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MINUTES**THE STATE MEDICAL BOARD OF OHIO****November 12, 2003**

R. Gregory Browning, Ph.D., President, called the meeting to order at 1:08 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: Anquetette Sloan, Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Deepak Kumar, M.D.; Patricia J. Davidson, M.D.; Andrew F. Robbins, Jr., M.D., Anand G. Garg, M.D., and Anita M. Steinbergh, D.O.

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

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. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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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.

MINUTES REVIEW

DR. GARG MOVED TO APPROVE THE MINUTES OF OCTOBER 8, 2003. DR. BUCHAN SECONDED THE MOTION. A vote was taken

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

The motion carried.

REPORTS AND RECOMMENDATIONS

Mr. Browning announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Anne McRae Botti, M.D.; Lyon L. Gleich, M.D.; James Charles Helphenstine, D.O.; George H. Ildi, D.P.M.; and Michael Soliman Mikhail, M.D. A roll call was taken:

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

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Dr. Garg - aye
Dr. Steinbergh - aye
Mr. Browning - aye

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

ROLL CALL:

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

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

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

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

ANNE MCRAE BOTTI, M.D.

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

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANNE MCRAE BOTTI, M.D. DR. BHATI SECONDED THE MOTION.

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

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Dr. Bhati noted that this involves a case where the Board approved a licensure application contingent upon Dr. Botti passing the SPEX, since Dr. Botti had not been engaged in the active practice of medicine for over two years. He stated that earlier in the day the Licensure Committee discussed this specific subject in great detail. What options should physicians have? The Committee felt that such physicians should be required to pass either the SPEX or their specialty's certification or recertification examination. Dr. Bhati stated that he has no problem with the Hearing Examiner's recommendation that she be required to pass the SPEX or the American Board of Internal Medicine recertification examination series in internal medicine.

Dr. Robbins asked whether the SPEX is an open-book examination. Board members indicated that it is not.

Dr. Robbins commented that he has difficulty with requiring an open book examination versus a non-open book examination. According to Dr. Botti's deposition, the recertification examination is clearly an open-book examination.

Dr. Davidson stated that she had wondered about that as well; however, although Dr. Botti emphasizes the open-book portion of the examination, recertification requires both a secure examination and self-assessment.

Dr. Robbins stated that, that being the case, he has no objections to the Proposed Order.

Dr. Steinbergh also spoke in support of the Proposed Order, indicating that this is how the Board has proceeded in the past.

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

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

The motion carried.

LYON L. GLEICH, M.D.

Mr. Browning directed the Board's attention to the matter of Lyon L. Gleich, M.D. He advised that no

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

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

Dr. Gleich was accompanied by his attorney, Eric J. Plinke.

Mr. Plinke noted that no objections were filed to the Report and Recommendation. He thanked the Board for its careful review of this matter.

Dr. Gleich thanked the Board for the opportunity to address it. He apologized for his inappropriate actions and explained that they were brought about in large part by his failure to have significant insight into his personal feelings. There were significant personal stressors to which he has testified. He began therapy in July 2002 and has been working to gain better insight into himself and his behavior. Dr. Gleich stated that he's becoming more introspective and is having success at better understanding his behavior and modifying it appropriately. He realizes that he needs to continue to work at this.

Dr. Gleich continued that the personal issues with which he is dealing and his inappropriate personal conduct have never affected his care of patients, his conduct at research or his role in teaching; however, his inappropriate actions have resulted in his resignation from his position at the University of Cincinnati, and he has not practiced clinical medicine since September 16, 2003. As a result of this he is currently seeking permanent employment. Dr. Gleich stated that at this point it appears that his best opportunity, that would also give his wife and family support, is a job in the Chattanooga area of Alabama. This would locate them near to his wife's brother and also give his wife opportunity for employment. Dr. Gleich stated that he would plan on continuing therapy with Stuart W. Bassman, Ed.D., until he moves and then have Dr. Bassman help him to find an appropriate psychiatrist in Chattanooga or northeast Alabama to continue his therapy.

Dr. Gleich noted that he has not been practicing clinical medicine, and he asked that the Board stay the suspension period of the Order. He asked that the Board also reconsider the length of his probation. He will be applying for a license in Alabama, and he will comply with any stipulations Alabama requires. He anticipates similar probationary requirements imposed upon him in Alabama. In light of this, he believes that a five-year reporting probation in Ohio requiring travel for appearances would become problematic. Dr. Gleich also asked that, if he is in good faith complying with the requirements of the state medical board where he is practicing and continuing to see a certified therapist, the Ohio Board accept that as sufficient and allow his probation to end without specifically following the detailed mechanism outlined in the Hearing Examiner's Report.

Dr. Gleich concluded by asking that periods of absence from Ohio be counted toward the reduction of probation if he is compliant with the other state medical board's requirements and his behavior is appropriate. He stated that he makes his requests with due respect, and he will accede to any requirements the Ohio Board sets.

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

Mr. Wilcox stated that he agrees with the Findings and Conclusions of Law of the Hearing Examiner in this case, but he doesn't support the Proposed Order. Mr. Wilcox stated that he doesn't feel that the proposed suspension period is adequate. He reminded the Board that it considered a similar case a few months ago. The physician in question in that case was given a 30-day suspension for his conviction for indecent exposure. That case involved one incident with one undercover officer and no licensure fraud. In Dr. Gleich's case, there were two separate incidents in two separate public parks, both involving undercover police officers. There is also a finding of licensure fraud, in that Dr. Gleich did not inform the Board of his first conviction in 1999.

Mr. Wilcox continued that Dr. Gleich was not forthcoming with the Board at this hearing. He claimed to have merely "brushed against" the officer in the first case instead of grabbing his crotch as the officer testified. Additionally, in the most recent case in 2002, Dr. Gleich stated that he removed his penis in the park "but he didn't know if he was going to urinate or masturbate." These statements show that Dr. Gleich is not being honest with the Board, and that a longer period of suspension is merited.

Mr. Wilcox concluded his statement by recommending a 90-day suspension in this case.

DR. EGNER MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF LYON L. GLEICH, M.D. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Egner stated that she is not in favor of a longer suspension for Dr. Gleich. She stated that the Board did see that other case, and she finds them to be very similar cases. Part of the problem with the previous case was that that physician didn't appear before the Board at the time his Report and Recommendation was considered. She found Dr. Gleich's statements to be pretty self-revealing.

Dr. Egner continued that these are unusual cases. She has been on the Board for eight years, and has seen less than a handful of these cases. She always finds them to be difficult because the infractions truly aren't related to the physician's practice. She added that she doesn't know whether the incidents affected his practice, but it certainly affected his life. He doesn't have a job and he's moving out of the state.

Dr. Gleich is seeking psychiatric help. Dr. Egner stated that a 30-day suspension in this case is fine; but a five-year probation is too long, and she recommended a much shorter probation. Dr. Egner added that she doesn't see this case in the same light as cases that are related to the physician's medical practice.

Dr. Steinbergh stated that she views this case a bit differently than Dr. Egner does. Although it doesn't involve a patient, it does involve a moral question that concerns her. She's pleased that Dr. Gleich is getting psychiatric care, which is appropriate. Dr. Gleich basically attacked a person and was dishonest about it on his application. Dr. Steinbergh stated that this raises questions of morality. Dr. Steinbergh spoke in support of the Proposed Order, and indicated that she would not support a probationary period of

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less than three years if the Board is going to reduce the time.

Dr. Steinbergh added that she is totally opposed to Dr. Gleich's request that the Board not suspend him or put him on probation, but to allow another state to monitor him. She indicated that the probationary terms for ethics courses and psychotherapy, contained in the Proposed Order, are appropriate. She would agree to a reduction of the probationary period to three years, but not less than that. The Board needs to be certain that Dr. Gleich's conduct is not in question anymore.

Dr. Bhati stated that he disagrees with both Dr. Egner and Dr. Steinbergh. Dr. Bhati stated that this is a case of two incidents of moral turpitude, both of which involved a policeman. If you carefully read Dr. Gleich's statement, he comes very close to admitting exactly what the policemen were saying. Dr. Bhati stated that the Board should consider that the omission on the license renewal form itself requires a 30-day suspension. Even the second psychiatrist Dr. Gleich saw stated that he could not be sure that Dr. Gleich would not repeat his actions. Dr. Bhati acknowledged that Dr. Gleich's actions did not occur in his practice, but added that morality is an important factor for a physician. He stated that he understands that Dr. Gleich is a young man, is very bright, and has great research potential, but the moral situation cannot be ignored. Dr. Bhati stated that he would prefer a 90-day suspension with a five-year probation.

Dr. Davidson agreed with Dr. Bhati. She stated that she tried to find some kind of reference point in the Board's past actions, and she's not sure that this is comparable to the other situation where the physician pleaded "no contest." There are repeated, documented convictions for inappropriate, illegal behavior. Dr. Davidson stated that she thinks that Dr. Gleich has a significant psychiatric condition. It was very difficult to read this case with the variety of opinions, including family of origin problems, acting out behavior, and homosexuality issues. She noted that one evaluating opinion discussed recommending that Dr. Gleich be tried on adjunctive pharmacotherapy, but expressed concerns about the side effects diminishing Dr. Gleich's fine motor coordination and his surgical skills. The fact that adjunctive pharmacotherapy was considered but backed away from seems illogical to her.

Dr. Davidson stated that this is a physician with significant psychiatric issues. She's glad to see that he will be seeing a psychiatrist on a weekly basis, and she's glad to hear that Dr. Gleich feels that he's making progress, but she agrees with Dr. Bhati that this is a serious situation that cannot be minimized. She disagreed totally with letting Alabama take care of this case for Ohio. Dr. Gleich is a licensee of Ohio.

Dr. Buchan stated that he failed to appreciate many mitigating factors in this case. He would side with Dr. Davidson and Dr. Bhati's statements. He had made a note that he agreed with a long probation due to the uncertainty of these complex psychiatric issues. Dr. Buchan stated that he believes there is a risk of re-offending. He agrees to the Proposed Order, and feels committed to a long-term of probation. Dr. Buchan stated that Dr. Gleich, as bright and gifted as he is, simply needs to be under some watchful eye. Five years' probation is not unreasonable.

DR. BHATI MOVED TO AMEND THE ORDER BY INCREASING THE SUSPENSION PERIOD TO 90 DAYS. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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

The motion carried.

JAMES CHARLES HELPHENSTINE, D.O.

Mr. Browning advised that, due to an illness in Dr. Helphenstine's family, he granted Dr. Helphenstine's request for a continuance on his case. It will be considered in December.

GEORGE H. ILODI, D.P.M.

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

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

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Dr. Ilodi stated that he would like to address a few points for the Board members concerning the proposed permanent revocation of his license: first, the devastating impact this has already had on his life; and second, the permanent revocation won't have much effect on the outcome of his future practice of podiatry. Dr. Ilodi stated that, although he may have exercised poor judgment in entering into a lease agreement with these medical diagnostic labs, he never intended to harm any person, and he did not actually harm any patient.

Dr. Ilodi stated that he has lost nearly everything he has in his life, and he's now a convicted felon. He's lost his wife of 19 years. He had no ability to make a living outside of podiatry, which he has practiced for 18 years.

Dr. Ilodi stated that he came to the United States from Nigeria because of the opportunities available here in the United States and to escape violence and oppression. Now everything for which he worked so hard is almost lost. Dr. Ilodi stated that taking away his license forever will not teach him anything or help his patients. It can only have a cumulative effect on the punishments he's been going through.

Dr. Ilodi stated that there were two other podiatrists indicted at the same time he was in November 2001. Although the facts and the circumstances are different, he asked that the Board understand that he came to the United States in 1974 from Nigeria. Nigeria achieved their independence from Great Britain in 1960. He was ten years old then. Following independence, there were ethnic violences that almost immediately occurred. In 1966, the first Nigerian Prime Minister was killed in a military coup. Several months later, the coup leader was killed, and a civil war erupted in 1967. That lasted for three years.

Dr. Ilodi stated that when you come from a country where most of your friends are arrested and put in jail, nothing that is presented to you will mean much. When the United States government gave him the plea agreement, he signed it. Based on where he came from, he would have signed a plea for murder. That is why he agreed to many things in the plea agreement. It didn't mean that he actually did most of the things. He didn't harm any patient, and he never intended to harm any patient.

Dr. Ilodi stated that when he looks at the outcome for his two co-defendants, he feels that he should have fought harder in defending himself. One of the two co-defendants was convicted, and the other was acquitted. That physician still has his license. All three of them were indicted for the same business dealings with the mobile diagnostic labs. Dr. Ilodi stated that he wonders whether his own case would have been different had he not signed the plea agreement.

