

November 13, 2002

MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Pitambar Somani, M.D., President, called the meeting to order at 1:00 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, Room #1932, with the following members present: R. Gregory Browning, Ph.D., Vice-President; Anand G. Garg, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Lance A. Talmage, Sr., M.D.; David S. Buchan, D.P.M.; Anquetette Sloan; Patricia J. Davidson, M.D.; Ronald C. Agresta, M.D.; and Anita M. Steinbergh, D.O. Anant R. Bhati, M.D. was absent.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Lauren Lubow, Communications Administrator; Diann K. Thompson, Assistant Director, Public Services & Enforcement; Lori S. Gilbert, Chief Enforcement Coordinator; Emily M. Brown, Marcie P. Burrow, David P. Katko, Rebecca J. Marshall, Karen H. Mortland and Kathleen S. Peterson, Enforcement Coordinators; Rebecca J. Albers, Mark A. Michael, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Danielle Bickers, Compliance Officer; Mark Wayda, Chief of Executive Staff; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants.

MINUTES REVIEW

MR. ALBERT MOVED TO APPROVE THE MINUTES OF OCTOBER 9, 2002. DR. GARG SECONDED THE MOTION. A vote was taken

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| VOTE: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

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EXECUTIVE SESSION

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

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| VOTE: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

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

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

REPORTS AND RECOMMENDATIONS

Dr. Somani announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Somani 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: John R. Aubrecht, M.T.; Nicholas M. Pachuda, D.P.M.; and Jonathan W. Singer, D.O. A roll call was taken:

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| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

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Dr. Somani - aye

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

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| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Somani | - aye |

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

Dr. Somani 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.

JOHN R. AUBRECHT, M.T.

Dr. Somani directed the Board's attention to the matter of John R. Aubrecht, M.T. He advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN R. AUBRECHT, M.T. DR. AGRESTA SECONDED THE MOTION.

Dr. Somani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that it has been over two years since Mr. Aubrecht practiced massage therapy. By law, the Board has a right to examine him on the practice; therefore, she moved to approve the Proposed Order requiring him to pass the limited branch portion of the Board's massage therapy examination for

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restoration.

Dr. Buchan agreed with Dr. Steinbergh.

Dr. Talmage asked whether, if Mr. Aubrecht takes the examination and fails, the Board would have to have another hearing.

Dr. Buchan stated that Mr. Aubrecht has until July 2, 2003 to take and pass the examination.

Dr. Talmage asked whether the Order would allow Mr. Aubrecht to take the examination more than once.

Dr. Somani stated that it would.

Dr. Somani asked whether Mr. Aubrecht had been practicing without a license.

Dr. Steinbergh stated that information to that effect came out during the hearing, but was not part of the citation letter and is therefore not part of the case before the Board.

Mr. Dilling explained that if Mr. Aubrecht does not pass the examination within a year of the Board's opportunity for hearing letter, he will have to reapply and go through the process again. If he fails it two or three times, the Board might wish to require him to obtain additional education.

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

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| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

NICHOLAS M. PACHUDA, D.P.M.

Dr. Somani directed the Board's attention to the matter of Nicholas M. Pachuda, D.P.M. He advised that objections were filed to Hearing Examiner Roberts' Report and Recommendation and were previously distributed to Board members.

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

Dr. Pachuda was accompanied by his attorney, John P. Carney.

Dr. Pachuda expressed his sincere acceptance of responsibility for putting himself in a terrible position with the patient in question. Dr. Pachuda added that he's not trying to dodge blame for his actions. He stated that throughout his deposition and hearing he repeatedly expressed his acceptance of responsibility for a serious and stupid act. He allowed himself to respond to the patient without thinking and without due regard to his role as her physician, and with full knowledge of her prior drug-seeking behavior. Because of his actions he is before the Board, and the Board is left trying to figure out what he was thinking and what to do with this case. Dr. Pachuda stated that his following statement is to explain the context of this event, and not to justify his actions.

Dr. Pachuda stated that in the months prior to this event, he found out that his then-wife, acting as practice manager, was bankrupting his practice and his personal accounts. She had the business checking account substantially overdrawn, and their personal accounts substantially in the red. He suspected her of infidelity. In short, his marriage and his business woes clearly had gotten his attention at the time of this patient visit, and his guard was down. Letting his guard down and becoming susceptible to this should never have occurred. For this he is also at fault.

Dr. Pachuda stated that he accepts responsibility for letting himself get caught up in an event that never should have happened, and he's done several things to ensure that this never happens again. His practice now has an open-door policy in the treatment rooms and the offices with every patient. A chaperone is in every room in the office and at the hospital. He educated his staff in handling problem patients, especially those with drug-seeking behavior. There is a written drug policy signed by every patient regarding narcotics usage, taken from the Johns Hopkins Pain Clinic. He has electively attended psychological counseling. He has explored an ethics course at the local Bowling Green campus.

Dr. Pachuda stated that he has created a devastating problem for his family and for his practice. He's the only child of a disabled steel worker, and he's the only member of his family to attend college. He has participated in education, research and authoring. He has two small children whom he supports. His family suffered through a traumatic divorce. The media attention has been awful. Dr. Pachuda stated that a TV reporter was recently in his office parking lot, asking elderly patients how they felt about their doctor being a sex offender.

Dr. Pachuda noted that he has never had any trouble with the Board previously. He has had no malpractice claims or insurance audits. He's devoted to his patients and sees them without regard to insurance or payment. He sees them on weekends, at night, or by house calls. He does whatever he can to help his patients. He tries to make his patients feel that they can trust him and count on him to be there for them 24 hours a day.

Dr. Pachuda continued that he had years of visits with this patient without problem. He made a stupid and

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careless mistake at a time when his personal life and practice problems were distracting his better judgment. He suffered for a time and then started rebuilding his life. He has remarried and supports his two small children, his ex-wife and his 84-year-old father. He shares custody of his children as long as he stays in the same school district. He can't just up and leave and restart his career somewhere else. He must face this and ride it out in his hometown no matter what.

Dr. Pachuda stated that he believes that he is a good person who made one brief but terrible mistake. He takes full responsibility for his actions. He should never have let this event even get started. He should have discussed it with Board Investigator Charles Clark when Mr. Clark visited, but he was too upset about Mr. Clark's accusations and the prospect of Mr. Clark contacting his wife.

Dr. Pachuda stated that he regrets and apologizes for everything that has happened. He asked that the Board allow him to continue to pay for his mistake but allow him to provide for his family and care for his patients in his solo practice. He has many people who count on him. Dr. Pachuda promised that he would continue a career of professional and ethical behavior. He has learned his lesson. He's living with the shame and punishment of this daily. He will never let anything like this happen again, and he has done everything to ensure that it doesn't. He asked that the Board give him a second chance to continue to practice and support those who rely upon him.

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

Mr. Wilcox stated that, in this case, he agrees with the Hearing Examiner, Mr. Roberts, regarding Mr. Roberts' Findings of Fact and Conclusions of Law. As disturbing as the facts were in this case, there was one thing that stood out to him and that was Dr. Pachuda's assertion that his actions regarding Patient #1 somehow fell outside the doctor/patient relationship. Mr. Roberts called this absurd, and Mr. Wilcox stated that he would agree with that statement. Mr. Wilcox added that he would go further to state that such a belief is dangerous. If Dr. Pachuda believes that actions with a patient, at a scheduled post-operative visit, in his examination room, in his office somehow falls outside the physician/patient relationship, that belief would imply that he doesn't get it and that he may participate in such activity again in the future. Dr. Pachuda cannot decide to suspend the duties he owes his patients at his leisure. Mr. Wilcox added that, since Dr. Pachuda does not seem to grasp this fundamental concept, he would recommend permanent revocation in this case.

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

Dr. Somani stated that he would now entertain discussion in the above matter.

Dr. Talmage asked, with all of the public knowledge of this, if the Board is privileged to know whether there have been other accusations as to sexual improprieties. He noted that, generally, these cases do engender other cases to come forward, and it would be interesting to know if any had been brought forward in this case.

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Mr. Dilling stated that the Board can only consider matters contained in the hearing record.

Dr. Egner stated that she understands Dr. Talmage's concern, and questioned that herself, but she does feel that she can make a judgment on just this case. In reading the record, she found many inconsistencies with it. She questioned whether a physician, placed in an uncomfortable position with a patient, would then lock the examination room door. That's not reasonable. Dr. Egner stated that she can understand Dr. Pachuda's making two notes about the patient, but the confidential note had nothing in it dealing with sexual impropriety, or even that he felt that the patient initiated it. She found that to be interesting. She added that Dr. Pachuda's statements to the investigator are damaging.

Dr. Egner stated that this is a case that crosses the line. She noted that Dr. Pachuda does make a good appearance. Dr. Egner stated that a part of her empathizes with the fact that his life was falling apart and he didn't handle things correctly. Unfortunately, the act that Dr. Pachuda committed is beyond that line. Dr. Egner stated that she would support an order of revocation.

Dr. Buchan stated that one of the things Board members do around this table is try to appreciate the truth when reviewing these cases. This case was difficult. The other part to the Board's job is to establish fair and reasonable judgment based upon what the Board believes to be the truth. Dr. Buchan stated that this is not a physician who used his power and authority, as the Board has seen before, in the case of this individual, taking advantage of this individual. Dr. Pachuda is not a physician who exhibited a predictable, predatory behavior pattern. The Board had seen those people, and it has rendered effective judgment in those cases.

Dr. Buchan stated that what he does believe happened is a moment where Dr. Pachuda left the door open to being vulnerable to an individual. He had no business in moving into certain conversations with this individual, as he did. He had no business locking the door. Dr. Pachuda exposed himself to the patient, but Dr. Buchan stated that he believes that that is where it ended.

Dr. Buchan stated that that doesn't lessen what Dr. Pachuda did. He added that there have been cases where physicians have taken advantage, and he has voted for revocation. Dr. Buchan stated that he doesn't believe that that is what happened here. His feeling would be that Dr. Pachuda deserves a suspension. Dr. Pachuda has suffered tremendously, and it speaks well for him that he took action on his poor choices early in this process. Dr. Buchan noted Dr. Pachuda's open-door policy, drug contract, staff witnesses, and the counseling that Dr. Pachuda has undergone speak well of his sincerity and personal growth.

Mr. Browning stated that he believes that he is in basic agreement with Dr. Buchan, but he doesn't think that the recommended one-year suspension is at all appropriate. He thinks that the suspension period should be longer, and it should also be tied in with psychiatric evaluation. Mr. Browning spoke against Dr. Pachuda being permitted to return to practice without such an evaluation.

Dr. Steinbergh disagreed with Dr. Buchan. She stated that the record is difficult for Board members to get through in determining who to believe and so forth. The bottom line is that this is a physician/surgeon who

has responsibility for patient care. This should never have happened. What concerns her is that Dr. Pachuda comes before them, and talks about the question of responding to this patient versus causing the incident. He got caught up in the event and denies responsibility, even though he says that he's taking responsibility. In her mind Dr. Pachuda is denying the real responsibility of who caused this event. Dr. Pachuda continuously blames the patient. The Board is talking about a physician who is responsible for controlling whatever situation happens in the office setting. Dr. Pachuda was not in control. Dr. Steinbergh stated that she doesn't believe that Dr. Pachuda was caught up in an event. She believes that he whole-heartedly participated in this event. There was no reason for him to shut the door if he wasn't expecting something to happen.

