the Board, Ms. Thompson will respond to the Nursing Board in this regard.

Mr. Dilling stated that copies of Ms. Thompson's letter will be distributed to the Board. He added that this is more of a legal question. Staff did work closely with the Secretary and Supervising Member on the medical aspects of that legal question. The Assistant Attorneys General have also had input into the

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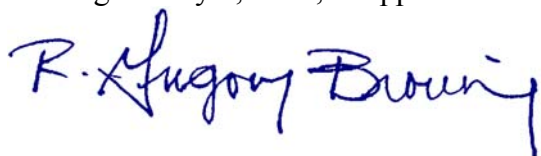
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question.

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

Thereupon at 5:00 p.m. the July 9, 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 July 9, 2003, as approved on August 13, 2003.



R. Gregory Browning, President



Lance A. Talmage, M.D., Secretary

(SEAL)