Dr. Ilodi stated that he never intended to harm any patients. He didn't agree that he took advantage of any of his patients. He stressed that he did not take advantage of his patients, and the Board can trust him 100% on this.

Dr. Ilodi advised that few of his patients are really educated. They would not understand the need for vascular testing. They were all unhealthy with diabetic problems and other medical problems. They were all not as literate as he is. If he told them that they would develop gangrene, it didn't mean that they would develop gangrene. It was a level he was coming down to so that they would understand. If he told them

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they would develop ischemia, they wouldn't know what ischemia is, so he would have to come to a level that they would understand.

Dr. Iloidi stated that there was no medical record developed during the findings of the Medical Board.

Mr. Browning advised Dr. Iloidi that he has one minute to finish his presentation.

Dr. Iloidi stated that even though he used poor judgment in entering the lease agreement, he didn't intend to harm any patient. Dr. Iloidi thanked the Board for the time it has given him. He asked that the Board suspend his license rather than revoke it, as it did for one of his codefendants.

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

Mr. Wilcox spoke in support of the Hearing Examiner's Report and Recommendation in this case. He stated that Dr. Iloidi pled to 30 total felony counts in federal court. He was represented in federal court by counsel, and he admitted to each and every charge in the indictment against him.

Mr. Wilcox continued that, like many of the kickback cases the Board has reviewed, the patients in this case were particularly vulnerable. They were either elderly or mentally infirm. He indicated that Dr. Iloidi told many of these patients that they might have gangrene and that tests were necessary, in effect, scaring them into submitting to these tests. At hearing, Dr. Iloidi was asked whether it was harmful to subject an otherwise healthy person to vascular testing that isn't necessary, and Dr. Iloidi stated that he doesn't believe it is harmful to subject a patient to unnecessary medical testing.

Mr. Wilcox stated that, given these facts and the testimony at hearing, a permanent revocation is the appropriate sanction in this matter.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GEORGE H. ILOIDI, D.P.M. DR. BHATI SECONDED THE MOTION.

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

Dr. Steinbergh stated that the Findings of Fact are clear. Dr. Iloidi pled guilty to nine felony counts of conspiracy to solicit and receive Medicare and Medicaid kickbacks. This was fraud. He also pled to 21 felony counts of healthcare fraud. In his report, the Hearing Examiner outlined his concerns, and they were appropriate. She noted that Dr. Iloidi admitted to having knowingly subjected patients to unnecessary testing. He subjected these patients to testing when he had not examined the patients. He made false statements and representations in the medical record.

Dr. Steinbergh stated that she doesn't buy Dr. Iloidi's argument that the patients wouldn't understand the need for appropriate testing. She stated that she doesn't care what socio-economic group the patient is in, you can explain to a patient why you need to do testing if it's appropriate testing. She also takes argument

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with Dr. Ilodi's comments that it wasn't greed. Dr. Steinbergh asked what other reason could there have been to subject all of these patients to inappropriate testing and to set up a scheme of inappropriate kickbacks.

Dr. Steinbergh stated that she absolutely agrees with the Proposed Order permanently revoking Dr. Ilodi's license to practice podiatry.

Dr. Bhati stated that he looked at this case carefully to see whether there was any option that would allow the Board to salvage this physician, but he could not find any way to help him. Dr. Bhati stated that he's afraid that he must agree with the Report and Recommendation, as written.

Dr. Kumar stated that he can't reach any other conclusion. He noted that Dr. Ilodi commented on the fact that some of his co-defendants were not permanently revoked. Dr. Kumar stated that the cases are a little different. One thing that was very surprising to him was that Dr. Ilodi continued to say that testing was important because without testing you can't tell if you have a problem. Dr. Kumar stated that's not effectively practicing medicine. You have to do a physical examination and so forth before you subject a person to testing.

Dr. Kumar agreed that this was a matter involving greed. The leases Dr. Ilodi signed support that conclusion. Dr. Kumar stated that he would support the Proposed Order permanently revoking Dr. Ilodi's license.

Dr. Buchan stated that the Findings of Fact and Conclusions of Law speak for themselves. The opportunity to trust Dr. Ilodi with the practice of podiatric medicine has been lost. Dr. Buchan indicated that he agrees with the Proposed Order of permanent revocation in this case.

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

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

The motion carried.

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MICHAEL SOLIMAN MIKHAIL, M.D.

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

Mr. Browning continued that a request to address the Board has been timely filed on behalf of Dr. Mikhail, but were not filed in a timely manner. He asked whether the Board wished to grant Dr. Mikhail's request to address.

**DR. BHATI MOVED TO GRANT DR. MIKHAIL'S REQUEST TO ADDRESS THE BOARD.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Mr. Browning advised that Dr. Mikhail will be permitted to address the Board. Five minutes would be allowed for that address.

Dr. Mikhail was accompanied to the meeting by his counsel, John R. Irwin, M.D., Esq. Dr. Irwin explained that he was at fault for the late request to address the Board. He also introduced Dr. Mikhail to the Board.

Dr. Mikhail thanked the Board for the opportunity to address it. He expressed his apology for what happened. Through the entire proceeding he was very grateful that everyone showed him the most professional courtesy and respect.

Dr. Mikhail stated that he is at fault for prescribing medication for his wife, who suffers from multiple medical problems. She has been seen by more than 30 physicians and has undergone several surgical procedures. Dr. Mikhail stated that he did prescribe medications for her, but he failed to keep up with the rules and regulations of the Board. Dr. Mikhail at this time acknowledged that he also failed to keep strict medical records for the prescriptions he wrote. He asked for the Board's forgiveness, and stated that he is very sorry. He stated that he has learned a lot. Since this matter came to his attention two years ago, he

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hasn't written any prescriptions for his wife, and he applies very strict rules in his practice. Dr. Mikhail stated that he's learned a lot from the Board's rules and regulations, and he understands why the Board has imposed them.

Dr. Mikhail stated that he has been in Ohio for 28 years, and he carries a very active license. He feels that having his license is an honor and a privilege. He never had an experience like this in his life. Since then, he's acting as an active voice. He's senior member of staff and a member of many committees. He talks to his friends and colleagues and advises them not to prescribe for family members, because he doesn't feel anybody should face the experience he's faced. He's arranged for his attorney, Dr. Irwin, to address the medical staff and update them with the rules and regulations. It's very hard to keep up with everything.

Dr. Mikhail stated that he believes this experience will make him a better doctor, caring for his patients and community, and caring for his wife, whom he loves very much.

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

Ms. Albers stated that the Report and Recommendation does a great job of setting out the evidence in this case: the number of prescriptions that were issued, and the length of time that the prescribing went on.

Ms. Albers stated that she was very concerned about several issues in this case. The first was the doctor's admission that he had no idea that the Board had rules on prescribing controlled substances and that he was not aware of the rules about prescribing controlled substances to family. She was very concerned by the fact that a physician practicing for 25 years was that ignorant of the law and rules governing the practice of medicine. She was also very concerned about his explanation for why he prescribed – in emergencies or when physicians' offices were closed. When you look at the scripts in the record, you will see that many of them were written during weekdays and a lot of them had many, many refills on them. Ms. Albers stated that she was also concerned by the fact that Dr. Mikhail kept no records on prescriptions for his wife at all. Ms. Albers asked that the Board take those factors into consideration when determining whether or not it wants to adopt an order that does not contain any suspension time.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MICHAEL SOLIMAN MIKHAIL, M.D. DR. KUMAR SECONDED THE MOTION.

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

Dr. Egner stated that she finds this to be a very light recommendation, outside the guidelines on every count. Dr. Egner stated that she doesn't know how a physician cannot be aware of this rule. She's a little surprised that the pharmacist would write out a prescription for his signature when he indicated that he wanted the medication for his wife. She questioned the fact that no one ever told Dr. Mikhail that he couldn't do that, and suggested that they might have. Dr. Egner stated that it's hard for her to believe that no one ever told Dr. Mikhail that he shouldn't be doing that.

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Dr. Egner continued that when the detective informed Dr. Mikhail that he was in violation of the law, Dr. Mikhail responded that it is a poor law. Dr. Egner stated that it's not a poor law; it's an important law. Not only did Dr. Mikhail break the law, but his prescribing to his wife was outlandish. It wasn't prescribing in an appropriate manner. Dr. Mikhail doesn't seem to be aware of tolerance and dependence and abuse of these medications. Dr. Egner stated that she's glad that Dr. Mikhail's wife is getting appropriate care, but these are problems. Dr. Mikhail is in a specialty where he is prescribing narcotics to patients on a fairly regular basis. Every post-op patient needs narcotics. If Dr. Mikhail's knowledge of this is demonstrated by what the Board sees today, she's concerned about how he takes care of his own patients. She noted that Dr. Mikhail admitted in his testimony that he did very little recordkeeping for his own patients when he wrote them prescriptions for narcotics.

Dr. Egner stated that she would like to see a suspension in this case, as well as a longer probation. She believes that a six-month suspension and a three to four year probation would be appropriate.

**DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER TO ORDER A SIX-MONTH SUSPENSION AND A THREE-YEAR PROBATIONARY PERIOD.
DR. STEINBERGH SECONDED THE MOTION.**

Dr. Steinbergh stated that she agrees with Dr. Egner and her assessment, which is very similar to hers. The Proposed Order does require a controlled substance prescribing course and a medical records course, which is appropriate. Dr. Steinbergh stated that Dr. Mikhail's address to the Board meant something to her. He now realizes that he's been inappropriate in his prescribing. Dr. Steinbergh commented that the fact that Dr. Mikhail is willing to educate other physicians on staff, and so forth, is appropriate. It's too bad he had to go through this in order to educate others, but this was a rather egregious case of prescribing to his wife. Dr. Steinbergh stated that she believes Dr. Mikhail has been very contrite and appropriate in his response to the Board. She doesn't think it will happen again, but there is a price to pay for his having done this. She does agree with Dr. Egner's proposal for a six-month suspension and three-year probation.

Dr. Buchan stated that to say that Dr. Mikhail's prescriptive practices were reckless would be the understatement of the year. He stated that he doesn't think you need a rule to understand that you don't write prescriptions, one day after another, for 40 to 60 Fioricet with codeine, two days apart, some times one day apart. There doesn't need to be a rule that you don't go 120 miles per hour down the highway.

Dr. Buchan stated that Dr. Mikhail does understand the rules and what is appropriate now. He believes that the probability of Dr. Mikhail's re-offending is low. It was reckless initially, but Dr. Mikhail now understands very well what is proper in prescriptive practice. Dr. Buchan stated that the Proposed Order, as initially written, is appropriate.

Dr. Kumar stated that what Dr. Mikhail did was out of compassion for his wife and his feelings that she was not getting appropriate care. Dr. Kumar stated that he believes that in the process of writing all of those prescriptions, Dr. Mikhail did more harm than actual helping her in many aspects. Dr. Kumar stated that it appears that Dr. Mikhail won't repeat this particular kind of offense again. He stated that he doesn't believe a suspension would serve any purpose; although a longer probation period might be of some

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benefit.

Dr. Kumar suggested that the Order contain a prohibition from Dr. Mikhail's ever writing prescriptions for his family. He stated that this is implied in the Report and Recommendation, but isn't stated anywhere. He stated that he would be in support of keeping the suspension as Ms. Murphy proposed, keeping probationary terms, and adding a prohibition from his prescribing for family.

Dr. Robbins agreed with Dr. Buchan and Dr. Kumar. He stated that it's impossible for Dr. Mikhail to justify his actions, but he believes that Dr. Mikhail made an excellent statement. Dr. Robbins stated that he's having difficulty seeing the benefits of a significant suspension. He would have no problem with imposing a longer probationary period, but he believes the Proposed Order, as initially written, would be more appropriate.

Dr. Steinbergh stated that a stayed suspension in this case is clearly outside the Board's disciplinary guidelines, and that's why she believes some suspension is appropriate. She stated that she does believe that Dr. Mikhail will not repeat what he's done, but he has done it. His prescribing was horrific and he deserves some suspension. The probationary period, of course, is to monitor his practice and to make certain that he doesn't do this again.

Dr. Steinbergh added that she agrees with Dr. Kumar about adding language that Dr. Mikhail may not prescribe for family members. She stated that the Board has done that in other cases, and she feels that such a restriction is appropriate. Dr. Steinbergh stated that she does believe that Dr. Mikhail needs some suspension because of his inappropriate prescribing.