Dr. Steinbergh stated that she finds this case to be very disturbing. She was very offended by this type of case. It was different from other cases, but the Board's responsibility to patient protection doesn't change. Dr. Steinbergh stated that she would be willing to discuss a longer suspension. She certainly does not want to see this physician in practice for a while. She also agreed that a psychiatric evaluation would be appropriate. Dr. Steinbergh stated that she is very uncomfortable with this case and she believes the public would be uncomfortable with this case. If she were a patient, she would be enormously disturbed to learn that her physician had done something like this.

Dr. Agresta stated that this Board has always been very hard on this kind of case. He added that he had a tough time with the record. He's not sure exactly what happened, although he thinks he knows what happened. What the Board does know is that this event did occur, it shouldn't have occurred, and Dr. Pachuda has certainly gone beyond the trust that was given him with his license in relationship to how he should react to patients.

Dr. Agresta stated that the only mitigating circumstances are that Dr. Pachuda does seem to be remorseful, and he's young in his practice life. Dr. Agresta stated that that doesn't negate the seriousness of the problem. He agreed with Mr. Browning, and he would go along with the Proposed Order if the suspension were longer. This was an egregious event. It may be only one event, but it is still egregious, and the Board would be sending the wrong message if it didn't do something like that.

Ms. Sloan stated that she agrees with Dr. Steinbergh. Not only was the door shut, but it was locked. That shows intent in not following through on what a doctor/patient relationship should be. She also spoke in favor of a longer suspension and psychiatric evaluation.

Dr. Talmage stated that this is the third straight meeting that the Board has had a discussion on how long a suspension should be, and what the purpose of the suspension is. It's basically a punishment to put somebody on notice that they've done something wrong. It's also a period of time in which they can prove that they can either stay on the straight and narrow or that they're going to fall back off. If you suspend someone for a sufficient length of time, it's going to be very difficult, if not impossible, for him or her to ever go back to practice. If you suspend them for 30 days, that's a slap on the wrist that doesn't really have any meaning. Dr. Talmage questioned whether a suspension in excess of a year really accomplishes anything. You know at the end of the year whether somebody is doing well or if they're not doing well. With two years, you're essentially telling them that they have to take an examination to go back into

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practice because that will be part of the probationary terms. Dr. Talmage stated that he's not sure that it makes that much difference, if any.

Dr. Egner agreed with Dr. Talmage. She stated that a suspension should reflect the seriousness of the offense. Even a 30-day suspension carries a lot of subsequent actions to your practice. The physician might be out of practice and out of income for only 30 days, but the repercussions of a 30-day suspension last far longer. A year out of practice is a tremendous hardship. In this case the Board is also talking about a young surgeon. What she doesn't want to do with long-term suspensions is add to the problem. Then we not only have a physician who needs to be punished, but we have a physician who has lost a lot of skills and knowledge and patient contact by the time the Board finally lets him or her back into practice. That's a problem, too. If he's going to come back into practice, he ought to come back in a reasonable time so that he's still a good practicing physician. His skills were not the issue in this case, and she doesn't want to make them an issue down the road.

Dr. Buchan stated that he debated the length of suspension, as well as the revocation issue, and he agrees with his colleagues who suggested that suspension in this case may not need to be longer in order to prove that point of severity. Dr. Buchan stated that he has reviewed the Board's Disciplinary Guidelines, and most Board members will recall a physician who took advantage of seven patients' family members. In that case the physician was a predator, and in that case the Board suspended the physician's license for two years. He stated that that case bothered him for a long time because he felt that the two-year suspension was not enough. The fact of the matter was that that was what the Board voted. In this case, the Board has a skilled individual who he believes gets the point. He does not believe that the Board is dealing with a predator in this case.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER TO CHANGE THE PERIOD OF SUSPENSION TO SIX MONTHS AND TO INCLUDE PSYCHIATRIC EVALUATION. HE FURTHER MOVED TO DELETE THE LAST SENTENCE OF THE FINDINGS OF FACT.

Dr. Buchan stated that he would like to delete the sentence, "Dr. Pachuda also masturbated in front of Patient 1," because he is not convinced that that is exactly what happened that day.

Mr. Dilling asked to clarify Dr. Buchan's motion. He noted that the Proposed Order is for an indefinite suspension. Dr. Buchan's motion will make it a minimum suspension period of six months. Also, before Dr. Pachuda is able to return to practice, he must undergo one psychiatric evaluation that indicates that he is capable of practicing according to standards of care.

Dr. Buchan stated that that is correct.

Dr. Buchan stated that everything else will stay the same as it is. Dr. Buchan stated that he thinks Dr. Pachuda exposed himself, but he would put a period after that.

THE MOTION DIED FOR LACK OF A SECOND.

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DR. TALMAGE MOVED TO AMEND THE PROPOSED ORDER TO ADD THAT A SATISFACTORY PSYCHIATRIC EVALUATION BE ACCOMPLISHED PRIOR TO REINSTATEMENT OF HIS LICENSE. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that she would like the language regarding the psychiatric evaluation to be similar to that used in impairment cases. She asked whether Dr. Talmage is asking for treatment as well.

Dr. Talmage stated that if treatment is appropriate, but that should be determined by evaluation.

Dr. Steinbergh asked whether the psychiatrist should be one approved by the Board.

Dr. Talmage agreed that it should be a psychiatrist approved by the Board, and he accepted the use of the standard language as a friendly amendment. Dr. Talmage added that the psychiatric evaluation should determine whether there is sexual predatory behavior and whether Dr. Pachuda is, in fact, capable of maintaining non-sexual boundary conduct and activities. Dr. Talmage stated that he wants to make sure that Dr. Pachuda is not going to do this again.

Mr. Dilling stated that he needs clarification so that the staff can draft the final order according to the Board's intent. It sounds like the Board wants to deal with it in one fell swoop. If Dr. Pachuda gets the psychiatric evaluation that says he is capable of practicing according to standards of care without any type of further treatment, he will be eligible for reinstatement. If the psychiatrist feels that further treatment is required, but also feels that Dr. Pachuda can return to practice, the Board would probably want to follow the psychiatrist's opinion.

Dr. Talmage stated that that is correct. He added that it would be similar to what was done in the case Dr. Buchan cited. In that case evaluation was required, and that was accomplished. The thing that makes him somewhat comfortable is that, if the permanent revocation is stayed, and Dr. Pachuda violates his Board Order, the permanent revocation becomes the order of the day. This physician only has to make one more mistake and he's out. That gives him some comfort that the Board has control.

Mr. Dilling asked whether Dr. Talmage wished to amend the Findings of Fact.

Dr. Talmage stated that he didn't address that in his motion. He stated that this was a "he said" "she said" thing once the door was locked. He didn't know if that occurred or not. He doesn't know how much the Findings of Fact go out with the Proposed Order. He noted that the Proposed Order is really what is public record and published by the Board.

Mr. Dilling stated that the Board is being asked to adopt the Proposed Findings of Fact, Conclusions and Order "as is." If the Board doesn't agree with them, it needs to make an amendment now. It is part of the Order and is part of the record in this case.

Dr. Talmage indicated that he did not wish to include that in his amendment.

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Mr. Browning opposed the twelve-month suspension. He stated that the Board could have a legitimate discussion on how effective one year is versus a longer period of time, and that's important. But there is also a side to this case, as with other cases, where there is a sense of punishment for terribly bad behavior. This is outrageous behavior and he believes it deserves a longer time out of practice. He added that he frankly feels that the effectiveness of the time out is an important piece of the decision, but it is not the entire controlling element.

Dr. Steinbergh agreed with Mr. Browning in that regard. She added that she also respects the opinions of Dr. Egner and Dr. Talmage with regard to the time out as it pertains to the physician himself. She asked whether 18 months' suspension would be agreeable to Mr. Browning, if, in fact, this Board decides on a longer suspension time. Dr. Steinbergh added that it is important to respect the consumer's perspective. Mr. Browning does represent the public, and it is the public whom the Board is attempting to protect. The Board does have legitimate concerns. She noted that Dr. Pachuda is a young physician, and she's sorry about that. The Board doesn't have any control over how he'll do in two years. She stated that she suspects that any physician who has lost his license for any period of time will keep himself up to speed if that physician wants to return to practice. She does agree that the Board doesn't want to remove him from practice too long, but that is it.

Dr. Talmage stated that any suspension period over six months will require the individual to close his or her office, terminate his or her employees, and then reopen an office, and rehire employees. The longer you go, it's the same thing. That's why he thought in a year, the tiger will show its stripes or show that it turned into a pussycat.

Dr. Buchan again spoke in favor of deleting the last sentence of the Findings of Fact. He stated that he cannot suggest that he agrees with those Findings of Fact.

Dr. Somani stated that the Board is voting only on the amendment at this time.

A vote was taken:

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| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - nay |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - nay |
| | Ms. Sloan | - nay |
| | Dr. Davidson | - nay |
| | Dr. Agresta | - nay |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - nay |

The motion failed.

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DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO CHANGE THE SUSPENSION PERIOD TO EIGHTEEN (18) MONTHS, AND TO INCLUDE THE STANDARD LANGUAGE USED IN IMPAIRMENT CASES REQUIRING PSYCHIATRIC EVALUATION AND RECOMMENDED TREATMENT. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - nay |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

DR. BUCHAN MOVED TO AMEND THE FINDINGS OF FACT BY DELETING THE LAST SENTENCE. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - nay |
| | Ms. Sloan | - nay |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - nay |

The motion carried.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF NICHOLAS M. PACHUDA, D.P.M. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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| Mr. Browning | - nay |
| Ms. Sloan | - nay |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - nay |
| Dr. Somani | - nay |

Needing six votes to pass, the motion failed.

Dr. Somani stated that he believes that the motion did not pass due to the deletion of language from the Findings of Fact paragraph.

Discussion questioning parliamentary procedure was held, after which Mr. Dilling made a recommendation to table the matter until the Board could review its adopted Rules of Order.

**DR. STEINBERGH MOVED TO TABLE THE MATTER OF NICHOLAS M. PACHUDA, D.P.M.
MR. BROWNING SECONDED THE MOTION.** A vote was taken:

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| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - nay |
| | Dr. Talmage | - nay |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - nay |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

JONATHAN W. SINGER, D.O.

Dr. Somani directed the Board's attention to the matter of Jonathan W. Singer, D.O. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Dr. Singer was represented at the meeting by his attorney, Jeffrey J. Jurca.

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Mr. Jurca stated that he would just like to emphasize to the Board that this case does not involve any allegation or finding of harm to any patient, or any patient care issues. There was a problem in Colorado. Dr. Singer knows that that problem was his responsibility. The problem related to a delay in the Colorado Board receiving reports from Dr. Singer's practice monitor. That didn't happen in a timely fashion. Dr. Singer recognized that. The practice monitor has been replaced, and the practice reports were submitted to the Colorado Board. There was no finding in Colorado of any problems with regard to patient care. Mr. Jurca stated that he would like to emphasize that those issues were rectified by Dr. Singer, without the need for any formal hearing in Colorado. Mr. Jurca stated that he and Dr. Singer note Ms. Murphy's Proposed Order of reprimand, and Dr. Singer accepts it.

Mr. Jurca stated that he will respond to any questions Board members may have.

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

Mr. Wilcox stated that the State supports the Hearing Examiner's Report and Recommendation, as well as the Proposed Order in this matter.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JONATHAN W. SINGER, D.O. DR. STEINBERGH SECONDED THE MOTION.

Dr. Somani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh spoke in support of the Proposed Order, adding that the proposed reprimand is appropriate in this case. Inquiry Panel A is an arm of the Colorado Board, and it did, in fact, administer a disciplinary action. It was Dr. Singer's responsibility to fulfill the terms of his Colorado Consent Agreement, and he did not.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

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FINDINGS, ORDERS AND JOURNAL ENTRIESHENRY J. HORACEK, M.D.

By letter of September 11, 2002, the Board notified Dr. Horacek that it proposed to deny his application for a certificate to practice medicine and surgery based on prior actions against Dr. Horacek's licenses in North Carolina and California, following findings by the North Carolina Board that there were serious questions regarding acknowledged violations, or the appearance of violations, of the physician/patient boundary, and on Dr. Horacek's alleged failure to cooperate with the Ohio Medical Board's Investigation. On September 12, 2002, said notice was mailed via certified mail, return receipt requested, to Dr. Horacek's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice; however, no hearing request has been received from Dr. Horacek and more than 30 days have elapsed since the mailing of that notice. The matter was before the Board at this time for final disposition.

DR. TALMAGE MOVED TO ENTER AN ORDER OF DENIAL, EFFECTIVE IMMEDIATELY, IN THE MATTER OF HENRY J. HORACEK, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

DAVID A. KNOWLTON, M.D.

By letter of September 12, 2002, the Board mailed a Notice of Opportunity for Hearing to David A. Knowlton, M.D., based on a prior action against Dr. Knowlton's license by the Oregon Medical Board following Dr. Knowlton's stipulation that he engaged in conduct constituting unprofessional or dishonorable conduct, gross or repeated negligence, prescribing controlled substances without a legitimate medical purpose or following accepted procedures, and performing artificial insemination upon a patient without consent. A signed certified mail receipt was returned to the Board documenting proper service of the notice; however, no hearing request has been received from Dr. Knowlton and more than 30 days have elapsed since the mailing of that notice. The matter was before the Board at this time for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION IN THE

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MATTER OF DAVID A. KNOWLTON, M.D. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

CHRISTINA PITZER, M.T.

By letter of September 27, 2002, the Board notified Ms. Pitzer that it proposed to approve her restoration application for a certificate to practice massage therapy provided that she take and pass the limited branch portion of the Massage Therapy Examination due to the fact that Ms. Pitzer has not engaged in the active practice of massage therapy for more than two (2) years. Said notice was mailed via certified mail, return receipt requested, to Ms. Pitzer's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice; however, no hearing request has been received from Ms. Pitzer and more than 30 days have elapsed since the mailing of that notice. The matter was before the Board at this time for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, GRANTING CHRISTINA PITZER, M.T., RESTORATION OF HER LICENSE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HER PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

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The motion carried.

HARVEY M. RODMAN, M.D.

By letter of April 10, 2002, the Board notified Dr. Rodman that it proposed to deny his reinstatement application for a certificate to practice medicine and surgery based on acts that served as the basis for prior actions against Dr. Rodman's license and licensure applications, including: practicing medicine in Ohio without a license for approximately 13 years; commission of fraud, misrepresentation or deception in securing a license; and commission of an act that would constitute a misdemeanor involving moral turpitude (falsification). Said notice was mailed via certified mail, return receipt requested, to Dr. Rodman's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. A hearing request was received from Dr. Rodman; however, a Notice of Voluntary Dismissal was filed on behalf of Dr. Rodman with the Board on October 28, 2002 withdrawing his request to participate in an administrative hearing. The matter was before the Board at this time for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT DENIAL OF REINSTATEMENT OR RESTORATION OF THE LICENSE OF HARVEY M. RODMAN, M.D., TO PRACTICE MEDICINE AND SURGERY, EFFECTIVE IMMEDIATELY. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

JOHN D. WARGO, D.O.

By letter of September 12, 2002, the Board mailed a Notice of Summary Suspension and Opportunity for Hearing to John D. Wargo, D.O., based on his alleged impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs/alcohol; and alleged failure to comply with continuing medical education requirements.

Dr. Wargo was personally served the Notice of Summary Suspension and Opportunity for Hearing by

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Board Investigator Peter J. Vitucci. A signed Acknowledgment of Receipt was returned to the Board offices as evidence of service; however, a timely request for hearing was not received, and more than 30 days have now elapsed since Dr. Wargo was served the Notice of Summary Suspension and Opportunity for Hearing. The matter was before the Board at this time for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY, IN THE MATTER OF JOHN D. WARGO, D.O.

Dr. Steinbergh noted that Dr. Wargo has violated two consent agreements and continuously admits to relapse.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

CITATIONS, PROPOSED DENIALS & ORDERS OF SUMMARY SUSPENSION

WILLIAM S. BAMBRICK, III, M.D. - CITATION LETTER

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

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

| | | |
|-------|--------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |

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| | |
|----------------|-----------|
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.

IRENEO T. CADSAWAN, 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. CADSAWAN. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

CLAUDE B. GUIDI, 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. AGRESTA MOVED TO SEND THE CITATION LETTER TO DR. GUIDI. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

RYAN P. HANSON, M.D. - CITATION LETTER

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

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

Vote:

| | |
|----------------|-----------|
| Mr. Albert | - abstain |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.

JOHN P. MOORE, III, M.D. - CITATION LETTER

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

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

Vote:

| | |
|--------------|-----------|
| Mr. Albert | - abstain |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |

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Dr. Steinbergh - aye

The motion carried.

MICHAEL J. PARKS, M.D. - CITATION LETTER

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

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

JOHN R. AUBRECHT, M.T. - 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. AGRESTA MOVED TO SEND THE CITATION LETTER TO MR. AUBRECHT.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

MICHAEL ANDREW DICELLO, JR., M.D. - NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice Of Immediate Suspension And Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. DAVIDSON MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. DICELLO. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

ATTILA ARTHUR KATONA, M.D. - LETTER OF PROPOSED DENIAL

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

DR. BUCHAN MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. KATONA. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

SALVATORE LACOGNATA, D.O. - CITATION LETTER

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

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

Vote:

| | |
|----------------|-----------|
| Mr. Albert | - abstain |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.

KAREN M. PARADIES, M.D. - ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. STEINBERGH MOVED TO APPROVE THE ORDER OF SUMMARY SUSPENSION AND TO SEND THE NOTICE OF OPPORTUNITY FOR HEARING TO DR. PARADIES.
DR. AGRESTA SECONDED THE MOTION.** A vote was taken:

Vote:

| | |
|--------------|-----------|
| Mr. Albert | - abstain |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |

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| | |
|----------------|-----------|
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.

NED ELTON WEINER, 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. AGRESTA MOVED TO SEND THE CITATION LETTER TO DR. WEINER. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

RATIFICATION OF CONSENT AGREEMENTS (NOVEMBER 2002)

BRIAN F. McNAMEE, M.D.

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

| | | |
|-------|--------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

DAVID RONALD MILLER, M.D.

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

Vote: Mr. Albert - abstain
Dr. Egner - aye
Dr. Talmage - aye
Dr. Buchan - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Davidson - aye
Dr. Agresta - aye
Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

ALAN B. STORROW, M.D.

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

Vote: Mr. Albert - abstain
Dr. Egner - aye
Dr. Talmage - aye
Dr. Buchan - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Davidson - aye
Dr. Agresta - aye
Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

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DAMODARAN ARUL SELVAM, M.D.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

DAVID EDWARD SUBLER, M.D.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENT BETWEEN NORMAN S. HOWELL, D.O., AND THE OHIO STATE MEDICAL BOARD

Pursuant to authorization granted by the Board, the Attorney General’s Office entered into negotiations with Norman S. Howell, D.O., to settle a pending appeal of the Board’s Order of June 12, 2002, revoking Dr. Howell’s license.

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According to the terms of the proposed Settlement Agreement, Dr. Howell agreed to dismiss his pending appeal in exchange for the Board's acceptance of his permanent surrender of his license to practice medicine in Ohio. A copy of the proposed Settlement Agreement was distributed to the Board members for their review.

DR. TALMAGE MOVED TO RATIFY THE SETTLEMENT AGREEMENT BETWEEN NORMAN S. HOWELL, D.O. AND THE STATE MEDICAL BOARD OF OHIO, SIGNED ON OCTOBER 8, 2002. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

PERSONAL APPEARANCES

SEMUR P. RAJAN, M.D.

Dr. Rajan appeared before the Board pursuant to his request for release from the terms of the Board's Order of November 12, 1997.

In response to Dr. Steinbergh's questions, Dr. Rajan stated that he is doing well. He has had no changes in his surgical experience since the Board's Order. Concerning his recordkeeping, he is complying with what the State Medical Board asked. He didn't feel that his recordkeeping was a problem.

Dr. Steinbergh indicated that she thought there was a problem.

Dr. Garg stated that Dr. Steinbergh is correct. There was a delayed operative report when the post-operative report wasn't made for two or three days, and that's a problem. He asked Dr. Rajan whether or not he is now dictating his report immediately after surgery. Dr. Rajan replied that he is.

In response to Dr. Talmage's questions, Dr. Rajan stated that he no longer videotapes his laparoscopic surgeries because there is no need to do it. Nobody does. Dr. Rajan added that he's not sure that the hospital has the facilities to videotape. He added that you could probably ask for it if there is a need for it to be recorded.

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Dr. Egner stated that you do laparoscopic procedures with a camera and monitor. All that is needed to videotape is a VCR machine.

Dr. Rajan stated that recording is not routine unless it's requested.

Dr. Egner asked whether Dr. Rajan takes still shots or any permanent record from what is seen through the camera.

Dr. Rajan stated that he does not.

Dr. Talmage asked whether Dr. Rajan has had any more complications in his laparoscopic procedures.

Dr. Rajan stated that he has done 52 cases in the last three and a half years without complications.

Dr. Garg commented that a lot of hospitals are not geared to keep VCR records. A lot of surgeons will take pictures, but he doesn't think it's absolutely essential.

DR. BUCHAN MOVED TO RELEASE DR. RAJAN FROM THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 12, 1997. MR. BROWNING SECONDED THE MOTION.

Dr. Somani commented that he is surprised that Dr. Rajan hasn't had any complications in the last 52 cases. He asked whether complications are reportable at the hospital.

Dr. Rajan stated that they are and must be discussed at the department meeting. Any surgery that you have to re-open the patient within a week is considered a complication of surgery.

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

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

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MICHAEL A. STOCKTON, D.O.

Dr. Stockton appeared before the Board pursuant to his request for release from the terms of his November 12, 1997 Consent Agreement.

In response to Mr. Browning's questions, Dr. Stockton stated that he's learned a great many things from this process. He first came before the Board because he was writing prescriptions for himself. Dr. Stockton commented that physicians are all equal under the rules on how they obtain medications. There is a certain privilege that a physician has in prescribing, and it should never be used for one's own personal advantage. Dr. Stockton stated that that is a lesson well learned. One does not prescribe for oneself. Physicians should be under the care of another physician and receive appropriate treatment.

Dr. Stockton continued that, as far as what he's learned in the whole process, he's learned a great deal about himself that he may not have learned had he not gone through it. Most often, physicians don't have the time or opportunity to reflect, as seriously as they'd like, on themselves, their standards and their backgrounds. Dr. Stockton stated that he feels that this was an early intervention for him. Had he gone on the way that he was, it's quite likely he would have become physically dependent on medication and could have gone into worse stages.

Mr. Browning asked whether Dr. Stockton feels that he's ready to move on.

Dr. Stockton stated that he does absolutely. He added that it's been seven years since he actually wrote a prescription for himself. He's gone through the five-year process required by the Board with monitoring and education through the Ohio Physicians Effectiveness Program (OPEP). This was a wonderful program for him.

Dr. Buchan wished Dr. Stockton well, adding that Dr. Stockton appears to be an insightful fellow.

Dr. Egner asked what Dr. Stockton felt the difference was between character driven drug misuse and chemical dependency. She noted that Dr. Stockton has described his situation as the former rather than the latter.