Dr. Davidson agreed that what Dr. Mikhail did was out of compassion, and she's very sympathetic to the dilemmas of pain patients and their families. The Report and Recommendation described Dr. Mikhail's case very well, and she trusts that he and his wife are on a different path now. She doubts strongly that Dr. Mikhail will repeat this; therefore, she doesn't believe that a long probation serves much purpose. A six-month suspension is too long but staying the suspension seems too short. She would be in favor of the 90-day suspension to be served.

Dr. Bhati stated that things did happen. Dr. Mikhail did the wrong thing, whether done for compassionate reasons or whatever. The good thing is that Dr. Mikhail admits he did the wrong thing, he realizes it, and is now trying to teach others. Dr. Bhati stated that he believes that the chances of Dr. Mikhail having a recurrence of this problem are close to zero. He asked what the Board will gain by a 90-day or half-year suspension. He doesn't believe a longer suspension period will benefit the Board. He does think that a longer probationary period is necessary. He would be willing to vote for the Report and Recommendation, as it was originally written.

Dr. Egner stated that she would be willing to reduce the proposed suspension to 90 days, just dropping the proposed stay. Dr. Egner stated that she does want to make one point, and that is that the majority of physicians, by the time they appear before the Board, do realize what they did wrong. They've been through the court process, the hearing process and then they appear before the full Board. They have had

plenty of time, in most cases, to realize what they did wrong, and they've had a lot of time to reflect on it. Most physicians are not repeat offenders, especially if you take out impairment cases. Dr. Egner stated that, to say that he probably won't do this again, the Board could say that about many cases for which the Board still suspends licenses. She added that there is a role in suspending licenses. She is in favor of suspension, not because she thinks that Dr. Mikhail is going to do this again, but he broke a law that he should have known about. Dr. Egner stated that she knows that there are many rules and parts of the Medical Practices Act that perhaps not every physician knows about, but this is one the Board has written about in its newsletter on multiple occasions. It is talked about in medical staffs. The pharmacists know about this, and they keep physicians abreast of this.

DR. EGNER ASKED TO CHANGE HER AMENDMENT TO REMOVE THE STAY IN THE ORIGINAL ORDER, AND TO KEEP THE 3-YEAR PROBATION. DR. STEINBERGH, AS SECOND, AGREED TO THE CHANGE.

Dr. Bhati stated that Dr. Egner's motion is reasonable. Dr. Mikhail did do something wrong, and he must understand that.

Dr. Kumar stated that he would support eliminating the stay on the suspension, and adding a requirement that he not prescribe to family members.

Dr. Egner stated that there is an exception under emergency situations. Is the Board saying that Dr. Mikhail cannot prescribe to family members under any circumstances?

Mr. Dilling stated that the Board has a rule that prescribing to family members can be done only in an emergency situation. The Board does have the power to limit a person's license beyond the rule; however, in these types of cases, there is already a rule on the books. What the Board has seen in the past has been physicians whose licenses are limited, based on a law that is in place, has that limitation permanently on his record for his lifetime and can't shake that. What the Board would be doing is to reiterate a point that is already made in the law. He suggested that it is not needed in this particular instance.

Dr. Davidson stated that the suggestion is to permanently prohibit Dr. Mikhail from prescribing anything to his family.

Dr. Steinbergh stated that that would permanently restrict Dr. Mikhail's license in a way that could cause him difficulties with managed care and a variety of things. There is a rule in place. Dr. Mikhail committed an offense against that rule and he is being disciplined for that. There is no evidence that this occurred with other patients.

Dr. Kumar stated that he was implying that the restriction should be placed on Dr. Mikhail's license during the probationary period.

Dr. Steinbergh and Dr. Bhati spoke against the proposal to prohibit Dr. Mikhail from prescribing to family.

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Dr. Buchan stated that he feels that the Order, as amended, is heavy handed and he feels that it is unnecessary. This was one patient, the physician's wife, and he can't move to support a suspension.

Dr. Robbins agreed with Dr. Buchan. He stated that he has a lot of difficulty seeing what a suspension in this situation is going to do. There is certainly no evidence, as the Hearing Examiner said, that Dr. Mikhail was motivated by greed or self-interest. He ceased his prescribing for his wife. There's no question that he should have known that he shouldn't have done it, and there's no question about the facts. Dr. Robbins stated that he has a very hard time seeing what a suspension accomplishes here.

Dr. Davidson stated that she has mixed feelings about calling this "making an example" of someone, because she thinks that he is doing a very positive thing in addressing his own medical staff and educating them in ways that he felt that he was not educated; however, if Dr. Mikhail goes back to his medical staff and says he got nothing, the message may very well be that he did nothing wrong. If he goes back and addresses the staff during the suspension, it will be obvious that this was doing something very wrong.

Dr. Buchan suggested that anyone who sits at that end of the table has been through quite a bit. The point has been well made, and for Dr. Mikhail to be an ambassador for the Board's rules shows that he understands.

Dr. Bhati asked whether Dr. Egner would be willing to give Dr. Mikhail credit for his presentations to staff and lessen the 90-day suspension.

Dr. Talmage returned to the meeting at this time.

Dr. Egner stated that she'd rather vote on her motion.

Ms. Sloan stated that, in looking at this case, she does have mixed emotions about it. She doesn't have mixed emotions about the fact that the Board has guidelines in place. Not having a suspension would be going against those guidelines. Ms. Sloan stated that she has to agree with Dr. Egner's motion about the 90-day suspension.

Dr. Bhati stated that he thinks that everyone agrees on the necessity of a suspension period, he is only suggesting a shorter period based on Dr. Mikhail's playing an ambassadorial role. He stated that there are a lot of physicians who don't get the fact that they shouldn't be writing prescriptions for their families.

Dr. Steinbergh commented that Dr. Mikhail's prescribing was egregious.

Dr. Bhati agreed. He suggested a 60-day suspension.

Dr. Egner asked for a vote on her motion.

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

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

The motion failed for lack of a majority.

DR. BHATI MOVED TO REDUCE THE SUSPENSION PERIOD TO 30 DAYS, TO ELIMINATE THE STAY, AND TO HAVE A THREE-YEAR PROBATIONARY PERIOD. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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

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

The motion carried.

FINDINGS, ORDERS AND JOURNAL ENTRIES

ABDULHASSIB RASLAN, M.D.

DR. BHATI MOVED TO REMOVE THE MATTER OF ABDULHASSIB RASLAN, M.D., FROM THE TABLE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Browning advised that this matter was initially considered by the Board at its October 8, 2003 meeting. At that time, a motion was made to adopt Ms. Murphy's Summary of Evidence and Proposed Findings and to enter the Proposed Order. The matter was subsequently tabled to allow time to rewrite the Findings of Fact, based upon the Board's discussion.

Dr. Egner stated that she reviewed the minutes of the previous month's meeting, and is prepared to offer a motion to amend the Findings of Fact and to approve the Proposed Order.

DR. EGNER MOVED THAT THE PROPOSED FINDINGS IN THE MATTER OF ABDULHASSIB RASLAN, M.D., BE AMENDED AS FOLLOWS:

- 1. BY DELETING THE LAST TWO, UNNUMBERED PARAGRAPHS THAT FOLLOW THE FIVE ASTERISKS.**

2. BY SUBSTITUTING THE FOLLOWING FOR PROPOSED FINDINGS 1 THROUGH 14:

1. The evidence supports a finding that Dr. Raslan's care and treatment of Patient 1 fell below the minimal standards of care because Dr. Raslan failed to order the administration of magnesium sulfate to Patient 1 who had a twin gestation, despite indications for the administration of magnesium sulfate, including preeclampsia.
2. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 1 fell below the minimal standards of care because Dr. Raslan used forceps to deliver premature infants with intrauterine growth restriction.
3. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 1 fell below the minimal standards of care because Dr. Raslan failed to transfer Patient 1 from a Level I facility to a facility with more extensive neonatal services.
4. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 2 fell below the minimal standards of care because Dr. Raslan used low forceps to deliver the infant.
5. The evidence supports a finding that Dr. Raslan's care and treatment of Patient 3 fell below the minimal standards of care because Dr. Raslan failed to obtain consultation from a perinatologist.
6. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 3 fell below the minimal standards of care because Dr. Raslan failed to diagnose hydrops with twin-to-twin transfusion syndrome.
7. The evidence supports a finding that Dr. Raslan's care and treatment of Patient 4 fell below the minimal standards of care because Dr. Raslan attempted to deliver Patient 4's infant vaginally via Mityvac delivery when Patient 4's cervix was not completely dilated and the baby's head was not well engaged.
8. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 5 fell below the minimal standards of care because Dr. Raslan began surgery without adequate anesthesia for Patient 5.
9. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 5 fell below the minimal standards of care because Dr. Raslan inappropriately began an operative delivery when further observation of Patient 5 was indicated.
10. The evidence does not support a finding that Dr. Raslan's care and treatment of Patient 6 fell below the minimal standards of care because Dr. Raslan failed to timely commence a cesarean section to deliver Patient 6's infant.

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11. The evidence supports a finding that Dr. Raslan authorized the purchase of medications including Cytotec, Pitocin, methergine, Vitamin K, Talwin, Bactrim, lidocaine, and/or RhoGAM RH, that, with Dr. Raslan's knowledge and approval, were resold to lay midwives for administration to patients without any specific authorization from Dr. Raslan and/or to patients in Indiana whom Dr. Raslan did not personally examine.
12. Dr. Raslan's conduct, as set forth in Findings 1, 5, 7 and 11, constitutes "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.
13. Dr. Raslan's conduct, as set forth in Finding 11, constitutes "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2923.03, Ohio Revised Code, Complicity, to wit: Section 4731.41, Ohio Revised Code, Practice of medicine or surgery without certificate. Moreover, pursuant to Section 4731.99(A), Ohio Revised Code, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.
14. The evidence does not support a finding that Dr. Raslan's conduct, as set forth in Finding 11, constitutes "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code, Trafficking in drugs.

Recent decisions by the Franklin County Court of Common Pleas suggest that, when a physician provides medication in the bona fide treatment of patients, more than a violation of rules and regulations must be shown to find that the physician committed the violation of trafficking in drugs. Instead, the evidence must demonstrate a criminal intent on the part of the physician. The court maintained this reasoning even in a case where the physician did not have a physician/patient relationship with the recipients of the drugs. See *Warrick Barrett, M.D. v. Ohio State Medical Board* (May 23, 2002), Franklin C.P. No. 01CVF-08-8376; *Wallace Cobner Adamson, M.D. v. Ohio State Medical Board* (Aug. 11, 2003), Franklin C.P. No. 02CVF12-14459. See also *State v. McCarthy* (1992), 65 Ohio St.3d 589.

In this case, there is no evidence of criminal intent on the part of Dr. Raslan. Dr. Raslan testified that he had started providing medications to the lay midwives when another physician who previously had been doing it retired from practice. Dr. Raslan assumed an ongoing practice. Dr. Raslan stated that he had done so with the intention to help poor Amish people who had limited access to medical care.

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Moreover, Dr. Raslan testified that, prior to the June 26, 2002, deposition, he had had no idea that such interactions with the lay midwives violated the law. Dr. Raslan testified that, once he learned that the practice was illegal, he would cease his activities immediately. The documents reviewed contain no evidence to contradict these statements. In fact, immediately after the deposition, Dr. Raslan notified Moore Medical that he was withdrawing his authorization for provision of prescription medications to the lay midwives. Accordingly, a finding that Dr. Raslan violated Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code, Trafficking in drugs, is not supported by the evidence.

DR. EGNER FURTHER MOVED TO APPROVE AND CONFIRM THE HEARING EXAMINER'S PROPOSED ORDER, AS WRITTEN. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh asked whether Dr. Raslan still lives in the United States.

Ms. Murphy advised that he is currently in the Mideast.

Dr. Kumar stated that he agrees with Dr. Egner's proposed Findings of Fact, but he still has a problem with the Proposed Order indefinitely suspending Dr. Raslan's license for a minimum of 12 months and placing him on probation for five years. Dr. Kumar stated that the five-year probation is fine, but he has difficulty in suspending a license for a year in a minimal standards case.

Dr. Steinbergh stated that this also is a case of Dr. Raslan's procuring drugs for a midwife.

Dr. Bhati complimented Dr. Egner on her motion. He noted that it took a lot of time and energy to review a case that was already reviewed by the State's expert witness.

Dr. Steinbergh agreed with Dr. Bhati and stated that she relied heavily on the comments made by Dr. Egner and Dr. Bhati when this case was discussed in October. Dr. Steinbergh spoke in support of the Proposed Order.

Dr. Davidson referred to the Practice Plan requirement of the Proposed Order, and asked whether this case really warrants "a supervised structured environment."

Dr. Egner stated that she believes it does. There were enough questions here to indicate that a supervised practice is in order. She also believes that the Proposed Order also requires Dr. Raslan to successfully complete a post-graduate course dealing with the practice of obstetrics. Dr. Egner stated that Ohio State University has several thorough two-week courses that she believes would be excellent for Dr. Raslan to take. The supervised, structured environment also gives Dr. Raslan an avenue of having a ready second opinion that would, perhaps, be very helpful for him.

Dr. Talmage stated that, generally, most hospital medical staffs have a provision requiring supervision in

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cases involving questionable medical practice. Sometimes that requires someone standing in the operating room, sometimes it requires simply reviewing the indications for a procedure and reviewing the outcome. Medical staffs are usually able to do this quite easily because it's done all of the time.

Dr. Davidson commented that it just sounded like Dr. Raslan was in such an isolated practice setting, the Proposed Order would be taking him out of that setting.

Dr. Bhati stated that he believes that Dr. Davidson has a valid point, but the issue is that there are several infractions involving patient care, and someone needs to look after him to make sure that the same things don't happen again. These conditions have been included in the Proposed Order so that the public is protected. He noted that Dr. Davidson's concerns go to who will be available to supervise Dr. Raslan. Dr. Bhati stated that it is Dr. Raslan's responsibility to find someone to do it. Whether this will improve Dr. Raslan's practice can not be foreseen, maybe it will, or maybe it won't. Dr. Bhati stated that the Board doesn't know that, but the Board cannot let those minimum standards issues just go by.

Dr. Kumar asked what the minimum guidelines are for procuring drugs for midwives.

Dr. Davidson stated that the minimum penalty for aiding and abetting the practice of unregistered P.A.s is a minimum suspension of 30 days with a subsequent two-year probation. Commission of an act constituting a felony requires a minimum of permanent revocation or permanent denial of application

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

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

The motion carried.

Mr. Dilling referred to proposed amended Finding of Fact #13, which indicates that Dr. Raslan's conduct constitutes commission of an act that constitutes of felony in this state. That is complicity in practicing without a license. Then amended Finding of Fact #14 states that the evidence does not support a finding that Dr. Raslan's conduct, as set forth in Finding 11, constitutes the felony of trafficking in drugs.

Mr. Dilling stated that there's a brief paragraph after that that indicates that the evidence must demonstrate a criminal intent on the part of the physician. Mr. Dilling stated that he thinks that that case law is in

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relation to trafficking in drugs. The next paragraph on the following page goes on to say that there is no evidence of criminal intent on the part of Dr. Raslan, and then it goes on from there. Mr. Dilling expressed concern with the sentence that says that there is no evidence of criminal intent on the part of Dr. Raslan, when in #13 criminal intent is found. That one sentence can be read to envelop both 13 and 14.

Dr. Bhati stated that he believes that he believes that the point being brought out was to say that there was no criminal intent in the form that she was using the drugs for greed or trafficking.

Mr. Dilling stated that there's not the level of criminal intent to indicate drug trafficking. He suggested that that be specified by changing the wording to state that there is no evidence of criminal intent on the part of Dr. Raslan to show trafficking in drugs.

Dr. Egner indicated that that change would be all right with her.

DR. BHATI MOVED TO AMEND THE FIRST SENTENCE OF THE THIRD PARAGRAPH OF FINDING OF FACT #14 TO STATE, "IN THIS CASE, THERE IS NO EVIDENCE OF CRIMINAL INTENT ON THE PART OF DR. RASLAN TO SHOW TRAFFICKING IN DRUGS." DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DR. BHATI MOVED TO ADOPT MS. MURPHY'S SUMMARY OF EVIDENCE AND PROPOSED FINDINGS, AS AMENDED, WHICH DEMONSTRATE THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS AS SET FORTH IN THE DECEMBER 11, 2002 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF ABDULHASSIB RASLAN, M.D., AND TO ENTER THE PROPOSED ORDER. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

KELLY FORSYTH WELINDT, M.D.

Mr. Browning advised that, by letter of September 15, 2003, the Board notified Dr. Welindt that it proposed to approve her application for a certificate to practice medicine and surgery provided that she take and pass the Special Purpose Examination (SPEX) due to the fact that she has not engaged in the active practice of medicine for more than two (2) years. Said notice was mailed via certified mail, return receipt requested, to Dr. Welindt'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. Welindt and more than 30 days have elapsed since the mailing of that notice. This matter was presented to the Board at this time for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 15, 2003 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. WELINDT, AND TO ENTER AN ORDER GRANTING DR. WELINDT A LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO, PROVIDING SHE PASSES THE SPEX WITHIN SIX MONTHS OF SEPTEMBER 15, 2003. DR. DAVIDSON SECONDED THE MOTION.

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

Dr. Steinbergh commented that the facts speak for themselves in this case.

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

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

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

The motion carried.

Mr. Albert left the meeting at this time.

CITATIONS, PROPOSED DENIALS AND ORDERS OF SUMMARY SUSPENSION

MARK L. ALLEN, 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. ALLEN. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

WILLIE LEROY JOSEY, 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. EGNER MOVED TO SEND THE CITATION LETTER TO DR. JOSEY. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JAY H. SHAFFER, 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. KUMAR MOVED TO SEND THE CITATION LETTER TO DR. SHAFFER. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHAEL T. SALWITZ - 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. SALWITZ. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

FELICIA K. HOWARD-MCGRADY, 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. HOWARD-MCGRADY. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SHELTON WILLIAMS, JR., 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. BUCHAN MOVED TO SEND THE CITATION LETTER TO MR. WILLIAMS. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

Dr. Bhati left the meeting at this time.

RATIFICATION OF CONSENT AGREEMENTS

VICKIE MAE FLOWERS, M.T. APPLICANT

Dr. Steinbergh stated that this is a massage therapist who has been very dishonest and who has been a thief. She noted that she previously requested that personal and professional ethics course requirements be added to the consent agreement, and Ms. Flowers agreed to that inclusion. Dr. Steinbergh remarked that she is concerned about the multiple instances of dishonesty in this case.

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

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

The motion carried.

Dr. Bhati returned to the meeting at this time.

DAVID JOSEPH LEVY, M.D.

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

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

The motion carried.

CHARLES B. BERTANI, D.O.

Dr. Steinbergh noted that this consent agreement appears to step outside of the guidelines, but the deviation from the guidelines was approved by the Secretary and Supervising Member.

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

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

The motion carried.

MARC H. SCHWACHTER, M.D.

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

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

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

The motion carried.

VIKAS KUMAR JAIN, M.D.

Ms. Gilbert advised that the Board entered into a Step 1 Consent Agreement with Dr. Jain in December 2002. Dr. Jain has fulfilled all of the terms of the Step 1 Agreement, but during the suspension period he was convicted of one misdemeanor account of assault. The Step 2 Agreement before the Board at this time addresses that assault.

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

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

The motion carried.

Mr. Browning asked for a motion to table the topic of Consent Agreements for additional matters to be ratified on Thursday.

DR. STEINBERGH MOVED TO TABLE THE TOPIC OF CONSENT AGREEMENTS UNTIL THE THURSDAY MORNING SESSION. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye

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

The motion carried.

Mr. Albert returned to the meeting at this time.

REPORTS OF ASSIGNED COMMITTEES

QUALITY ASSURANCE COMMITTEE

Ms. Baldwin advised that last month and this month the Quality Assurance Committee accomplished the five-year review of the Board's hearing rules. The Committee is now ready to recommend some revisions to those rules. Ms. Baldwin at this time reviewed the revisions being recommended.

Mr. Dilling advised that Ms. Baldwin did a fine job in bringing together a number of different opinions on these rules to aid in the Committee's discussion.

DR. GARG MOVED TO AUTHORIZE STAFF TO PROCEED TO PUBLIC HEARING ON THE PROPOSED REVISIONS TO CHAPTER 4731-13, OAC, THE CONDUCT OF HEARING RULES. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Ms. Baldwin advised that the Committee also did its five-year review of the Chapter 4731-9 rule on the record of Board meetings. She reviewed the proposed revisions the Committee wished to make to those

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rules.

DR. BUCHAN MOVED TO AUTHORIZE STAFF TO PROCEED TO PUBLIC HEARING ON THE PROPOSED REVISIONS TO CHAPTER 4731-9, OAC, THE RECORD OF BOARD MEETING RULES. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Ms. Baldwin at this time reviewed with the Board the Committee's proposed changes to the Chapter 15 rules on mandatory reporting.

DR. STEINBERGH MOVED TO AUTHORIZE STAFF TO PROCEED TO PUBLIC HEARING ON THE PROPOSED REVISIONS TO CHAPTER 4731-15, OAC, THE MANDATORY REPORTING RULES. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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PERSONAL APPEARANCES

GREGORY CHARLES BRANT, D.O.

Dr. Brant appeared before the Board pursuant to his request for release from the terms of the Board's Order of September 13, 2000. If approved, release from probation would become effective November 14, 2003.

Dr. Kumar noted that Dr. Brant completed a Case Western Reserve University ethics course as a requirement of his probation. He asked Dr. Brant to tell the Board about this course.

Dr. Brant stated that the course was developed by Dr. Stuart J. Youngner of CWRU and it dealt mainly with personal issues of life and death, including abortion, termination of patients from respirators, and things of that nature. He stated that he had to read an entire textbook, and then he sat with Dr. Youngner for about four hours and discussed the findings.

Dr. Kumar asked whether the course was applicable to Dr. Brant's circumstances, noting that Dr. Brant had been found guilty of falsifying records.

Dr. Brant stated that it touched on that, but it was not the focus of that course. The course was approved by the Board. He added that the course was, in fact, recommended by the Board.

In response to Dr. Bhati's questions, Dr. Brant stated that he's feeling a little nervous. He stated that since he has been on probation he has obtained his family practice certification. He's joined Lake Hospital Systems in Lake County, Ohio, and has joined several different insurance companies and is trying to rebuild his practice. Things are going well for him.

DR. BHATI MOVED TO RELEASE DR. BRANT, EFFECTIVE NOVEMBER 14, 2003, FROM THE TERMS OF THE BOARD'S ORDER OF SEPTEMBER 13, 2000. DR. BUCHAN SECONDED THE MOTION.

In response to Dr. Steinbergh's questions, Dr. Brant stated that he has learned from his probation with the Board. He does feel that he's on the right track now.

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

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

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

The motion carried.

ROBERT M. BENSON, M.D.

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

In response to Dr. Davidson's questions, Dr. Benson stated that he is doing well. He stated that the episodes that "these" relate to happened three years ago. He's had a similar type of training experience in the concept of boundaries, which took place. Dr. Benson stated that, in his entire medical school career and in his entire residency, nobody ever addressed the concept of boundaries. He stated that he believes that this is an educational area in which doctors are sadly missing in their medical training. He learned a lot and since that period of time, and with the help of the chaperones that are with him, he's had no further episodes, and he feels good.

Dr. Steinbergh stated that boundary issues are, obviously, very significant; but she doesn't think that anyone really needs to teach them. It's a professional attitude that one takes when one goes to medical school and training and takes on the responsibility of life and death situations with patients. Physicians take on the responsibility to protect those patients. Physicians have sworn to the Hippocratic oath. All of that is involved. Although it is important to educate young people in this area, that can't be an excuse.

Dr. Benson stated that naiveté and ignorance does sometimes exist.

Dr. Steinbergh disagreed with Dr. Benson in terms of his boundary issues. She doesn't think that there's ever a question that what Dr. Benson did would be assumed to be appropriate. It was inappropriate. There isn't any young medical student who could read about what Dr. Benson did and think that what he did was appropriate. She stated that she totally disagrees with Dr. Benson's assessment of that. There were frequent boundary violations. This wasn't just one episode and one mistake. It's a very bad misinterpretation of his care as a physician.

Dr. Garg agreed with Dr. Steinbergh. He added that it seems that Dr. Benson still doesn't understand. It's a cop-out if he thinks that this is ordinary human behavior. When you go into a profession like medicine and don't understand these boundary issues, Dr. Garg stated that he has grave concerns. Dr. Garg stated that he is appalled that Dr. Benson would sit where he is and say what he's said. He added that he hopes that Dr. Benson realizes how inappropriate his statements are.

Dr. Kumar noted that, under the Consent Agreement, Dr. Benson is supposed to have a chaperone. He asked Dr. Benson to describe the process.