Dr. Stockton stated that those are terms used by the treatment centers. He's not exactly certain what they mean.

Dr. Egner asked if there is a difference.

Dr. Stockton stated that there is absolutely a difference between dependency and abuse, and he believes it is a medical difference. Dependency is defined generally as a physiological dependency which requires tolerance to a substance that one has become dependent upon on a regular basis, and most often withdrawal. He felt that there were a lot of things he was emotionally dependent on. He's not certain that he could distinguish between the possibility of emotional dependence on the medication for which he was writing for himself, and actually self-medicating pain. Oftentimes that can become very well blended and

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you may not be able to distinguish the difference.

Dr. Egner asked Dr. Stockton what his drug of choice was.

Dr. Stockton stated that he was prescribing Darvocet for himself.

Dr. Egner expressed concern that, if Dr. Stockton sees himself as non-dependent but more character-driven, he may believe that, having changed as a person, he would be able to tolerate drinking and taking certain narcotics.

Dr. Stockton stated that he doesn't see it that way. He was emotionally dependent, and not, by definition, physiologically dependent; his use was spurious and episodic and not what you would normally consider necessary for physiological dependence. He never went through withdrawal. If he took more than two he would actually get sick. It was the sense of well-being and safety, and that was emotional dependency. That is a form of dependency and he believes that that's where most addictions begin. Dr. Stockton added that you could say that he was emotionally dependent before he wrote his first prescription for himself. He believes that he has gone through a process of change. He doesn't feel that he can just drink or that he could just use, because he has come to recognize that he has a particular vulnerability. He doesn't think he would have come to recognize it had it not been for the program in which he was involved here.

Ms. Sloan asked whether Dr. Stockton plans to continue with AA.

Dr. Stockton stated that he does. He added that he has discussed this with OPEP the last couple of weeks and he has voluntarily agreed to sign a two-year contract with OPEP. Fortunately, he's formed an attachment to the Caduceus group he attends. He now sees that as a significant support for himself, and he looks forward to going to that group.

DR. GARG MOVED TO RELEASE DR. STOCKTON FROM THE TERMS OF HIS NOVEMBER 12, 1997 CONSENT AGREEMENT. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

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PAUL R. WEST, D.O.

Dr. West appeared before the Board pursuant to his request for release from the terms of November 12, 1997 Consent Agreement.

Dr. Somani asked Dr. West how he is doing. Dr. West replied that he is doing fine.

In response to Dr. Steinbergh's questions concerning plans for ongoing recovery after he is released from the Board, Dr. West stated that he feels he has a very close relationship with Barry Farrier of OPEP. Mr. Farrier has been a major inspiration for him throughout his recovery. He and his wife have moved back to Wheeling, West Virginia, where he's in a family practice residency. He's very involved in the network of recovery. His sponsor is Dr. Lee Jones, who has also been his monitor. He's active in the A.A. scene in Wheeling and all of his friends and coffee-drinking buddies are through the program.

In response to further questions by Dr. Steinbergh, Dr. West stated that he started a psychiatric residency at the University of Cincinnati last year and resigned from that December 1. He's currently in a family practice residency.

Dr. Agresta asked Dr. West how long he has been drug-free.

Dr. West stated that he has been drug-free for over seven years.

DR. BUCHAN MOVED TO RELEASE DR. WEST FROM THE TERMS OF HIS NOVEMBER 12, 1997 CONSENT AGREEMENT. MS. SLOAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

DIANE L. BAUM, M.T.

Ms. Baum made her initial appearance before the Board, pursuant to the terms of her August 14, 2002 Consent Agreement.

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In response to Ms. Sloan's questions, Ms. Baum stated that, as far as her practice goes, she is going to people's homes and practicing relaxation massage only. Her training touched on trigger points and on sports massage, and that's deeper tissue stuff. She was not interested in that. She likes just being able to help a person relax and get rid of the stress of the day and feel better. She is also a volunteer for Hospice of North Central Ohio, which is in Ashland County. She goes to peoples' homes once a week and massages them in their necks and backs a little bit. She's told them that she has to have a doctor's release before she can do that. They do have a copy of her Consent Agreement.

Dr. Agresta stated that he noticed that in the past Ms. Baum discontinued some of her treatment on her own.

Ms. Baum stated that she struggled with accepting the fact that she had to have treatment. For several years it was very, very difficult to admit to herself that she had a mental disorder. She has come to grips with that and knows that she will probably be under psychiatric care for the rest of her life. She has accepted that.

Dr. Garg asked Ms. Baum if she understands her consent agreement.

Ms. Baum stated that she does.

DR. AGRESTA MOVED TO CONTINUE MS. BAUM UNDER THE TERMS OF HER AUGUST 14, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

SUBRAMANIYAM CHANDRASEKHAR, M.D.

Dr. Chandrasekhar made his initial appearance before the Board, pursuant to the terms of his August 14, 2002 Consent Agreement.

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In response to Dr. Buchan's questions, Dr. Chandrasekhar stated that he has worked in an urgent care center in Parkersburg, WV for the past six weeks. He has a West Virginia license.

Dr. Buchan asked whether the West Virginia Board took action against Dr. Chandrasekhar's license based on his having driven under the influence.

Dr. Chandrasekhar stated that he came to Parkersburg in July 2001 and started practicing with an associate. He was using wine on weekends. Somehow it became a habit that he had to have it every day. In December of last year he went to a Christmas party, and at the end of the party he drank and blacked out. He went to the bathroom and fell asleep on the commode. Somehow his friend brought him home, but later the news spread through the hospital. A friend who worked in the emergency room asked him about the incident. That individual told Dr. Chandrasekhar that he was going through treatment, and told him about his experience. Dr. Chandrasekhar stated that he thought it was a good idea, and he voluntarily submitted his license to the West Virginia Board, he surrendered his hospital privileges, and he entered into treatment. Prior to that he did have a DUI. He bought a house, and celebrated, and on the way back from showing his brother the way to the highway, he was driving 50 m.p.h. in a 40 m.p.h. zone and was pulled over. The officer asked him if he had been drinking, and he admitted it. Dr. Chandrasekhar stated that had he known that these were the sort of consequences he would face, he would have lied. Luckily, he told the truth.

Dr. Buchan asked how Dr. Chandrasekhar is doing with his program.

Dr. Chandrasekhar stated that he is doing fine, with the help of OPEP and his sponsor in Parkersburg. There are a lot of A.A. groups in the area; so whenever he has free time, he goes to an A.A. meeting. He talks to his sponsor one or two times per week, and he attends Caduceus meetings every Wednesday. He also takes part in aftercare.

In response to further questions by Dr. Buchan, Dr. Chandrasekhar stated that he knows that he will be dealing with this for the rest of his life. He added that to live a normal and good life, he doesn't need to drink any more alcohol. He cannot handle that. Dr. Chandrasekhar added that at his home in India they never drink, but then he moved to the States and started drinking. Dr. Chandrasekhar stated that he cannot say that he will not drink. He stated that he can assure the Board that he won't drink today, but he doesn't know about tomorrow. He has to do it one day at a time.

Dr. Buchan stated that the Board is here to help Dr. Chandrasekhar through his program and his consent agreement. He stated that there is never an excuse to drink to excess. He stated that he appreciates Dr. Chandrasekhar's taking this as seriously as the Board does.

In response to Dr. Talmage's questions, Dr. Chandrasekhar stated that he used to attend church with his wife, but now he goes to A.A. meetings instead. He gets more depth and knowledge by attending A.A. meetings than any religious service.

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Dr. Garg explained to Dr. Talmage that the non-use of alcohol in India is more cultural than religious.

In response to Dr. Garg's questions, Dr. Chandrasekhar stated that West Virginia's restrictions are that he can only practice 40 hours a week, and he cannot practice solo. He is also required to submit random urine samples. West Virginia also recognizes what he is doing with OPEP. He does have to make appearances before the West Virginia Board.

Dr. Somani asked how often Dr. Chandrasekhar appears before the West Virginia Board.

Dr. Chandrasekhar stated that he appears before the West Virginia Board every six months.

Dr. Somani asked whether Dr. Chandrasekhar is also practicing in Ohio. Dr. Chandrasekhar stated that he is not yet, but he's working at an Urgent Care Center that has a branch in Marietta, OH.

Dr. Somani asked whether he works with a group or as a solo practitioner. Dr. Chandrasekhar stated that he works with a group at three different sights. Dr. Chandrasekhar stated that when he is in the office, he works alone, but another physician checks his charts and his work.

DR. STEINBERGH MOVED TO CONTINUE DR. CHANDRASEKHAR UNDER THE TERMS OF HIS AUGUST 14, 2002 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. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

SANDRA K. HAREWOOD, M.D.

Dr. Somani advised that Dr. Harewood would not be appearing this month.

CAROL E. LEWIS, M.D.

Dr. Lewis made her initial appearance before the Board, pursuant to the terms of her August 14, 2002

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Consent Agreement.

In response to Dr. Agresta's questions, Dr. Lewis stated that she is doing well in recovery and will celebrate her first anniversary this weekend. The department where she worked has created a job for her, so she's answering phones and doing liaison work. It's a full-time job. She is taking her medication, and understands that hers is a life-long problem.

Mr. Browning asked for Dr. Lewis' opinion of her treatment experience.

Dr. Lewis stated that she learned what she needed to learn. She thought that having to spend 28 days in inpatient treatment was overkill because she seldom drank -- only about two to three times a year. While in treatment, however, she learned why she needed to drink two to three times a year, so she would say that the treatment experience was successful. She learned that drinking two or three times a year is not good for her.

In response to Dr. Garg's questions, Dr. Lewis stated that she thought that outpatient treatment was enough, but she realizes that she learned what she needed to learn during inpatient treatment. Now she's grateful for having had the experience.

In response to Dr. Buchan's questions, Dr. Lewis stated that she does understand the terms of her consent agreement.

Dr. Talmage noted that Dr. Lewis was in recovery quite some time before she relapsed. He asked whether this was a lack of understanding of the disease or there was some precipitating factor.

Dr. Lewis stated that she's not quite sure why she relapsed. She stated that she had about two to two and a half years of sobriety before she relapsed. She admitted that she was an alcoholic, but she didn't accept all of the ramifications of that. She thought that she could drink periodically and get away with it. She learned in treatment the second time around that no matter how seldom she drank, it was still not good enough.

Dr. Egner noted that Dr. Lewis began practice in OB/GYN, then went into anesthesiology, and now she's in psychiatry. She asked whether Dr. Lewis can look back over time and see whether her personality disorder is the reason that she went through so many programs.

Dr. Lewis stated that she thinks she has a certain way of looking at things, and she has to realize that she just wasn't good at certain things. For example, the program at Metro was very strenuous and she doesn't process information well. Perhaps going to a small program in OB/GYN would have been better for her, but she doesn't handle a lot of information coming to her at one time well. That's why she chose not to continue in OB/GYN. Handling 15 people in labor at the same time and postpartum patients and screening room patients was just something that she couldn't do well. In retrospect, she feels that she did well in the anesthesia program, but the jobs were hard to find at the time. Dr. Lewis added that, to be honest, she doesn't know the answer to Dr. Egner's question.

Dr. Egner asked whether Dr. Lewis had multiple episodes of not getting along with people.

Dr. Lewis stated that she didn't. She stated that she had some difficulty in the OB/GYN program, but not in the anesthesia program.