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Dr. Benson stated that there are several chaperones who have had some training in boundaries. The main chaperone he has is a young lady who works in his office. The chaperone is with him at all times he is with a patient and/or the patient's family. When he's not with the patient, she performs her other duties.

Dr. Kumar asked Dr. Benson how he deals with the issue of confidentiality when there is a chaperone present and Dr. Benson is taking significant history from the patient.

Dr. Benson stated that the chaperone is privy to those things and is well aware of the fact that those do demand privacy. In the course of just talking, certain things are going to come out and she will know about them. In fact, there are times when the chaperone herself might even ask some questions. She handles it with the appropriate type of confidentiality.

Dr. Bhati asked whether Dr. Benson really thinks that he had boundary issues.

Dr. Benson stated that he did have boundary issues several years ago, but he again stated that he believes they were out of ignorance and naiveté. It has not happened since that time.

Dr. Bhati stated that he asks that question because of Dr. Benson's claim that this wasn't taught in medical schools.

Dr. Benson stated that he does accept the fact that he had boundary issues and he has learned about them, he has not repeated them, and he shall not repeat them.

Dr. Bhati stated that he is equally appalled by Dr. Benson's earlier comment. These are not something a physician needs to be taught. There are certain basic morals that should be kept intact, particularly if you're going into a professional career. A patient who walks into a physician's room should be able to have complete confidence in that physician. One doesn't have to be taught about these things.

DR. BHATI MOVED TO CONTINUE DR. BENSON UNDER THE TERMS OF HIS AUGUST 13, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. GARG SECONDED THE MOTION.

Dr. Steinbergh stated that, in terms of Dr. Benson's psychiatric diagnosis of bipolar disease plus defensive narcissism, his comments clearly indicate that defensive narcissism is an appropriate diagnosis. She stated that she hopes that he is really dealing with this psychiatrically, because the Board is very concerned about the boundary issues and about his apparent lack of understanding of this when he comes before the Board and makes a comment that it isn't taught. She really believes that this is part of his psychiatric diagnosis, and she is hoping that he is addressing it in his sessions.

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

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

The motion carried.

SCOTT M. CAMPBELL, M.D.

Dr. Campbell made his initial appearance before the Board, pursuant to the terms of his August 13, 2003 Consent Agreement. Dr. Campbell has also requested approval of a monitoring physician.

In response to Dr. Bhati's questions, Dr. Campbell stated that he is doing great. His drugs of choice were marijuana and alcohol. He has been doing absolutely fine in abstaining from them since he received the Board's citation letter. He has been sober since October 2002. He stated that he's been through a lot since this all began last October. He's been through the program and he's been taught how to deal with it. That's the education of this whole thing. He attends meetings, aftercare, doctor meetings, he has a sponsor, he prays, he reads the Big Book, and he does all the stuff that they say works because it does. He has excellent support. He's been at the same job for eleven years, and he has made a lot of friends. Dr. Campbell stated that he's always been an excellent physician. His bosses came out in his defense and are proud of him for taking this by the horns and making himself better. He's following the rules, and he doesn't have anything over his head at work. The hospital system is well aware of everything. It has a wellness committee with whom he meets quarterly, and who oversees everything he's going through, as well. The support is great there. Family-wise, he's lived with his girlfriend for over a year, having been with her for five years, and she is completely supportive. She hasn't touched a drink since this happened, and she attends meetings with him. They've made it a part of their life, because that's what he has to do to stay a physician.

Dr. Bhati stated that the record indicates that he also has used cocaine.

Dr. Campbell stated that he has used cocaine in the past. The last time he used it was in 1992. He has not used it since.

Dr. Bhati commented that he is very proud of Dr. Campbell's progress, and he added that the Board is very supportive of his doing well. He added that the Board will assist him in his success as best it can.

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Dr. Bhati asked whether Dr. Campbell has any questions about his consent agreement. Dr. Campbell stated that he does not, and added that he understands the terms fully.

DR. BHATI MOVED TO CONTINUE DR. CAMPBELL UNDER THE TERMS OF HIS AUGUST 13, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BHATI FURTHER MOVED TO APPROVE THOMAS J. NESGODA, M.D., TO SERVE AS DR. CAMPBELL'S MONITORING PHYSICIAN, WITH TEN CHARTS REVIEWED PER MONTH. DR. GARG SECONDED THE MOTION.

Dr. Steinbergh commented that Dr. Campbell seems to have a good support system intact. She added that the Board is very supportive, but that it takes a lot of work on Dr. Campbell's part. It's not going to be easy, and he will have to work on his sobriety every day for the rest of his life.

Dr. Campbell stated that he understands that.

Dr. Buchan asked whether this is Dr. Campbell's first shot at maintaining sobriety.

Dr. Campbell stated that it is.

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

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

The motion carried.

JOHN H. GRAY, JR., D.O.

Dr. Gray made his initial appearance before the Board, pursuant to the terms of his August 13, 2003 Consent Agreement. Dr. Gray has also requested approval of prescribing and medical records courses.

In response to Dr. Steinbergh's questions, Dr. Gray stated that he is doing very well. He is working as a family practitioner in Vermillion, Ohio. He is currently working.

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Dr. Gray stated that, after 21 years of what he considers to be an extremely successful practice, he was shocked to be called before the Board. Actually, it was a real eye-opener. He thought that he had tremendous control of what was going on in his office, and he was sadly mistaken. He has made substantial changes. His entire staff and his patients are extremely supportive. Dr. Gray stated that he reads the Bible every night, he does Tai Chi, he meditates, he has been exercising on a regular basis, he drinks spring water, and he takes vitamins.

Dr. Steinbergh stated that she appreciates knowing that Dr. Gray's patient population and his staff is supportive.

Dr. Steinbergh asked whether Dr. Gray clearly understands where he went wrong.

Dr. Gray stated that he does absolutely.

Dr. Steinbergh asked whether the changes Dr. Gray is making in his practice comply with Board rules.

Dr. Gray stated that they absolutely do.

Dr. Kumar asked for examples of changes that Dr. Gray has made in his practice.

Dr. Gray stated that there was a question about pre-signed prescriptions. It was very easy to solve. He sent a letter to all of the area pharmacies explaining that his signature would now be larger. They use pre-printed labels that are pasted onto the prescription. In the past, if he didn't put the "J" of his name over the label portion, it could be construed as pre-signed. That was very easy to fix.

Dr. Steinbergh suggested that Dr. Gray may wish to change his signature to one that would be less easily copied. She suggested that he sign his name and send a copy to pharmacists so they will know what to look for. She stated that she wouldn't accept his current signature as a signature.

Dr. Gray stated that he has never had any questions raised by pharmacists about his signature, but if the Board would like him to use more letters, he'd be more than happy to do so.

Dr. Steinbergh again suggested that he sign his name.

Dr. Kumar asked if this is the signature that appears on his DEA application.

Dr. Gray stated that he's sure that he probably actually wrote out his name for that.

Dr. Kumar stated that, especially when writing prescriptions for controlled substances, you're supposed to sign prescriptions exactly the same way you signed the DEA application.

Dr. Gray apologized, stating that he thought that the issue was that the signature did not cover the label.

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Dr. Steinbergh stated that the signature just needs to be clear that John H. Gray, D.O., has signed the prescription. His current signature is not sufficient.

Dr. Kumar asked Dr. Gray what other changes he's made.

Dr. Gray stated that he looked at the State regulations governing physicians in general. Basically, he's not going to make any discretionary decisions whatsoever in the future for the rest of his life. If the regulation says "this," then it's that.

Dr. Kumar asked how Dr. Gray is dealing with telephone refills.

Dr. Gray stated that they've changed their process. For controlled substances, the patients have to come into the office every three months and be seen to get their refills now.

In response to further questions by Dr. Steinbergh, Dr. Gray stated that he does understand the Board's rules on prescribing anorectic drugs, and he advised that he will not deviate from those rules.

DR. STEINBERGH MOVED TO CONTINUE DR. GRAY UNDER THE TERMS OF HIS AUGUST 13, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH FURTHER MOVED TO APPROVE CASE WESTERN RESERVE UNIVERSITY'S *INTENSIVE COURSE IN CONTROLLED SUBSTANCE MANAGEMENT* AND ITS *INTENSIVE COURSE IN MEDICAL RECORD KEEPING*, IN FULFILLMENT OF PARAGRAPHS 8 AND 9, RESPECTIVELY, OF DR. GRAY'S CONSENT AGREEMENT. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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GEORGE V. HASSINK, M.D.

Dr. Hassink made his initial appearance before the Board, pursuant to the terms of his July 9, 2003 Consent Agreement.

Dr. Egner questioned how this case was resolved with a consent agreement rather than going through the hearing process. She noted that Dr. Hassink has relapse after relapse on his record, and this should have gone to hearing for a stayed revocation at least. Dr. Egner advised Dr. Hassink that he has a serious problem, and she added that she hopes that he makes it. Dr. Egner stated that the practice of obstetrics/gynecology and alcohol are bad combinations. Dr. Egner advised Dr. Hassink that his license is on the line, and he's already had more chances that she would have given him.

Dr. Steinbergh noted that Dr. Hassink's license is suspended for a year.

In response to Dr. Steinbergh's questions, Dr. Hassink stated that he currently attends A.A. meetings nearly every day. He picked up his five-month coin that same morning. He also works out at the YMCA every day or else he jogs outside. He is taking a French class to keep his mind active. He attends C.M.E. meetings on Friday mornings at the hospital. He has a sponsor, with whom he talks every day and who has eight years in the program. He attends a Caduceus and an aftercare meeting in Toledo on Monday nights. He attended the Talbot Recovery Campus reunion in early August and also in early October. Dr. Hassink stated that he maintains a close relationship with many of the A.A. members in his town. He reads the Big Book about every night. Dr. Hassink continued that he still has the support of his wife and three children, and added that that's the most important thing that he has in his life right now.

Dr. Steinbergh noted that Dr. Hassink's license will be suspended for a while, and she asked him what thought he had given to working.

Dr. Hassink stated that he has some ideas about working, but he doesn't know what to do about it yet. Right now he considers his job to be staying sober, not drinking and being happy. For five months that has been true. He sees his physicians, of which there are two right now, on a very regular basis, and he has been bouncing that idea off them. Some of the ideas he has relate to outdoor activities, such as hunting, fishing and guiding, that sort of thing. He's thought about long-term issues, but he purposely doesn't want to consider long-term issues. Short-term issues would be Big Brother of America. He added that he might plow drives this winter.

Dr. Steinbergh commented that the Board has seen other physicians who have done manual labor during their suspension periods, and they do well. It's a good, clean way to make a buck and keep yourself sane.

Dr. Davidson stated that the Board spends a lot of time discussing duration of suspension, given each individual circumstance. She asked for Dr. Hassink's opinion of his one-year suspension, including whether it feels like punishment or time to get his life back together or to devote to his sobriety.

Dr. Hassink stated that he doesn't have any argument with it. He stated that it feels more like recovery

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from an illness. His time off has helped him work through a lot. He added that it's a day-to-day thing. He approaches every day in the morning as trying to do the right thing that day, and then finish off the day by thanking his higher power that he got through the day without drinking and that hopefully tomorrow will be the same and he'll be happy and productive.

Dr. Egner asked whether it is true that Dr. Hassink has not successfully completed a 28-day residential treatment.

Dr. Hassink indicated that it's true. He stated that he would like to do that in the month of January at Talbot. He hasn't done it because he didn't know which way he wanted to go with this whole thing a few weeks ago. When he visited Talbot, he discussed it with them and with his physicians. The main thing that he wanted to do was to be present for his family and not miss his 17-year-old son's soccer season and still maintain his sobriety at home in Findlay. Dr. Hassink stated that he missed a lot of his son's sports. His son's team finished their season last night, having gone to State, as expected, and he didn't want to miss any of that. Dr. Hassink stated that he did that for selfish reasons because he wanted to see it, and he thinks his son wanted him to be there.

Dr. Egner stated that it's a matter of priorities. She stated that she's not sure that he has his priorities in the right place. She stated that she has three children, all three of whom were athletes, and she knows what it means to go to State and how exciting it is, but she noted that Dr. Hassink's life and career are on the line. She noted that he seems so confident, but his history is terrible. Dr. Egner stated that Dr. Hassink does need to do that 28-day treatment.

Dr. Bhati stated that he's happy that Dr. Hassink is here, and he hopes that Dr. Hassink continues to be sober, but he warned Dr. Hassink that this is the last stop. He stated that if something goes wrong, he will permanently lose his license. There will be no excuses. Dr. Bhati stated that he would like to see Dr. Hassink get back to work and get back to doing the right thing.