In response to Mr. Albert's questions, Dr. Lewis indicated that her first treatment was a 28-day inpatient program in Arizona. Her second treatment was 28 days of inpatient treatment at Glenbeigh Health Services. Dr. Lewis explained that she felt the second 28 days was kind of an overkill because she was only drinking two to three times a year, she wasn't going into withdrawal and she wasn't drinking daily. She had not failed multiple outpatient treatments. Clinically speaking, she felt the outpatient would have worked.

Mr. Albert stated that it seems to him that, in 1994, her initial treatment, Dr. Lewis really hadn't accepted the fact that she had a problem.

Dr. Lewis stated that, in retrospect, that's correct. She does accept the fact now that she is an alcoholic. That's why she thinks she did learn something being at Glenbeigh this time. She's grateful for having had the experience. She is working for her recovery. She realizes that she cannot drink at all. Dr. Lewis stated that she thought that she was a very good alcoholic in that she only drank two to three times a year. She thought that she deserved kudos for drinking very seldom. Now she realizes that that's not good enough.

In response to further questions by Mr. Albert, Dr. Lewis stated that she attends four A.A. meetings a week, in addition to aftercare meetings. She does get something out of those meetings.

Dr. Talmage noted that residency programs will begin mandatory 80-hour-maximum weeks for residents. He asked whether that would have helped Dr. Lewis when she was an OB/GYN residency.

Dr. Lewis stated that she believes that that would certainly have helped.

Dr. Garg asked whether the problem was of volume or not enough supervision.

Dr. Lewis stated that she believes her problem was in multi-tasking. Not enough support by senior residents or fellows was also a factor.

In response to Dr. Somani's questions, Dr. Lewis stated that she was on Antabuse, which curtailed her drinking significantly. She would discontinue that when she felt like drinking some alcohol.

Ms. Sloan asked Dr. Lewis what type of support she has.

Dr. Lewis stated that she grew up in Philadelphia and moved to Cleveland in 1988 to start her first residency. She moved back to Cleveland from Arizona in 1999. Besides A.A. meetings, Dr. Lewis' support system in Cleveland includes her attendance at church, where she has many friends, she has a live-

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in friend who is very supportive, and she has friends in the community who are supportive of her. One of her friends accompanied her to this meeting.

DR TALMAGE MOVED TO CONTINUE DR. LEWIS UNDER THE TERMS OF HER AUGUST 14, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MS. SLOAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

LOUISE DELYTE MORRIS, P.A.

Ms. Morris made her initial appearance before the Board, pursuant to the terms of her August 14, 2002 Consent Agreement.

Ms. Sloan noted that Ms. Morris is appearing before the Board because of a relapse. She asked how things were going for Ms. Morris now.

Ms. Morris stated that things are going well for her. She completed inpatient therapy last summer, and she just completed follow-up aftercare. She attends Caduceus meetings in Dayton every week, as well as other A.A. meetings. She's very active in her church, which is a great support system for her. She has a sponsor. Ms. Morris stated that she's also working with OPEP, and her OPEP monitor has been a tremendous help.

Ms. Sloan asked whether this most recent treatment was different from the last time she underwent treatment.

Ms. Morris stated that she did not have treatment previously. In retrospect, she wishes that she had. Treatment wasn't recommended last time. She added that, while the inpatient treatment at 28 days was a significant financial burden, she learned a great deal. She came to accept the problem and understand the problem much better. She believes it was well worth it.

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Dr. Davidson stated that she read Ms. Morris' background information, and noted the fact that she had undergone a fourth knee replacement. She understands that Ms. Morris experienced a great deal of physical pain. She asked Ms. Morris when she felt the appropriate use of narcotics for physical pain became abuse.

Ms. Morris stated that she did fine with the first three knee replacements. She stopped using medication in an appropriate amount of time and did not abuse it. After the last joint replacement, she had several complications, including infection in the joint, and she felt some pressure to get back to work. She went back to work too soon. As do many people who have this problem, she let pride get in the way and cause her to do things that were very, very wrong, and which she heartily regrets. Through treatment she has learned the signs and is better prepared to avoid such abuse. She's learned that she can manage pain. She's learned to be more sensible about the amount of activity to which she subjects herself, and some of the topical preparations work pretty well.

In response to Dr. Steinbergh's questions, Ms. Morris stated that she understands her consent agreement. During her suspension period she's teaching remedial algebra classes at the University. She's relearned a lot of math that she last saw 45 years ago. She is looking forward to the end of her suspension.

Dr. Garg asked whether Ms. Morris intends to return to her old job or look for a new job.

Ms. Morris stated that she'll be looking for a new job.

In response to Mr. Albert's questions, Ms. Morris stated that she underwent treatment at Green Hall in Xenia, Ohio. It cost just short of \$20,000. It wipes out whatever one may have put aside for retirement.

Mr. Albert commented that's a lot of money and advised that there are six or seven treatment centers that will treat people with limited resources on a sliding scale.

Dr. Egner wished Ms. Morris luck, noting that she is not the typical probationer. She would like to see Ms. Morris recover and do well. Dr. Egner added that she thinks that Ms. Morris has had a hard way to go.

In response to Dr. Somani's questions, Ms. Morris stated that her physician had given her probably three different written prescriptions over about a year's time. A couple he authorized refills on and a couple she asked one of the staff to phone in a refill. She believes that the physician would have prescribed them for her, but she didn't ask.

Dr. Garg asked what Ms. Morris' physician's office policy is on refills for narcotics prescriptions. Does staff have to check with the physician?

Ms. Morris stated that, as far as she knows, they do. The staff is not authorized to call without a doctor's authorization.

DR. BUCHAN MOVED TO CONTINUE MS. MORRIS UNDER THE TERMS OF HER AUGUST

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14, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MS. SLOAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

STEPHEN R. PORTER, M.D.

Dr. Porter made his initial appearance before the Board, pursuant to the terms of his August 14, 2002 Consent Agreement.

In response to Mr. Browning's questions, Dr. Porter stated that he is currently finishing his 28-day inpatient treatment at Green Hall. The 28th day is Monday, November 18. His treatment is going very well. When he finishes treatment, he will attend aftercare at Bethesda North in Cincinnati, as well as Caduceus meetings at Christ Hospital.

Dr. Porter continued that he is currently in the process of obtaining a divorce. Hopefully, he'll be able to spend more time with his children. He looks forward to seeing his children more often. He also looks forward to practice again, when he's allowed to return to practice.

In response to Dr. Garg's questions, Dr. Porter stated that he was practicing in Ohio and Indiana. He surrendered his Indiana license for a minimum of 90 days after he had informed IPEP that he relapsed. Whether or not he practices again in Indiana may depend upon whether or not Indiana accepts Green Hall as a treatment provider. There may be financial constraints on his doing another two months of treatment in Indiana.

Dr. Garg asked whether Dr. Porter will have to reapply for his Indiana license or automatically get it back.

Dr. Porter stated that he doesn't know.

In response to further questions by Dr. Garg, Dr. Porter stated that his DUI case is still pending. He plans to plead guilty on that.

In response to Dr. Buchan's questions, Dr. Porter stated that he has been alcoholic probably since college. He is cautiously confident about his program. He was confident last year when he left Chicago, but something happened in January and February and he lost sight of his priorities. He was probably working too much, and he was unhappy in his marriage. Dr. Porter stated that he thinks he forgot for a moment that he was an alcoholic. It didn't take long to be reminded.

Dr. Steinbergh noted that Dr. Porter's license was suspended for a minimum of 90 days, starting August 14. Technically, he'll be eligible for reinstatement at the end of this month. However, he is still in treatment. Dr. Steinbergh asked whether Dr. Porter has fulfilled the rest of the terms for reinstatement.

Dr. Porter stated that he did drink several times before entering treatment in October. He mentioned that to Dr. Goldberg at Green Hall.

In response to Dr. Egner's questions, Dr. Porter stated that he went through his first inpatient treatment from August 16 through October 1, 2001. This is his second treatment.

Dr. Egner asked whether there were times in Dr. Porter's life where he thought to himself that he might be an alcoholic.

Dr. Porter stated that, as a resident, he didn't drink very much. He was busy. He says that he may have been an alcoholic since college because he certainly abused alcohol in college. Dr. Porter noted that there are so many definitions of what an alcoholic is, it depends on what one's definition is.

Dr. Egner stated that she was only wondering whether the thought occurred to him that he may have a problem with alcohol.

Dr. Porter stated that it did, at times.

Dr. Egner asked whether Dr. Porter would have been a little more self-reflective if there had been more education about alcoholism in medical school or his residency program.

Dr. Porter stated that he believes that when physicians are in training and medical school, they aren't given much in the way of information about alcoholism. It's unfortunate. What he learned about alcoholism he learned after his treatment in Chicago last year, not as a med student or resident.

Mr. Albert asked Dr. Porter what he thinks of the Green Hall program.

Dr. Porter stated that he is pleased with the program. It's a little more nuts and bolts than his previous program, and he likes that.

Mr. Albert asked what Indiana requires for reinstatement.

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Dr. Porter stated that he's not sure. His counsel will find out the specifics down the road. At this point, the only hospital he admitted to was in Oxford, Ohio.

Mr. Albert stated that he believes that Dr. Porter has a good outlook and is on the road to straightening himself out. He cautioned Dr. Porter that the Board has a very low tolerance for relapse.

Dr. Somani asked Dr. Porter what he tells students in Oxford when they have binge drinking parties.

Dr. Porter stated that he's probably admitted two or three students a month for the last five years into the ICU. He tells them that they should consider the fact that they are in the hospital a warning that they're drinking too much. If they're drinking too much at this point, it may become a very serious problem down the road.

Dr. Somani stated that Dr. Porter has indicated that he started his alcoholism while in college, and now he's on a college campus where binge drinking is so prevalent.

Dr. Porter stated that he would be more than willing to give some sort of talk, if the students would be willing for him to do so. He added that it's hard to get a 19-year old to listen to a 37-year old. He can tell them that he was having a ball in college, and look at the repercussions he's had in his adult life, but they're not there.

Dr. Egner stated that she thinks that they would listen to him.

Dr. Porter stated that if only a few people listened it might help.

Dr. Egner stated that it scares her to hear the number of people he admits to ICU for drinking.

Dr. Somani stated that Dr. Porter has the true opportunity to do something with the college crowd based on his own experience.

Dr. Porter stated that that would be a good idea, and something to consider in the future.

Dr. Buchan stated that developing something during his suspension period might speak well for him.

DR. STEINBERGH MOVED TO CONTINUE DR. PORTER UNDER THE TERMS OF HIS AUGUST 14, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. DAVIDSON SECONDED THE MOTION. A vote was taken:

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

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| | |
|----------------|-------|
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

REPORTS AND RECOMMENDATIONS

NICHOLAS M. PACHUDA, D.P.M.

DR. STEINBERGH MOVED TO REMOVE THE MATTER OF NICHOLAS M. PACHUDA, D.P.M., FROM THE TABLE. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |

The motion carried.

Dr. Somani reminded the Board that motions were made, and passed, to amend the Proposed Order in this matter. However, a motion to approve and confirm the amended order failed. The Board tabled the matter to allow time to review *Sturgis Standard Code of Parliamentary Procedure*, the Board's adopted Rules of Order.

Mr. Dilling stated that, according to the Rules of Order, if the motion to approve the amended order fails, the Board goes back to square one, as though no motion to amend passed and the Board has before it the Order as originally proposed. Mr. Dilling noted that five individuals voted to adopt the amended Order. He asked that, if any of them change their minds to vote for a new Order, they explain their change of mind for the record. He noted that what the Board chooses as its discipline should logically stem from what it finds happened.

Dr. Garg commented that, since the motion to approve as amended failed, everything else becomes moot. The original amendments don't apply anymore.

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Mr. Dilling stated that that is what he said, but this is not about the Rules of Order. It's about what the Board believes, and what the record is. He asked that, as Board members consider their vote, they make a statement as to why they are voting that way. The only person who really got into his reasons for voting in a particular way was Dr. Buchan. Four people followed Dr. Buchan and voted for that specific amendment. By so doing, he believes that they owe the public process a discussion of why they may vote differently now.

Dr. Agresta stated that if that issue is not brought back up again, no one has to comment on it.

Mr. Dilling stated that if it is not brought back up, someone down the line will ask the Board why.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO CHANGE THE SUSPENSION PERIOD TO EIGHTEEN (18) MONTHS, AND TO INCLUDE THE STANDARD LANGUAGE USED IN IMPAIRMENT CASES REQUIRING PSYCHIATRIC EVALUATION OF DR. PACHUDA'S ABILITY TO PRACTICE IN RELATIONSHIP TO SEXUAL BOUNDARY ISSUES, AND RECOMMENDED TREATMENT. DR. AGRESTA SECONDED THE MOTION.

Dr. Somani stated that he would entertain further discussion in the above matter.

Dr. Egner stated that she wanted to explain her previous thinking. If she accepts the facts as they are in the record right now, she still believes that revocation is in order. She could tell from the discussion and the vote that that's not going to happen. It's very difficult for her to say "these are the facts and now we're going to let you practice." So, when Dr. Buchan brought up the fact that he is not convinced that all of those events occurred, she thought, well, in looking at a case generally and the facts and what the Board did, she would have an easier time living with the amended facts and letting him practice. That was her thinking on this, and it remains her thinking unless this is a flawed way to think. She's very hesitant to say that this is what happened, and now you get 18 months out and get to return to practice.

Dr. Buchan stated that what all Board members try to do is come to some truth when they review these cases. Based upon both parties' testimony as he reviewed it, set it aside for a few days, and went back and reviewed it again, he cannot agree with the Findings of Fact as written. Both parties are flawed. There is a convicted liar, and probable drug-seeking behavior by virtue of this physician's drug contract. All of that being said, he speaks to the current Order. Dr. Buchan stated that he believes that 18 months is too long to get this point, but he respects the Board's thought. He asked again that the last sentence of the Findings of Fact be deleted.

Dr. Talmage stated that he was also in favor of a lesser suspension, but, in thinking about it, if this is not accomplished, he can live with 18 months whether the Findings of Fact are or are not totally 100% accurate; if that doesn't affect the punishment, and in his mind it would not; he would be willing to compromise on the basis that this gets the job done. The Findings of Fact do not bring this up again. It's a matter of degree. Once you expose yourself, it's for sexual gratification. If you go on with masturbatory activity, it's the same thing. Dr. Talmage stated that he doesn't know that it makes the crime any worse or any better. He's willing to compromise and go with 18 months.

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Mr. Browning stated that he is willing to support an 18-month suspension and the motion that is on the table as it stands. He added that he thinks the Board is in a gray zone, unsure of exactly what happened; but the Board hires people to analyze these things, to review them, and to write up these reports. While the Board is certainly allowed to change facts, it would be a highly unusual situation to go in and change a fact as it is presented. He doesn't think that the Board has the evidence to say it ought to be changed. Dr. Buchan may be right, but he doesn't think that the evidence is there to change it.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - nay |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - nay |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - nay |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |
| | Dr. Somani | - aye |

The motion carried.

Dr. Buchan stated that he voted "nay" because he cannot with certainty say that Dr. Pachuda masturbated in front of the patient. If he felt that to be the case, he would be in favor of a harsher sentence. Based upon the testimony he read, the Board does know some things. It does know that Dr. Pachuda locked the examination room door, it does know that Dr. Pachuda unzipped his pants, and it does know that he withdrew his penis, exposing himself to this patient. Based upon that Finding of Fact, he's agreeable to the Proposed Order of 18 months suspension, but he would offer an amendment to omit the last sentence of the Finding of Fact.

DR. BUCHAN MOVED TO DELETE THE LAST SENTENCE OF THE FINDING OF FACT. The motion died for lack of a second.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF NICHOLAS M. PACHUDA, D.P.M. MS. SLOAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|-------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - nay |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - nay |

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| | |
|----------------|-----------|
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.

PROBATIONARY REPORTS

Dr. Somani referred the Board to the Compliance Staff's reports of conferences with probationers on September 9 and September 10, 2002. He noted that all probationers are in compliance.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH MARTIN W. BRUEGGEMANN, M.D.; THOMAS W. CARRIGAN, M.D.; NICHOLAS G. ESPINOZA, D.O.; ROBERT E. EXTEN, JR., M.D.; WILLIAM H. FIEGENSCHUH, JR., M.D.; JOHN D. FREED, M.D.; MICHAEL W. KESSLER, M.D.; GUANG LIANG, ACUPUNCTURIST; ROBERT A. MCNUTT, M.D.; STEPHEN J. ROLFE, M.D.; WILLIAM A. ROMER, M.D.; SARAVANA E. SIVASHANKER, M.D.; JOSEPH A. TORE, M.D.; RICHARD WEITZEL, JR., M.D.; SAMUEL Z. WESTERFIELD, M.D.; LAWRENCE YOUNG, III, M.D.; AND THOMAS A. ZOLDOWSKI, D.P.M. MR. BROWNING SECONDED THE MOTION.

A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

PROBATIONARY REQUESTS

MARK D. BALDWIN, D.O.

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

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DR. STEINBERGH MOVED TO APPROVE LARRY W. SHOEMAKER, M.D., TO SERVE AS DR. BALDWIN'S TREATING PSYCHIATRIST. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

DIANE L. BAUM, M.T.

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

DR. STEINBERGH MOVED TO APPROVE FRANCES I. SWAR, M.D., AS MS. BAUM'S TREATING PSYCHIATRIST. DR. GARG SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

MARGUERITE D. BRUCE, M.D.

Dr. Bruce's request for reductions in her appearance schedule and her chart review requirement was presented to the Board for consideration at this time.

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DR. STEINBERGH MOVED TO APPROVE DR. BRUCE'S REQUEST FOR A REDUCTION IN HER APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS, AND A REDUCTION IN HER CHART REVIEW REQUIREMENT FROM TEN (10) CHARTS PER WEEK TO TWENTY (20) CHARTS PER MONTH. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

JAMES E. FLEMING, M.D.

Dr. Fleming's request for reductions in his appearance schedule and his drug screen requirement was presented to the Board for consideration at this time.

DR. AGRESTA MOVED TO APPROVE DR. FLEMING'S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS, AND A REDUCTION IN HIS DRUG SCREEN REQUIREMENT FROM ONCE PER WEEK TO TWICE PER MONTH. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

DONALD B. FORD, M.D.

Dr. Ford’s request for a reduction in his drug screen requirement was presented to the Board for consideration at this time.

DR. BUCHAN MOVED TO APPROVE DR. FORD’S REQUEST FOR A REDUCTION IN HIS DRUG SCREEN REQUIREMENT FROM ONCE PER WEEK TO TWICE PER MONTH. DR. GARG SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

LOREAL L. FREDEBAUGH, M.D.

Dr. Fredebaugh’s request for a reduction in her drug screen requirement was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE DR. FREDEBAUGH’S REQUEST FOR A REDUCTION IN HER DRUG SCREEN REQUIREMENT FROM TWICE PER MONTH TO ONCE PER MONTH. DR. GARG SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

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WALTER L. GEORGE, JR., M.D.

Dr. George's request for approval of a treating psychiatrist, a psychological therapist and a monitoring physician was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE: NEIL I. STEINBERG, M.D., TO SERVE AS DR. GEORGE'S TREATING PSYCHIATRIST; CYNTHIA DOWNING, PhD, TO SERVE AS DR. GEORGE'S PSYCHOLOGICAL THERAPIST; AND LAURANCE B. GROSSMAN, M.D., TO SERVE AS DR. GEORGE'S MONITORING PHYSICIAN. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

DARRELL A. HALL, M.D.

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

DR. STEINBERGH MOVED TO APPROVE: KENNETH H. ADLER, M.D., TO SERVE AS DR. HALL'S TREATING PSYCHIATRIST AND JUDITH H. WEISS, M.D., TO SERVE AS DR. HALL'S MONITORING PHYSICIAN, REVIEWING TWENTY (20) CHARTS PER MONTH. DR. GARG SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

DAVID C. HANES, D.O.

Dr. Hanes' request to discontinue Antabuse treatment was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO GRANT DR. HANES' REQUEST TO DISCONTINUE ANTABUSE TREATMENT. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:

| | |
|----------------|-------|
| Mr. Albert | - aye |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

Dr. Somani left the meeting at this time. Mr. Browning assumed the Chair.

W. ANDREW HIGHBERGER, M.D.

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

DR. BUCHAN MOVED TO APPROVE BARBARA M. ROGERS, M.D., AS DR. HIGHBERGER'S MONITORING PHYSICIAN. DR. GARG SECONDED THE MOTION.

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

Vote:

| | |
|--------------|-------|
| Mr. Albert | - aye |
| Dr. Egner | - aye |
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |

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| | |
|----------------|-------|
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

NORMAN I. HIRSCH, D.O.

Dr. Hirsch's request concerning the division of his community service requirement was presented to the Board for consideration at this time.

DR. GARG MOVED TO GRANT DR. HIRSCH'S REQUEST TO DIVIDE HIS 100 HOURS OF COMMUNITY SERVICE BETWEEN THE CINCINNATI MENTAL HEALTH ASSOCIATION, THE TALBERT HOUSE AND JEWISH FAMILY SERVICES. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

JOSEPH S. SCHEIDLER, D.O.

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

DR. GARG MOVED TO APPROVE CHARLES T. MEHLMAN, D.O., TO SERVE AS DR. SCHEIDLER'S MONITORING PHYSICIAN, WITH TEN (10) OFFICE CHARTS AND TEN (10) HOSPITAL CHARTS REVIEWED PER MONTH. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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| | |
|----------------|-------|
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

ADMINISTRATIVE REPORT

Mr. Dilling at this time asked to make part of his report to the Board at this time.

At this time Mr. Dilling presented a “5-Year Pin” to Debbie L. Beaty, Licensure & Records Assistant, celebrating her five years of state service. He noted that Ms. Beaty works across all sections of the Board. Currently she is with the Licensure and Records departments, working on renewals, original licensure applications and training certificates. She previously worked in the Investigations Department and will volunteer to help in that department when she is needed. She works with a cheerful attitude, and works well with her co-workers.

Mr. Dilling also presented a “20-Year Pin” to Board Investigator Supervisor Douglas L. Edwards, celebrating his 20 years of state service. He noted that Mr. Edwards supervises the southern region investigators. In addition to managing those investigators, he has his own case assignments. He’s also willing to volunteer to go where he’s needed.

Mr. Dilling advised that Mr. Edwards and Ms. Beaty represented the Board and its staff today at funeral services for retired Board Investigator Supervisor Colonel J. Hunter, who passed away over the weekend.

Dr. Somani returned to the meeting and resumed the Chair.

REINSTATEMENT REQUESTS

STEVEN W. CRAWFORD, M.D.

Dr. Crawford’s request for approval of an assessor was presented to the Board for consideration at this time.

DR. EGNER MOVED TO APPROVE FREDERICK N. KARAFFA, M.D., AS ONE OF THE ASSESSORS REQUIRED BY PARAGRAPH 9.b.i.v. OF DR. CRAWFORD’S AUGUST 14, 2002 CONSENT AGREEMENT. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

WILLIAM H. FIEGENSCHUH, JR., M.D.