DR. BUCHAN MOVED TO CONTINUE DR. HASSINK UNDER THE TERMS OF HIS JULY 9, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye

The motion carried.

At this time Ms. Bickers advised the Board that Dr. Hassink's license is suspended, but the minimum one-year suspension period doesn't start until he successfully completes the 28 days of treatment.

Dr. Hassink stated that he understands that.

MARK S. HOPKIN, M.D.

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

Dr. Kumar noted that Dr. Hopkin has a history of intermittent depression, yet there is not a psychiatrist listed for him yet.

Dr. Hopkin stated that he talked with his psychiatrist, Igor E. Janke, M.D., the previous day, and was informed that the psychiatrist had sent his C.V. into the Board.

Mr. Schmidt stated that the Board needs to receive a request from Dr. Hopkin to have Dr. Janke approved.

Dr. Steinbergh stated that it sounds to her as though Dr. Hopkin needs to read his consent agreement again and understand it. She asked whether he has reviewed his consent agreement a few times.

Dr. Hopkin stated that he has. He stated that he was not clear on the procedure for how to request. There wasn't any information about that in the agreement.

Dr. Steinbergh suggested that Dr. Hopkin consult with Ms. Bickers, who can explain exactly what he should do so that the Board can approve his psychiatrist.

Ms. Bickers stated that the Board has received a CV for Dr. Hopkin's psychologist, but it still needs to have a psychiatrist approved. She stated that she doesn't have a nomination or CV for that individual yet.

In response to Dr. Steinbergh's questions, Dr. Hopkin stated that he doing okay. He currently takes Wellbutrin 150 mg, bid, Prozac 20 mg once a day, and Remeron, 45 mg qhs. Dr. Hopkin stated that he has a psychologist who is in the same office, and he has been seeing the psychiatrist and psychologist for about a year.

Dr. Steinbergh asked Dr. Hopkin whether he is progressing in terms of his personal care and in understanding his depression and his dealing with issues.

Dr. Hopkin stated that he doesn't know that he's progressing.

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Dr. Steinbergh asked whether Dr. Hopkin has these discussions with his psychiatrist.

Dr. Hopkin stated that he does.

In response to further questions by Dr. Steinbergh, Dr. Hopkin stated that his psychiatrist increased his Remeron dose because the psychiatrist thought he appeared to still be profoundly depressed. He advised that he is not suicidal. He was an inpatient for one week a year ago. He was admitted to the hospital October 31, 2002 after a suicide attempt.

In response to Dr. Garg's questions, Dr. Hopkin stated that he believes he understands his consent agreement; he just didn't know that he needed to send a letter specifically to the Board nominating his psychiatrist.

Dr. Steinbergh asked whether more than one psychiatric evaluation was required for reinstatement of Dr. Hopkin's license. She noted that Dr. Hopkin has been depressed for years, and he sits before the Board today without having made progress. She asked whether Dr. Hopkin feels comfortable with his current psychiatrist.

Dr. Hopkin stated that he does feel very comfortable with him.

Dr. Steinbergh suggested that a second opinion might be of help.

Dr. Davidson stated that the Board just wants Dr. Hopkin to get better.

Dr. Buchan asked Dr. Hopkin about his thoughts about re-entering practice.

Dr. Hopkin stated that he has no plans or desire to practice medicine at this point.

In response to further questions by Dr. Steinbergh, Dr. Hopkin stated that he's not really working at this time. He helps his wife deliver newspapers, which is really a part-time job. He has been doing a lot of writing. He's written two novel-length stories, but he only has a first draft.

Dr. Steinbergh stated that she's looking for something that he's doing to be productive to help him feel good about himself. She noted that writing is good.

In response to Dr. Robbins' questions, Dr. Hopkin stated that his support system is very good. His wife also sees a psychologist regularly. He believes that she's made more progress in the last year than he has.

Dr. Bhati stated that he would prefer to see Dr. Hopkin again in one month before the full Board.

Dr. Bhati stated that he would like to see Dr. Hopkin back before the full Board in one month instead of in three months.

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Dr. Egner advised Dr. Hopkin that the Board is concerned about him. It's obvious that he's still very depressed.

Dr. Hopkin stated that today he is mostly just frightened.

Dr. Kumar stated that the Board is trying to help Dr. Hopkin, and he shouldn't be frightened.

Mr. Albert stated that the Board is concerned about Dr. Hopkin's well being. It's not here to judge him. The Board wants him to get better and get back to practice.

Mr. Albert asked whether his wife's job of delivering newspapers is the only means of support they have.

Dr. Hopkin stated that his wife and his mother-in-law support him. He didn't have any type of disability insurance. He stated that he applied for Social Security disability, but was told that he was too functional to qualify. He did appeal that decision and is awaiting a reply.

Mr. Albert suggested that Dr. Hopkin's Congressman might be able to assist him. He also suggested that the Board write a letter to Dr. Hopkin's psychiatrist, expressing its concerns.

Ms. Sloan stated that Dr. Hopkin's psychiatrist should be able to help him in applying for disability. His psychiatrist needs to write to Social Security on Dr. Hopkin's behalf.

DR. BHATI MOVED TO CONTINUE DR. HOPKIN UNDER THE TERMS OF HIS AUGUST 13, 2003 CONSENT AGREEMENT, WITH HIS NEXT APPEARANCE TO BE BEFORE THE FULL BOARD IN ONE MONTH. DR. BHATI FURTHER MOVED THAT THE BOARD WRITE A LETTER TO DR. HOPKIN'S PSYCHIATRIST, EXPRESSING THE BOARD'S CONCERNS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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SUZANNE M. SMITH, M.T.

Ms. Smith made her initial appearance before the Board, pursuant to the terms of her August 13, 2003 Consent Agreement.

In response to Dr. Steinbergh's questions, Ms. Smith stated that her psychiatric treatment is going very well, and is very consistent. She was taking Seroquel, but has recently been taken off that and is currently taking Depakote. She works part-time at the Grandview Hts. Public Library. She works around 20 hours a week. In the meantime, she's taking time for herself. She has just been offered a full-time customer service position with Merck Medco. Ms. Smith stated that she was really pleased that they offered her the job. It begins Monday and carries full benefits.

Dr. Steinbergh asked whether Ms. Smith plans to practice massage therapy.

Ms. Smith stated that that is up to the Board. She does intend to practice, as far as the Board allows her. She advised that her cousin recently married a chiropractor, and once he gets his business under way, she may be able to work there part time as well. Ms. Smith stated that she understands that she is not prohibited from practicing massage therapy at this time.

DR. BHATI MOVED TO CONTINUE MS. SMITH UNDER THE TERMS OF HER AUGUST 13, 2003 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. KUMAR SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PROBATIONARY REPORTS

Mr. Browning referred the Board to the Compliance Staff's reports of conferences with probationers on September 8-9, 2003. The reports indicate that all probationers are in compliance.

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DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH: KEVIN R. CLARK, M.D.; ROBERT E. EXTEN, JR., M.D.; WILLIAM H. FIEGENSCHUH, JR., M.D.; W. ANDREW HIGHBERGER, M.D.; SIDDARTH M. KHOSLA, M.D.; GUANG LIANG, ACUPUNCTURIST; STEPHEN J. ROLFE, M.D.; WILLIAM A. ROMER, M.D.; SARAVANA E. SIVASHANKER, M.D.; ALAN B. STORROW, M.D.; KATHLEEN TALBOT, M.D.; MICHAEL J. VJECHA, M.D.; BRUCE WORRELL, D.O.; AND MARY MEILING YUN, M.D. DR. GARG SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PROBATIONARY REPORTS AND REQUESTS

MARK S. FLEMING, M.D.

Dr. Fleming's request to eliminate the aftercare meeting attendance requirement of his September 12, 2001 Consent Agreement, and the Board staff's report of conference with Dr. Fleming, were presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCE WITH DR. FLEMING ON OCTOBER 6, 2003. DR. STEINBERGH FURTHER MOVED TO GRANT DR. FLEMING'S REQUEST TO ELIMINATE THE AFTERCARE MEETING ATTENDANCE REQUIREMENT OF HIS SEPTEMBER 12, 2001 CONSENT AGREEMENT. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

DARRELL A. HALL, M.D.

Dr. Hall's request to reduce his drug screen and chart review requirements and the Board staff's report of conference with Dr. Hall were presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. HALL ON OCTOBER 6, 2003. DR. STEINBERGH FURTHER MOVED TO REDUCE DR. HALL'S DRUG SCREEN REQUIREMENT TO TWICE PER MONTH, AND TO REDUCE THE NUMBER OF CHARTS TO BE REVIEWED TO 10 PER MONTH. DR. GARG SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ANTHONY W. KITCHEN, M.D.

Dr. Kitchen's request for approval of a practice plan and an ethics course and the Board staff's report of conference with Dr. Kitchen were presented to the Board for consideration at this time.

Dr. Egner noted that Dr. Kitchen diverted Demerol from his patients to himself. Now he wants to supervise P.A.s in the emergency room. She asked whether the Board has allowed this in the past.

Ms. Bickers stated that the Board did allow this in a previous practice plan submitted by Dr. Kitchen. In that job he was working part time at two places. He now wants to work full time at one place.

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Dr. Steinbergh commented that Dr. Kitchen has been assessed as being non-chemically dependent.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. KITCHEN ON OCTOBER 6, 2003. DR. STEINBERGH FURTHER MOVED TO APPROVE DR. KITCHEN'S REVISED PRACTICE PLAN, AND TO APPROVE THE ETHICS COURSE TAILORED FOR DR. KITCHEN BY STEPHEN B. LEVINE, M.D., AS FULFILLING PARAGRAPH B.7. OF THE BOARD'S ORDER OF DECEMBER 11, 2002. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ROBERT A. MCNUTT, M.D.

Dr. McNutt's request to eliminate his chart review requirement and the compliance staff's report of conference with Dr. McNutt were considered by the Board at this time.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCES WITH DR. MCNUTT ON OCTOBER 7, 2003. DR. STEINBERGH FURTHER MOVED TO ELIMINATE DR. MCNUTT'S CHART REVIEW REQUIREMENT. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye

The motion carried.

ANTHONY W. KITCHEN, M.D.

DR. EGNER MOVED TO REOPEN DISCUSSION OF DR. KITCHEN'S REQUEST FOR APPROVAL OF AN ETHICS COURSE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Egner expressed concern that the ethics course tailored by Dr. Levine does not address Dr. Kitchen's problems. She stated that she can't tell what the course really is. She noted that Dr. Levine works at the Center for Marital and Sexual Health. That's not what Dr. Kitchen's issue was. Dr. Egner noted that session one of the course deals with boundary issues, but Dr. Kitchen didn't have boundary issues. Section two talks about drug dependence, but it's from an odd perspective.

Dr. Davidson and Dr. Steinbergh agreed with Dr. Egner.

DR. EGNER MOVED TO DENY DR. KITCHEN'S REQUEST FOR APPROVAL OF THE COURSE DESIGNED BY DR. LEVINE AS BEING INAPPROPRIATE FOR HIS NEEDS. DR. GARG SECONDED THE MOTION.

Dr. Talmage stated that part of Dr. Kitchen's problem was dealing with the loss of a baby, struggles in his marriage, and the loss of his father. There are some marital relationship issues there, but the course isn't on point.

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

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

The motion carried.

PROBATIONARY REQUESTS

JOANNE POJE, M.D.

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

Dr. Steinbergh indicated that she has some concerns regarding Dr. Poje's request. She noted that Dr. Poje's specialty is obstetrics/gynecology, yet Dr. Poje indicates that she is seeking employment in family practice. She suggested that the Board request Dr. Poje to submit a practice plan for Board approval prior to her beginning work.

DR. STEINBERGH MOVED TO APPROVE BERNARD J. PALMA, D.O., TO SERVE AS DR. POJE'S MONITORING PHYSICIAN, WITH TEN CHARTS TO BE REVIEWED PER MONTH. DR. STEINBERGH FURTHER MOVED TO REQUEST DR. POJE TO SUBMIT A PRACTICE PLAN FOR APPROVAL BY THE SECRETARY AND SUPERVISING MEMBER PRIOR TO HER COMMENCING PRACTICE. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

STEVEN J. SHOR, M.D.

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

DR. BHATI MOVED TO APPROVE DIAB M. ALMHANA, M.D., TO SERVE AS DR. SHOR'S TREATING PSYCHIATRIST. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REINSTATEMENT REQUESTS

ALLAN W. CLARK, M.D.