Dr. Fiegenschuh's practice plan, nominee for monitoring physician and request for restoration of his license to practice medicine and surgery, which was suspended by Board Order of August 9, 2000, were presented to the Board for consideration at this time.

Ms. Jacobs advised that the Board has not yet received the A.M.A. profile for Dr. Fiegenschuh. She asked that the Board consider granting his request, subject to the Board's receiving all necessary documentation.

DR. BUCHAN MOVED TO APPROVE DR. FIEGENSCHUH'S PLAN TO DO A FELLOWSHIP IN ADDICTION MEDICINE AT UNIVERSITY HOSPITALS IN CLEVELAND. DR. BUCHAN FURTHER MOVED TO APPROVE THEODORE PARRAN, M.D., AS DR. FIEGENSCHUH'S MONITORING PHYSICIAN. DR. BUCHAN FURTHER MOVED TO APPROVE DR. FIEGENSCHUH'S APPLICATION FOR REINSTATEMENT, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. DR. EGNER SECONDED THE MOTION.

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

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - abstain |

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The motion carried.

ANN V. GOVIER, M.D.

Dr. Govier's request for approval of a psychiatric assessor was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE PATRICE TORRES AREHART, M.D., TO PERFORM THE PSYCHIATRIC ASSESSMENT REQUIRED BY PARAGRAPH 9.b.i.v. OF DR. GOVIER'S JUNE 12, 2002 CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

CYNTHIA J. JOHNSON, P.A.

Ms. Johnson's request for approval of a psychiatric assessor was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE GREGORY B. COLLINS, M.D., TO PERFORM THE PSYCHIATRIC ASSESSMENT REQUIRED BY PARAGRAPH 9.b.i.v. OF MS. JOHNSON'S OCTOBER 10, 2002 CONSENT AGREEMENT. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - aye
 Dr. Steinbergh - aye

The motion carried.

LICENSURE

BASSAM DAHMAN, M.D.

Dr. Dahman's request for endorsement of Steps 1 and 2 of the FLEX, was presented to the Board for consideration at this time. By memorandum of November 1, 2002, Mr. Dilling advised that Dr. Dahman has not been engaged in the active practice of medicine since November 1999.

Dr. Steinbergh stated that this is a surgeon who has not practiced for three years. She questioned what type of examination would be appropriate for this individual, should the Board require examination prior to licensure. She suggested that the Board might require him to be recertified if he intends to practice surgery, or just require the SPEX if he's going into primary care. She added that the SPEX would not be appropriate for a surgical practice.

Dr. Garg suggested that the Board could approve Dr. Dahman, subject to his passing the SPEX, and restrict any surgical practice to be done under supervision in an accredited hospital for a certain number of cases. He recommended that Dr. Dahman be required to perform at least 25 cases under supervision, with a report to the Board by the supervising surgeon. Dr. Garg also suggested that the Board find out what type of surgery Dr. Dahman intends to perform, and what his plans are for his practice.

DR. STEINBERGH MOVED TO APPROVE DR. DAHMAN'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND SUBJECT TO HIS PASSING THE SPEX. DR. STEINBERGH FURTHER MOVED TO RESTRICT DR. DAHMAN FROM PRACTICING SURGERY UNSUPERVISED UNTIL HE HAS SATISFACTORILY PERFORMED 25 SUPERVISED CASES, WITH HIS SUPERVISING SURGEON REPORTING TO THE BOARD. THE RESTRICTION WOULD LIFT AT THE TIME THE BOARD APPROVES THE REPORT OF THE SUPERVISING SURGEON. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |

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Dr. Steinbergh - aye

The motion carried.

MEDICAL X-RAY, INC. – P.A. UTILIZATION PLAN

Ms. Schmidt advised that the above-captioned group has requested permission to withdraw its proposed P.A. Utilization Plan.

**DR. BUCHAN MOVED TO PERMIT MEDICAL X-RAY, INC., TO WITHDRAW ITS PLAN.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

FUTURE BOARD MEETING DATES

Dr. Somani referred to Ms. Schmidt's memorandum of October 30, 2002, a copy of which shall be maintained in the exhibits section of this journal, indicating that the previously approved date for the April 2003 meeting conflicts with the Federation's annual meeting, and proposing meeting dates for the year, 2004.

**DR. GARG MOVED TO CHANGE THE APRIL 2003 MEETING DATE TO APRIL 2-3.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |

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Dr. Garg - aye
 Dr. Steinbergh - aye

The motion carried.

DR. GARG MOVED TO APPROVE THE FOLLOWING DATES FOR THE YEAR 2004:

| | |
|----------------|----------------|
| January 14-15 | July 14-15 |
| February 11-12 | August 11-12 |
| March 10-11 | September 8-9 |
| April 14-15 | October 13-14 |
| May 12-13 | November 10-11 |
| June 9-10 | December 8-9 |

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

| | | |
|-------|----------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

FINAL ADOPTION OF CHAPTER 16 (IMPAIRMENT RULES)

Dr. Somani referred to Mr. Wayda's memorandum of October 8, 2002, advising that in September the Impairment Committee and the full Board voted to accept a number of language changes to the proposed amended, new and rescinded Chapter 16 (impairment) rules. Board staff refiled those rules with the Board-approved changes on September 17 and they were on the consent agenda at the October 7 meeting of the Joint Committee on Agency Rule Review. JCARR jurisdiction ended on October 17, 2002.

MR. ALBERT MOVED TO ADOPT THE PROPOSED CHAPTER 16 RULES, WITH AN EFFECTIVE DATE OF NOVEMBER 30, 2002. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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| | |
|----------------|-------|
| Dr. Talmage | - aye |
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

CHAPTER 10 (LICENSURE RULES)

Mr. Wayda advised the Board that, following Committee review, several changes were recommended to the Chapter 10 rules. Most of those changes are in the nature of “housekeeping.” In cases involving substantial changes, the Committee, at the advice of JCARR, has recommended deleting the old rule and replacing it with a new one.

Mr. Wayda stated that there are three substantial changes being recommended:

1. New 4731-10-03, CME waiver: This rule implements several conditions on the waiver process that Dr. Garg, through his work as Board Secretary, thought should be brought to the Board’s attention. First, there is a limitation: CME waivers will not be available in consecutive CME periods. Second, applications for CME waiver will have to be received by the Board prior to the time a licensee is in default on their CME obligation. Third, the rule prohibits waiving the entire CME requirement.
2. New 4731-10-08, evidence of CME: The big change is that the rule will require physicians to maintain their CME documentation for two years instead of the current one, to be consistent with the registration and CME periods.
3. New 4731-10-11, telemedicine certificates: This rule corresponds to 4731.296 of the Revised Code, which established telemedicine certificates. The rule clarifies the CME requirements for a telemedicine certificate and fixes the length of initial telemedicine licensure (2 years) and the renewal dates (with the registration group based on first initial of last name).

DR. GARG MOVED TO SUBMIT CHAPTER 10 RULES TO FORMAL RULEMAKING PROCESS. MR. BROWNING SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |

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| | |
|----------------|-------|
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

FEDERATION OF STATE MEDICAL BOARDS

CALL FOR NOMINATIONS

Mr. Dilling advised that there is a filing deadline of December 2, 2002, for nominations for Federation positions.

Dr. Somani stated that there was some discussion in the Executive Committee meeting about this. He added that he, personally, is interested in being elected to the Editorial Committee, and Dr. Steinbergh is interested in obtaining a Committee assignment. He asked that anyone else who is interested let him know.

REPORT BY RONALD C. AGRESTA, M.D., ON F.S.M.B. BOARD OF DIRECTORS MEETING

Dr. Agresta stated that the Board of Directors met in October. He commented that Mr. Dilling brought a fresh voice to the proceedings, and he believes that the majority of people there appreciated Mr. Dilling's presence. Mr. Dilling asked a lot of insightful questions and challenged people there to look at things in a little different way.

Dr. Agresta stated that the Board discussed routine things, including the fact that the Federation Endowment has taken a hit because of the stock market. The purpose of that reserve money was to make sure that the Federation could do its projects, but the money has decreased 40 percent over the past year and a half.

There has been a concerted effort to make sure that the Federation is more responsive to member Boards. That's been instituted by Dr. Thompson, the new Executive Vice President, who is now meeting periodically with all of the Boards via teleconferencing. Dr. Agresta commented that this has been very useful. Dr. Agresta stated that the Federation continues to ask for people to get more involved in this organization, as that is the only way the Federation can be responsive to the member Boards. Many times Boards do not take advantage of what the Federation has to offer by calling and asking for help. There are states who have bills before their Legislatures for funding increases. The Federation will help in those cases. The Federation will send individuals to different states to testify, if needed.

Dr. Agresta stated that the Federation is a changing organization right now. The relationship with the osteopathic community is much changed and will continue to become more friendly and, thus, more

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productive over the next few years.

Dr. Agresta continued that the Board of Directors also discussed resolutions that are being received from the member states. He asked Board members to let him know if they feel strongly about any issue.

Dr. Garg asked Dr. Agresta what the Federation's attitude is towards regionalization.

Dr. Agresta stated that the Board of Directors appointed a special committee to look at the structure of how the Federation runs. That goes from regionalization to the committee structure, the director structure, and the Federation hierarchy. The Committee will probably take a year to make some recommendations. Those recommendations will be voted on. One thing that will happen relatively soon is a change in the Executive Vice President's title. That will be changed to "President," and the current "President" position will be changed to "Chairman of the Board."

Dr. Agresta stated that the organization will change. The current Executive Vice President has a great background. He's a medical educator, and was a dean at Wake Forest for almost ten years. He knows a lot of people and is easy to get along with. He's very open minded, and his demeanor does not offend people.

Dr. Steinbergh asked for Dr. Agresta's comments about the upcoming program for 2003.

Dr. Agresta stated that Dr. Steinbergh is on the Program Committee, and he attended that Committee's last meeting. Basic decisions were made to have a different format for the program this year to get more audience participation, and more diversity in speakers and mentors. The program will be on professionalism. The new Surgeon General will speak, as will a former member of the Arizona Medical Board. They are in the process of confirming other speakers.

ADMINISTRATIVE REPORT

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

Mr. Dilling stated that he recently went to Dallas to attend the first meeting of the Common License Application Committee, which is working on a common licensure form for all the states. Hopefully there will be drafts in the next month or so.

Mr. Dilling advised that he also recently attended an AIM meeting. One of the best things he got out of that was the need for common licensure verification forms. Mr. Dilling stated that not all states are on the same page as to what they are asking, and it's adding time to the licensure process and also not getting people the information they're really seeking.

Mr. Dilling continued that the Federation will also be responding to an AMA letter regarding the new Clinical Skills Assessment (CSA). He added that he sent this letter to the Board about a month ago. Mr. Dilling advised that he will send a copy of the Federation's response to Board members as soon as it

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becomes available.

Dr. Agresta stated that the pilot program for the CSA, started in Philadelphia, is finished. There is a new assessment center that opened in Atlanta, and all medical schools in Atlanta are participating. The facility is state of the art. The Federation Board met with the AMA in Chicago about this issue, and had a discussion with two of the AMA trustees, one of whom is a medical student. There was also one resident member in attendance, as well as representatives from the American Association of Medical Colleges (AAMC). They addressed issues AMA had in relationship to cost, and the number of sites, etc. They did some comparison on costs of other high-stakes licensing exams, such as bar exams and architecture. Even with the addition of the extra \$900 or so for the CSA testing, the exam is about \$2,600 to \$2,700.