Dr. Clark's request for approval of assessors required by Dr. Clark's Consent Agreement was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE NEIL A. CAPRETTO, D.O., AND MAURICE S. CERUL, M.D., TO SERVE AS THE ASSESSORS REQUIRED BY PARAGRAPH 9b.i.v. OF DR. CLARK'S DECEMBER 12, 2002 CONSENT AGREEMENT. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

KOLLI M. PRASAD, M.D.

Dr. Prasad's requests for restoration of his license, approval of a practice plan, and approval of a monitoring physician were presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE DR. PRASAD'S APPLICATION FOR RESTORATION OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY, SUBJECT TO THE PROBATIONARY TERMS OF THE BOARD'S ORDER OF FEBRUARY 11, 1998. DR. STEINBERGH FURTHER MOVED TO APPROVE DR. PRASAD'S PROPOSED PRACTICE PLAN. IN THE EVENT THAT DR. PRASAD IS NOT EMPLOYED BY FORUM HEALTH, HE MUST SUBMIT A NEW PRACTICE PLAN TO THE BOARD FOR APPROVAL PRIOR TO BEGINNING EMPLOYMENT. DR. STEINBERGH FURTHER MOVED TO APPROVE VIKRAM A. RAVAL, M.D., TO SERVE AS DR. PRASAD'S MONITORING PHYSICIAN WITH 20% OF HIS FILMS AND REPORTS TO BE REVIEWED IN THE FIRST THREE MONTHS AFTER EMPLOYMENT, 15% OF HIS FILMS AND REPORTS TO BE REVIEWED IN MONTHS FOUR THROUGH SIX, AND 10% OF THE FILMS AND REPORTS TO BE REVIEWED THEREAFTER.

Dr. Talmage stated that the reason he and Mr. Albert suggested a difference from the Board's standard in this case was because of the difficulty Dr. Prasad had in getting his application in for practice.

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

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

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The motion carried.

APPOINTMENT TO ADVISORY GROUP ON DIALYSIS

At this time the Board considered the Nursing Board's request for a recommendation for appointment to its Advisory Group on Dialysis. In January 2001, the Board recommended that the Nursing Board appoint Emil M. Paganini, M.D. to the group. The Nursing Board has indicated that Dr. Paganini is eligible for reappointment.

DR. TALMAGE MOVED TO RECOMMEND THE REAPPOINTMENT OF DR. PAGANINI TO THE NURSING BOARD'S ADVISORY GROUP ON DIALYSIS. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PROPOSED FUTURE BOARD MEETING DATES

At this time the Board considered two items concerning future meeting dates. The first involved the November 10-11, 2004 meeting. Because November 11 is a state holiday, the Board was given the option of changing the week it meets in November 2004, or scheduling a one-day meeting that month.

The Board was also given a list of proposed meeting dates for 2005. It was noted by staff members that the proposed May meeting dates conflict with the Federation's Annual Meeting in 2005.

DR. GARG MOVED TO APPROVE THE FOLLOWING AS THE 2005 MEETING DATES:

January 12-13	July 13-14
February 9-10	August 10-11
March 9-10	September 14-15
April 13-14	October 12-13
May 18-19	November 9-10

November 12, 2003

June 8-9

December 14-15

DR. GARG FURTHER MOVED TO HOLD A ONE-DAY MEETING IN NOVEMBER 2004, ON NOVEMBER 10. DR. KUMAR SECONDED THE MOTION. All members voted aye. The motion carried.

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 at this time introduced Sally Debolt, the Board's new enforcement coordinator.

REPORT ON MIDWEST REGIONAL BOARDS

Mr. Dilling stated that he, Dr. Kumar and Ms. Wehrle attended the October 11, 2003 meeting of the Midwest Regional Boards, held in Ann Arbor, Michigan. He at this time referred to Ms. Wehrle's written report of the meeting, a copy of which shall be maintained in the exhibits section of this journal.

LICENSURE

PHYSICIAN LICENSURE APPLICANTS

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

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

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

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The motion carried.

PHYSICIAN ASSISTANT APPLICANTS

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

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

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

The motion carried.

BELLEVUE FAMILY PRACTICE - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: BELLEVUE FAMILY PRACTICE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. GARG SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

JAMES CANCER HOSPITAL HEMATOLOGY-ONCOLOGY - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: JAMES CANCER HOSPITAL HEMATOLOGY-ONCOLOGY, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

Vote:

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

The motion carried.

JAMES CANCER HOSPITAL RADIATION-ONCOLOGY - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: JAMES CANCER HOSPITAL RADIATION-ONCOLOGY, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

Vote:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye

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

The motion carried.

NEIGHBORHOOD FAMILY PRACTICE - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: NEIGHBORHOOD FAMILY PRACTICE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

NORTH COAST ORTHOPEDIC SURGERY, INC. - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: NORTH COAST ORTHOPEDIC SURGERY, INC., CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS INCLUDING AN AGREEMENT THAT THE PATIENT LOAD WILL NOT EXCEED 25 PATIENTS PER DAY. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PARMA COMMUNITY GENERAL HOSPITAL - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: PARMA COMMUNITY GENERAL HOSPITAL, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

P. B. SINGH, M.D., INC. - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: P. B. SINGH, M.D., INC., CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS.

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

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

The motion carried.

TWIN CITY HOSPITAL - P.A. UTILIZATION PLAN

The above-captioned's P.A. Utilization Plan was presented to the Board for consideration at this time.

DR. GARG MOVED TO APPROVE THE STANDARD P.A. UTILIZATION PLAN SUBMITTED BY: TWIN CITY HOSPITAL, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS.

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

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

The motion carried.

PHYSICIAN ASSISTANT APPLICANTS

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

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

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

The motion carried.

VICKIE MAE FLOWERS, M.T. APPLICANT

At this time the Board considered Ms. Flowers' application for a certificate to practice massage therapy. Mr. Dilling noted that the Board earlier entered into a consent agreement with Ms. Flowers.

DR. TALMAGE MOVED TO APPROVE MS. FLOWERS APPLICATION FOR A CERTIFICATE TO PRACTICE MASSAGE THERAPY. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

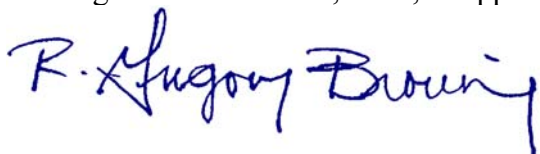
DR. GARG MOVED TO ADJOURN. DR. STEINBERGH SECONDED THE MOTION. All members

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voted aye. The motion carried.

Thereupon, at 5:10 p.m., the November 12, 2003 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on November 12, 2003, as approved on December 10, 2003.



R. Gregory Browning, President



Lance A. Talmage, M.D., Secretary

(SEAL)



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MINUTES**THE STATE MEDICAL BOARD OF OHIO****November 13, 2003**

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

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Diann K. Thompson, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; Mark Wayda, Chief of Executive Staff; Lauren Lubow, Senior Executive Staff Attorney; Shannon F. Baldwin, Executive Staff Attorney; Lori S. Gilbert, Chief Enforcement Attorney; Marcie P. Burrow, Sally J. Debolt, David P. Katko, Rebecca J. Marshall, Karen H. Mortland, and Kathleen S. Peterson, Enforcement Attorneys; Sheryl L. Maxfield, Rebecca J. Albers, Kyle C. Wilcox, and Gregory A. Perry, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Danielle Bickers, Compliance Officer; Barbara Jacobs, Public Services Administrator.

EXECUTIVE SESSION

DR. STEINBERGH MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONSIDER THE DISCIPLINE OF A PUBLIC EMPLOYEE. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Mr. Browning	- aye

The motion carried.

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

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Dr. Buchan and Dr. Egner joined the meeting during the executive session.

REPORTS OF ASSIGNED COMMITTEES

EXECUTIVE COMMITTEE

Mr. Dilling advised that Ms. Wehrle is in the process of compiling a list of people interested in serving on the Federations' special committees. He advised that there is no sure way of getting an appointment, but interested Board members should contact Ms. Wehrle.

IMPAIRMENT COMMITTEE

Mr. Dilling advised that the Committee reviewed two treatment programs seeking Board approval.

Dr. Steinbergh advised that the Committee recommends approving both facilities.

DR. TALMAGE MOVED TO GRANT CERTIFICATES OF GOOD STANDING TO HEALTHCARE CONNECTION OF TAMPA, INC., AND TO THE MEADOWS OF WICKENBURG. DR. DAVIDSON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PRESCRIBING COMMITTEE

Dr. Davidson stated that the Committee reviewed three issues this month. The first concerns the Pharmacy Board's proposed amended rule covering the administration of medication by protocol. The Committee will continue to review this matter.

Dr. Davidson stated that the Committee also reviewed her report on the October 26, 2003 meeting of the Committee on Prescriptive Governance, and Mr. Dilling's report on the continuing work of the Compassionate Care Task Force. Concerning the latter group, Dr. Davidson indicated that the plan is that the Task Force will issue its report in March 2004.

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LEGISLATIVE LIAISON AND RULES REVIEW COMMITTEE

Mr. Browning advised that the Committee reviewed Mr. Wayda's report of pending legislation, a copy of which shall be maintained in the exhibits section of this journal. He advised that the Committee particularly discussed H.B. 147, which moves P.A.s into prescribing everything but schedule II drugs, unless Board rules prohibit. Mr. Browning stated that individual Board member input is important on this issue.

Dr. Steinbergh stated that one of her concerns about this legislation is that it will allow P.A.s to see new patients or established patients with new conditions and the Board can't make any decisions without the approval of the P.A. Policy Committee.

EDUCATION, PUBLIC RELATIONS & RISK MANAGEMENT COMMITTEE

Dr. Egner stated that the Committee reviewed Mr. Dilling's memorandum on his, Dr. Davidson's and Mr. Schmidt's attendance at the meetings of the Patient Safety Discussion Forum, a copy of which shall be maintained in the exhibits section of this journal.

LIMITED BRANCH AND ALTERNATIVE MEDICINE COMMITTEE

Dr. Buchan stated that the Committee reviewed applications for certificates of good standing for three massage schools, all of which met statutory requirements.

DR. BHATI MOVED TO GRANT CERTIFICATES OF GOOD STANDING TO THE INDIANA COLLEGE OF BODY WORK & PAIN TREATMENT CENTER, INC., THE MEDICAL ARTS MASSAGE SCHOOL, AND THE MUELLER COLLEGE OF HOLISTIC MASSAGE THERAPIES. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Buchan advised that the Committee also reviewed the Massage Therapy Advisory Committee's

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proposed amendments to the massage scope of practice and distance learning rules. The Committee recommends proceeding to rules hearing on these revisions.

DR. BHATI MOVED TO PROCEED TO HEARING ON PROPOSED REVISED RULES 4731-1-05 AND 4731-1-10 AND PROPOSED RESCINDED RULE 4731-1-23. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SCOPE OF PRACTICE COMMITTEE

Dr. Bhati stated that, pursuant to Section 119.032, Ohio Revised Code, the Committee performed a five-year rule review on Rules 4731-12-01 through 4731-12-06, the podiatry rules. He noted that most of the changes being recommended are non-substantive, and referred the Board to Mr. Wayda's memorandum concerning the proposed changes.

DR. GARG MOVED TO PROCEED TO HEARING ON THE PROPOSED CHANGES TO THE CHAPTER 12 RULES. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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Dr. Bhati stated that the Committee also did a five-year review of the Chapter 20 podiatry rules, and non-substantive changes are being recommended.

DR. GARG MOVED TO PROCEED TO HEARING ON THE PROPOSED CHANGES TO THE CHAPTER 20 RULES. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MINIMAL STANDARDS OF CARE COMMITTEE

Dr. Garg stated that the Committee reviewed four issues, two of which will be on the Board's December agenda. Those are a Draft Joint Regulatory Statement on Mixed Medical/Esthetic Practices to be adopted by the Board and the Cosmetology Board, and the Board's 1976 Position Statement on Emergency Room Care.

Dr. Garg continued that the Committee also reviewed proposed amendments to Chapters 17 and 19, the Board's Universal Precautions rules and HVB/HIV Reporting rules, respectively. There are no significant changes being made to either set of rules. Dr. Garg advised that the Committee is recommending that the Board forward these rules to hearing.

DR. TALMAGE MOVED TO PROCEED TO HEARING ON THE BOARD'S CHAPTER 17 AND CHAPTER 19 RULES. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye

The motion carried.

P.A. COMMITTEE

Dr. Talmage advised that the Committee reviewed the revised supplemental application, and have sent same to the PAPC for review. He asked that Board members review the document and contact him or Ms. Sloan with any suggestions to be taken to the PAPC.