Dr. Agresta added that he believes the bar exam fee for Ohio is around \$2,500. Some of the complaints are valid. Most of the people there didn't understand licensing at all. The AAMC representatives were supportive of the CSA, and they were trying to be responsive to the students. Dr. Agresta commented that the students really have the AMA held hostage right now in relation to approving or disapproving the implementation of this test. There is strong support from a lot of areas for the implementation of this test, especially from the medical colleges.

Dr. Talmage stated that, regarding the AMA, delegates who are also members of the FSMB will meet, starting on December 5.

Dr. Agresta stated that he will be attending that meeting.

Dr. Garg asked how vital the AMA support is for this.

Dr. Agresta stated that the AMA does not have a good record out there for supporting issues that they should support. The AMA has gone on record as supporting a clinical skills exam. The students have put a glitch into it, or else it would be a done deal.

Dr. Talmage stated that they've recommended more sites, less cost, etc.

Dr. Agresta stated that they are very organized, but they haven't read any literature that goes along with the assessment and they have no idea about the history of it. In two years most of them will be gone and it won't affect them anyway. Dr. Agresta stated that it will be a battle for a while, but he believes that saner heads will prevail and some kind of compromise will be reached. He doesn't believe there will be any controversy a couple of years from now.

Dr. Garg inquired about other boards' participation in FCVS. He asked whether it was increasing.

Dr. Agresta stated that it continues to increase. A lot of boards don't mandate FCVS by statute, as Ohio does, but they strongly recommend that people use it. When states have done that, the number of applications to FCVS has jumped.

Dr. Garg stated that, until all boards accept it, common licensure is not going to happen.

Dr. Agresta stated that approximately 57 or 58 licensing bodies currently accept FCVS.

Dr. Garg asked whether AIM has anything to say about this.

Mr. Dilling stated that part of the discussion was about FCVS, and he believes that more states will become “highly recommending” states and put the FCVS application as part of their licensure application packet. He added that he thinks the Board will see more and more states require it. Mr. Dilling stated that once you start looking at a common licensure application, you’ll see that FCVS is the beginning of it and carries over and covers a lot of it.

Dr. Somani reminded Board members of the retreat to be held on Thursday.

REPORTS OF ASSIGNED COMMITTEES

LEGISLATIVE LIAISON AND RULES REVIEW COMMITTEE

Mr. Browning distributed the Committee’s report, a copy of which shall be maintained in the exhibits section of this journal, to the Board. He noted that he believes that the Board did make a contribution in the defeat of Issue 1.

Mr. Browning advised that the Cosmetology bill passed the floor today. Also, it appears that medical malpractice legislation will go through this year as well.

PRESCRIBING COMMITTEE

Dr. Somani stated that the Prescribing Committee met to discuss two major issues, one of which involves the use of protocols to initiate or adjust medications. The Committee had a lot of discussion on this, particularly with nephrologists working in dialysis centers. They are concerned with patients on dialysis. They watch the patients’ hemoglobin every week, and on a monthly basis they make percentage adjustments to the medication that keeps the hemoglobin up. They are concerned that the rules would make it more difficult for nurses to adjust the dose. Dr. Somani stated that his final recommendation was that they should work with their algorithms so that they can have a patient specific part of the algorithm, identifying a specific drug and a specific dose.

Dr. Somani stated that the committee also discussed the office-based treatment of opioid addiction. The key point is that any practicing physician in Ohio can treat drug addiction in his or her office if he or she completes eight hours of training in such treatment, and if they get special permission from the Government. Mr. Dilling, Mr. Schmidt and the Board staff will work on an alert for the Board’s website. Also, there is a 30-patient limit. Physicians cannot treat more than 30 patients at any one time. This information will be highlighted on the website. Dr. Somani stated that staff will bring the draft alert back to the Committee before placing it on the website. Although the Committee felt that eight hours of training was insufficient, this is a federal law, and the Board can’t change that.

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Dr. Steinbergh, Mr. Albert and Mr. Browning left the meeting during the previous discussion.

LIMITED BRANCH AND ALTERNATIVE MEDICINE COMMITTEE

Dr. Buchan stated that the Committee reviewed applications for certificates of good standing for two schools, and recommends granting both.

DR. BUCHAN MOVED TO GRANT CERTIFICATES OF GOOD STANDING TO THE NATIONAL INSTITUTE OF MASSOTHERAPY AND MEDICAL DYNAMICS, AND THE CINCINNATI SCHOOL OF MEDICAL MASSAGE. DR. GARG SECONDED THE MOTION. A vote was taken:

| | | |
|-------|--------------|-------|
| Vote: | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |

The motion carried.

P.A. COMMITTEE

Dr. Talmage stated that Committee reviewed three new plans, and requests for changes to three others. Based on the Committee's review, it recommends that the Board approve all of request # 2, all of request # 4 with the exception of (g), and all of requests # 5 and 6.

DR. GARG MOVED TO APPROVE:

ZANESVILLE HEART SPECIALISTS REQUESTS FOR THE FOLLOWING:

- a. Vein and artery harvesting as part of cardiovascular surgery, using 100% direct supervision
- b. Removal of chest tubes utilizing 98% direct and 2% onsite supervision
- c. Removal of temporary pacemaker wires, utilizing 98% direct and 2% onsite supervision

MED CENTRAL MANSFIELD'S REQUESTS FOR THE FOLLOWING:

- a. Removal of Swan Ganz catheter, utilizing 100% direct supervision
- b. Change of tracheostomy more than 72 hours after placement, utilizing 100% direct supervision
- c. Removal of intra-aortic balloon pump, utilizing 100% direct supervision

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- d. **Vein and artery harvesting as part of cardiovascular surgery, using 100% direct supervision**
- e. **Insertion of central venous lines, utilizing 100% direct supervision**
- f. **Performance of endotracheal intubation w/ACLS training, utilizing 100% onsite supervision**
- h. **Insertion of chest tubes, utilizing 100% direct supervision**

CRB OF OHIO'S REQUESTS FOR THE FOLLOWING:

- a. **Removal of chest tubes, utilizing 100% onsite supervision**
- b. **Removal of temporary pacer wires, utilizing 100% onsite supervision**

AND COLUMBUS CARDIOLOGY CONSULTANTS' REQUEST FOR THE FOLLOWING:

- a. **Noninvasive cardiovascular studies, utilizing 100% onsite supervision**

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

| | | |
|-------|--------------|-------|
| Vote: | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |

The motion carried.

Dr. Steinbergh and Mr. Browning returned to the meeting at this time.

Dr. Talmage stated that, concerning Cardiothoracic Surgeons for NW Ohio's request for the P.A. to insert arterial lines, both he and Dr. Bhati got input from anesthesiologists. Vascular surgeons didn't have much comment on it. Both of their consultants said that there is greater risk to axillary, brachial and femoral arterial lines, in that ascending order, and that radial lines were reasonably safe and rarely cause major complications. Dr. Talmage stated that the Board has given non-specified privileges in the past. The Board has not specified radial artery only. Dr. Talmage advised that the Committee recommends approving Cardiothoracic Surgeons for NW Ohio and Med Central Mansfield's requests to perform insertion of arterial lines for radial artery only. The Committee will devise a request, according to 4731-4-02(C), which mandates a QA of any supplemental privileges, and asks for 10% of all supplemental privileges to be surveyed so that they come back with information on how many arterial lines have been placed in this particular instance. They will also ask everybody to have their QA requirement fulfilled, and the Committee will review those QAs. Dr. Talmage stated that that survey will be used to determine whether they will continue with axillary, brachial and femoral insertions. Given the fact that the Committee feels that new evidence supplied indicates that insertion in arteries other than radial arteries are of higher complication rates, the Committee would prefer not to review those now and will review all of

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the privileges granted in the past with an eye toward rescinding permission for all arteries other than radial, if there is sufficient evidence.

Dr. Garg stated that, in addition to Dr. Bhati and Dr. Talmage checking with specialists, he also spoke with physicians from critical care units out of Metro, and he received the same information. A fellow advised that nobody is doing brachial and femoral artery insertions. It became clear that a lot of the time these procedures are done by anesthesiologists, especially in surgery. Dr. Garg stated that there is a lot more risk of femoral and brachial insertions causing problems. It would be dangerous to allow this for P.A.s.

DR. TALMAGE MOVED TO APPROVE CARDIOTHORACIC SURGEONS FOR NW OHIO AND MED CENTRAL MANSFIELD'S REQUESTS FOR THE FOLLOWING:

- 1. Insertion of arterial lines FOR RADIAL ARTERY ONLY, using 100% direct supervision**

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

| | | |
|-------|----------------|-------|
| Vote: | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

Dr. Talmage stated that, concerning Heidi Donnelly, M.D.'s request for approval of her P.A. performing dermabrasion or resurfacing of scars, the Committee recommends that this be approved with the addition of the requirement that the P.A. observe the doctor for ten cases, and that a separate paragraph be written in approving this that this does not extend to other than dermabrasion and does not include laser or other modalities. It extends only to dermabrasion. The Committee had some concern that, if this is approved, one might consider laser or other methodology as being dermabrasion. The Committee does not want that. It should be strictly dermabrasion with sand or sandpaper.

DR. TALMAGE MOVED TO APPROVE DR. DONNELLY'S REQUEST FOR HER P.A. TO PERFORM DERMABRASION OR RESURFACING OF SCARS, UTILIZING 100% DIRECT SUPERVISION; THE P.A. MUST OBSERVE THE DOCTOR PERFORMING THE PROCEDURE FOR TEN CASES, AND THE PHYSICIAN WILL OBSERVE THE P.A. IN PERFORMING 25 PROCEDURES TO DETERMINE COMPETENCY IN AN OFFICE SETTING. DR. TALMAGE FURTHER MOVED TO NOTIFY THE PHYSICIAN THAT THIS APPROVAL DOES NOT EXTEND TO THINGS OTHER THAN DERMABRASION, AND IT DOES NOT INCLUDE THE

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USE OF LASERS OR MODALITIES OTHER THAN SAND OR SANDPAPER. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-------|
| Vote: | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.

MIDWEST REGIONAL BOARDS

Dr. Steinbergh stated that the Boards met on Saturday, November 9, and were pleased to have members from Pennsylvania and Michigan. They talked a little bit about the changes going on in the Michigan Board process. They also discussed: the CAVU system for Ohio and the proposed rules regarding office-based surgery and anesthesiologist assistants. Other states apparently don't have anesthesiologist assistants. They talked a bit about the impact of election results on Board operations. They also discussed pain management. Dr. Steinbergh noted that Dr. Kimball is giving a lecture to Citizen Advocacy Centers (CAC).

At lunch time they viewed a video from Michigan in regards to new Board member orientation. Dr. Steinbergh indicated that Ms. Wehrle has a copy of the video, and suggested that it be shown to Board members. She stated that it's an interesting video.

The Boards also discussed the Federation and the Special Committee on Federation Governance, which Dr. Kimball chairs. They got an update on the bylaws committee, the CSA, and the Program Committee. The Boards will meet at the 2003 Federation meeting, on Saturday at 12:30 p.m. They also discussed candidates for Federation office.

EXECUTIVE SESSION

DR. GARG MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION FOR THE PURPOSE OF INVESTIGATING A COMPLAINT AGAINST A PUBLIC OFFICIAL. MR. BROWNING SECONDED THE MOTION. A vote was taken:

| | | |
|-------|-------------|-------|
| Vote: | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Buchan | - aye |

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| | |
|----------------|-------|
| Mr. Browning | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |

The motion carried.

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

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

Thereupon at 6:20 p.m. the November 13, 2002 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 November 13, 2002, as approved on December 11, 2002.

Pitambar Somani M.D.

Pitambar Somani, M.D., President

Anand G. Garg

Anand G. Garg, M.D., Secretary

(SEAL)



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