Tristate Urogynecology

Dr. Talmage advised that the Committee reviewed the above-captioned's supplemental application for its PAs to perform urodynamic studies, with the physician observing the P.A. in performing 15 procedures per week for 15 weeks to determine competency, utilizing 50% onsite and 50% offsite supervision in a hospital/office setting. The Committee recommends approval of the plan with the provision that the off-site supervision would require that the physician be present in the adjacent building, and available within 15 minutes.

DR. GARG MOVED TO APPROVE TRISTATE UROGYNECOLOGY'S SUPPLEMENTAL PLAN WITH THE MODIFICATION THAT OFF-SITE SUPERVISION IS APPROVED ONLY IF THE PHYSICIAN IS IN THE ADJACENT BUILDING AND AVAILABLE WITHIN 15 MINUTES. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Buckeye Urology

Dr. Talmage stated that in October the Committee reviewed the above-captioned's plan for the P.A. to perform the insertion of filliform and follower catheters; the P.A. would observe the physician in performing no less than five procedures and then the physician would observe the P.A. in performing no less than 15 procedures to determine competency, utilizing 100% onsite supervision, in a hospital setting.

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The Committee tabled the request in order to obtain the State's expert recommendation on the necessary training. The expert had advised earlier that this procedure was within the capability of a P.A. who was well trained.

Dr. Talmage stated that he spoke with the State's expert, who subsequently sent a letter to the P.A. Committee indicating that the use of filliform and followers is becoming less and less frequent, and the reasons why. The expert recommends that the P.A. perform 10 to 25 procedures under direct supervision of a urologist. Dr. Talmage stated that, based on the expert's recommendation, and assuming that this will probably be a procedure of antiquity within a few more years, the Committee recommends that the Board approve this request with the provision that the P.A. observe 25 cases and be observed doing 25 cases within a one-year period, in order to gain the privilege of inserting a filliform catheter.

DR. GARG MOVED TO APPROVE BUCKEYE UROLOGY'S REQUEST FOR THEIR P.A.S TO PERFORM THE INSERTION OF FILLIFORM AND FOLLOWER CATHETERS, SUBJECT TO THE P.A.'S OBSERVING THE PHYSICIAN PERFORMING THE PROCEDURE IN 25 CASES, AND BEING OBSERVED PERFORMING 25 PROCEDURES WITHIN A ONE-YEAR PERIOD. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

LICENSURE COMMITTEE

Dr. Garg stated that the Committee reviewed applications from four individuals who have not practiced medicine for over two years. They all met criteria for approval subject to successful completion of SPEX.

Dr. Garg stated that the Committee also discussed whether such physicians should also be given the option to pass their specialty recertification examination rather than the SPEX. Following a lengthy discussion, the Committee felt that physicians should be given both options. The Committee also recommends that the examinations be passed within six months of notification of the Board's decision.

DR. STEINBERGH MOVED TO APPROVE THE LICENSURE APPLICATIONS OF EILEEN ANDERSON, M.D., NANCY GRUBB, M.D., SHAGUFTA ASIFA KHAN, M.B.B.S., AND

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KATHRYN RIEDEL, M.D., SUBJECT TO THEIR PASSING THE SPEX OR THEIR SPECIALTY RECERTIFICATION EXAMINATION WITHIN SIX MONTHS. DR. BUCHAN SECONDED THE MOTION.

Dr. Robbins asked whether the Board ensures that these are secure examinations.

Dr. Davidson indicated that she believes that the examinations are all going to be secure. She advised that it is her understanding that the specialties are getting very rigorous about their examinations.

Dr. Kumar stated that, although Dr. Robbins has a valid concern, he agrees that the specialties are tightening up on their examinations.

Dr. Steinbergh stated that it is the Board's role to make certain the physicians can practice medicine. She asked the Licensure committee to look at what board certification means and whether the recertification examinations are appropriate for Board use.

Dr. Robbins commented that this would be an interesting topic for the Federation.

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

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

The motion carried.

Dr. Garg continued that the Committee also reviewed a number of requests for accommodations under the Americans with Disabilities Act of 1990 for the upcoming massage therapy examination. He advised that the Committee felt that eight of the requests were legitimate, and recommends approval of requests submitted by the following: Sally Nemeth, Amanda Oehlmann, Kay Lea Day, Melody Angus, Kenneth McNight, Sheila Harper, Crystal Hall and Stephenie Morrow.

DR. BHATI MOVED TO GRANT: MS. NEMETH'S REQUEST FOR A TAPED EXAM, SOMEONE TO RECORD HER ANSWERS ON THE ANSWER SHEET, EXTENDED TESTING TIME OF TIME AND A HALF AND A SEPARATE TESTING AREA; MS. OEHLMAN'S REQUEST FOR AN ENLARGED PRINT EXAM, A TAPED EXAM, SOMEONE TO RECORD

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HER ANSWERS ON THE ANSWER SHEET, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA; MS. DAY'S REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA; MS. ANGUS' REQUEST FOR A TAPED EXAM AND EXTENDED TESTING TIME OF TIME AND A HALF; MR. MCNIGHT'S REQUEST FOR AN ENLARGED PRINT EXAM, A TAPED EXAM, SOMEONE TO RECORD HIS ANSWERS ON THE ANSWER SHEET, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA; MS. HARPER'S REQUEST FOR A TAPED EXAM AND EXTENDED TESTING TIME OF TIME AND A HALF; MS. HALL'S REQUEST FOR EXTENDED TESTING TIME OF TIME AND A HALF; AND MS. MORROW'S REQUEST FOR A TAPED EXAM AND EXTENDED TESTING TIME OF TIME AND A HALF. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Garg advised that the Committee recommends denial of four applicants' requests for special accommodations, as it did not feel they met the criteria.

Dr. Steinbergh asked for an opportunity to review the materials submitted by these individuals before a motion is made.

Mr. Browning stated that Dr. Steinbergh will be given time to review those.

RATIFICATION OF CONSENT AGREEMENTS

Mr. Browning asked for a motion to bring the above-captioned off the table.

DR. GARG MOVED REMOVE THE TOPIC, RATIFICATION OF CONSENT AGREEMENTS, FROM THE TABLE. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye

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

The motion carried.

GHASSAN HAJ-HAMED, M.D.

Ms. Albers referred the Board to a copy of the Settlement Agreement the Board authorized her to negotiate with Dr. Haj-Hamed.

Ms. Albers stated that, under the agreement, Dr. Haj-Hamed will be allowed to return to practice. He will have 100% supervision and will not be permitted to prescribe controlled substances. Under this Agreement, Dr. Haj-Hamed will withdraw both of his appeals of the Board's earlier Order.

DR. EGNER MOVED TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT AND TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. HAJ-HAMED. MS. SLOAN SECONDED THE MOTION.

EXECUTIVE SESSION

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

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

The motion carried.

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

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RATIFICATION OF CONSENT AGREEMENTS

GHASSAN HAJ-HAMED, M.D.

Mr. Dilling stated that the Consent Agreement requires Dr. Haj-Hamed to nominate a supervising/monitoring physician. Dr. Haj-Hamed has nominated Tariq Sultan, M.D., to serve as that physician.

Mr. Browning advised that a separate motion is unnecessary, as Dr. Sultan is specifically named in the Consent Agreement as the supervising/monitoring physician.

Dr. Kumar stated that he is uncomfortable with Dr. Sultan being approved as monitoring physician because, according to his C.V., Dr. Sultan, himself, has been absent for a certain period of time for various reasons. He has only been in practice in Ohio for two or three years.

Dr. Egner stated that she doesn't see anything on Dr. Sultan's C.V. that would preclude Dr. Sultan from being the supervising/monitoring physician. He's willing to do the job and will know exactly what is involved in it and what he has to do.

Dr. Talmage noted that Dr. Sultan has been a physician for 16 years.

Dr. Buchan stated that the Consent Agreement describes the relationship that Dr. Haj-Hamed has with Dr. Sultan.

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

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

The motion carried.

REPORTS BY ASSIGNED COMMITTEESLICENSURE COMMITTEE

Dr. Garg again stated that the Committee recommended denying the requests of three individuals for special accommodations under the ADA because the Committee did not feel that they met the requirements for approval. Those requests were made by Kenneth Beckett, Beth Fabish and Cuc Phan.

DR. BUCHAN MOVED TO DENY THE SPECIAL ACCOMMODATIONS REQUESTS OF KENNETH BECKETT, BETH FABISH AND CUC PHAN. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Garg stated that the Committee also reviewed, and recommends denial of, a request for accommodations submitted by Richard Abele. He noted that Dr. Steinbergh has indicated that she has problems denying that request.

DR. BHATI MOVED TO DENY MR. ABELE'S REQUEST FOR SPECIAL ACCOMMODATIONS. DR. BUCHAN SECONDED THE MOTION.

Dr. Steinbergh stated that Mr. Abele has been diagnosed with a learning disability and is requesting time and a half for the Basic Science and Limited Branch portions of the examination. Although he has taken the exam three times, he has never asked for accommodation in the past. He does have a Multifactorial Evaluation Team Report, which was done in April 1997, at which point he was diagnosed with a learning disability. He displays a significant discrepancy between his achievement and ability in the areas of basic reading skills and math. At the time the evaluation was made, the recommendation was that he needs additional time under certain circumstances to proofread and to correct his spelling. Dr. Steinbergh stated that anytime a young person has an evaluation like this, it behooves the Board to give that person the opportunity under the ADA for time and a half accommodation.

Dr. Bhati stated that the Committee wants Mr. Abele to get a more recent evaluation. If that

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recommendation is made again, the Board could consider it.

Dr. Steinbergh disagreed, stating that in her practice she sees children who are failing as teenagers and who have never been evaluated. They've never had the opportunity to be evaluated. Or they have been evaluated and the parents never really understood what that meant, and they've never had a previous accommodation. It's fair to allow Mr. Abele, even if the Board limits it to one occasion, to have the accommodation. She doesn't believe that Mr. Abele needs an updated evaluation.

Dr. Bhati disagreed, stating that he would prefer to have a current evaluation confirming the problem. At that time the Board could reconsider.

Dr. Garg stated that the disability that was recognized for Mr. Abele was that his spelling was weak and that affects his overall writing. If he's presented with new material, it will slow him down. The Committee did not feel that this meets ADA accommodation criteria.

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

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

The motion carried.

Dr. Garg stated that the Committee also discussed the Federation's pilot project for a common licensure examination. The proposed application to be used by all states was contained in the Board's agenda materials. Dr. Garg stated that the Federation would like Ohio to be a test state for this.

Dr. Garg continued that the Committee reviewed the application and recommendations made by the Board's staff, and it felt that the staff's concerns were pertinent. Dr. Garg added that there is no action required on this at this time.

Dr. Talmage explained that each state would have an addendum to the application to ask questions that are pertinent to that state. What is presented in the agenda materials is the Ohio addendum, which modifies the base information on the common application.

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CONTINUED DISCUSSION OF OCTOBER 2003 RETREAT TOPICS

At this time Mr. Dilling introduced Assistant Attorney General Maxfield, Senior Deputy of the Health and Human Services Section of the Attorney General's Office.

Ms. Maxfield stated that one issue raised at the Board's October retreat was what information outside the hearing record can the Board consider when it has a Report and Recommendation in front of them. She advised that the Board can consider nothing outside the hearing record. Board members bring their own knowledge and experience with them to the Board. Members are not expected to go out and become detectives, questioning people and reviewing evidence that is not part of the record. They can use their own personal knowledge in their deliberations, but cannot do independent research to ensure that they are correct in their beliefs.

Ms. Maxfield continued that another issue raised in October was the role to which the Board members are limited. The question was asked as to whether a Board member could be a witness at a hearing.

Ms. Maxfield stated that Section 102.03, Ohio Revised Code, the Ethics Commission statute dealing with current employees or current public servants, says,

“No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.”

Ms. Maxfield explained that before a matter comes to hearing, the Board votes on the notice of opportunity for hearing, approving its mailing. Under the language of the above statute, they are prevented from participating in any other way. She added that her department does spend a lot of time working against attempts to subpoena Board members for hearings. The Board is the ultimate decision maker and should not act as the advocate on individual cases. She advised Board members to contact the Ethics Commission if they have concerns as to whether or not they should recuse themselves from a case.

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

Thereupon at 10:18 a.m. on November 13, 2003, the November 12-13, 2003 meeting of the State Medical Board of Ohio was duly adjourned.

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We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on November 12-13, 2003, as approved on December 10, 2003.



R. Gregory Browning, President



Lance A. Talmage, M.D., Secretary

(SEAL)

