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MINUTES**THE STATE MEDICAL BOARD OF OHIO****December 11, 2002**

Pitambar Somani, M.D., President, called the meeting to order at 1:10 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: Anand G. Garg, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Lance A. Talmage, Sr., M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Anquetette Sloan; Patricia J. Davidson, M.D.; Ronald C. Agresta, M.D.; and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: R. Gregory Browning, Ph.D., Vice-President.

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

EXECUTIVE SESSION

DR. STEINBERGH MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION, AND LEGAL ADVICE TO PROTECT ATTORNEY CLIENT PRIVILEGE. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- 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.

Mr. Browning joined the meeting during the 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. STEINBERGH MOVED TO APPROVE THE MINUTES OF NOVEMBER 13, 2002.
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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

LICENSURE

POLL VOTE RATIFICATION

Mr. Dilling referred the Board to a copy of his memorandum of December 11, 2002, a copy of which shall be maintained in the exhibits section of this journal concerning the above-captioned topic.

Mr. Browning asked whether the Assistant Attorneys General support Mr. Dilling's recommendation. Mr. Pratt advised that they do.

DR. AGRESTA MOVED TO RETROACTIVELY RATIFY THE DECISIONS APPROVING THE APPLICATIONS FOR LICENSURE, REGISTRATION, OR PHYSICIAN UTILIZATION PLAN APPROVAL OF THE INDIVIDUALS AND/OR ENTITIES LISTED ON THE LIST OF THOSE

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PERSONS AND ENTITIES BEFORE THE BOARD TODAY (A COPY OF THE LIST SHALL BE MAINTAINED IN THE EXHIBITS SECTION OF THIS JOURNAL). SUCH RETROACTIVE RATIFICATION IS QUALIFIED BY AND IS SUBJECT TO ANY DISCIPLINARY ACTION, NON-RENEWAL OR SURRENDER OF SAID LICENSE, REGISTRATION OR APPROVAL WHICH HAS OCCURRED SUBSEQUENT TO ITS ORIGINAL ISSUANCE. THIS MOTION IS MADE SUBJECT TO ALL VOTING BOARD MEMBERS ABSTAINING FROM ANY RATIFICATION WITH RESPECT TO THEIR OWN LICENSES. DR. GARG SECONDED THE MOTION. A vote was taken:

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

The motion carried.

FLORENTINO HUMBERTO TOLEDO, M.D.

Dr. Toledo's request for endorsement of his Georgia license was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE DR. TOLEDO'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

ENDORSEMENT LICENSURE

DR. STEINBERGH MOVED TO APPROVE THE APPLICANTS LISTED IN LICENSURE EXHIBIT (A) FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF ALL NECESSARY DOCUMENTATION. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

AMY LUNN BUNCH, P.A.-C.

Ms. Bunch's application for registration as a physician assistant was presented to the board for consideration at this time.

DR. BUCHAN MOVED TO APPROVE MS. BUNCH'S APPLICATION FOR REGISTRATION. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

SUSANNA SLOANE CORBETT, P.A.-C

Ms. Corbett's application for registration as a physician assistant was presented to the board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE MS. CORBETT'S APPLICATION FOR REGISTRATION. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

KRISTINA DICKE, P.A.-C.

Ms. Dicke's application for registration as a physician assistant was presented to the board for consideration at this time.

DR. GARG MOVED TO APPROVE MS. DICKE'S APPLICATION FOR REGISTRATION. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye

The motion carried.

TOM RODGERS, P.A.-C.

Mr. Rodgers' application for registration as a physician assistant was presented to the board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE MR. RODGERS' APPLICATION FOR REGISTRATION. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

BOTOND VITA, P.A.-C

Mr. Vita's application for registration as a physician assistant was presented to the board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE MR. VITA'S APPLICATION FOR REGISTRATION. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye

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Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

ELAINE SELOS, P.A.-C.

Ms. Selos' application for registration as a physician assistant was presented to the board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE MS. SELOS' APPLICATION FOR REGISTRATION. 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
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye

The motion carried.

DR. STEINBERGH MOVED TO TABLE THE REMAINING LICENSURE MATTERS UNTIL LATER IN THE MEETING. 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
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye

The motion carried.

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REPORTS AND RECOMMENDATIONS

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

Dr. Somani asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Wallace C. Adamson, M.D.; Robin Rae Adamson, P.A.; Brijesh Arya, M.D.; John A. Frenz, M.D.; Jitander N. Kalia, M.D.; Anthony W. Kitchen, M.D.; Joseph Robert Mannino, Jr., D.O.; Kenneth N. Michaelis, L.M.T.; Gary R. Rochon, M.D.; and Michael Carmen Staschak, M.D. A roll call was taken:

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

Dr. Garg advised that he has not read the materials in the matters of Wallace C. Adamson, M.D., Robin Rae Adamson, P.A., and Jitander N. Kalia, M.D.

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

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

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Dr. Somani - aye

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

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

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

WALLACE C. ADAMSON, M.D.

Dr. Somani directed the Board's attention to the matter of Wallace C. Adamson, M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members. Dr. Somani advised that he was Acting Secretary in this case and would recuse himself from discussion and voting.

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

Dr. Adamson was accompanied by his attorney, Paul J. Coval. Mr. Coval stated that, as noted, he has filed objections to the Hearing Examiner's Report and Recommendation, and he trusts that all Board members have reviewed them. Mr. Coval stated that Dr. Adamson would address the Board in the remainder of the time allotted.

Dr. Adamson thanked the Board members for the opportunity to meet with them, and to address them this afternoon. Dr. Adamson stated that he has been a practicing physician in Ohio for almost 20 years, and he's always set very high standards for himself and for those people who work around him. Dr. Adamson stated that he has worked very hard to comply with all of the requirements, as he understands them, of the physician/P.A. relationship in the State of Ohio. He stated that he believes that the level of P.A. supervision he supplied resulted in high-quality patient care. He believes that he required and satisfied what was required of him by the statutes of the State of Ohio. Dr. Adamson stated that, if he was wrong in feeling that way, he is sorry. His intentions were always to comply with the law.

Dr. Adamson stated that in evidence of his attempts to comply with the law he served this Board as a member of its P.A. Advisory Committee. He developed an office quality assurance plan that was viewed by Colonel Hunter, an investigator for this Board, and Mr. Hunter told them that it was the best survey he'd ever seen. Dr. Adamson stated that he allowed his physician assistant (P.A.), who is also his wife, to participate in the P.A. Policy Committee of this Board for four years. That took a lot of time away from the practice and away from patient care, but he thought it was really valuable so that they could know what

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they were supposed to be doing and take every effort to comply with the requirements.

Dr. Adamson stated that P.A. supervision requires very frequent and detailed communications. He stated that he knows that the Board has had the chance to look at the Hearing Examiner's report, but he doesn't think that the quantity and quality of the communication that went back and forth between himself and his P.A. is really clear. His P.A. is his wife, Robin. When they practiced together, they spent on average 20 to 22 hours together on a daily basis. They worked in a very small office in Clintonville, that was last remodeled in about 1955. They had four exam rooms, one little office, and they were there seeing patients side by side on a daily basis. For cases that required his immediate attention, he was there unless he was out of town and another physician was supervising. They ate lunch together every day and talked about any patients that were problems in the morning that they hadn't already discussed. They looked at the schedule for the afternoon, talked about what patients were coming in. Before they left the office for the day, they reviewed the patients who were coming in the next day, as far as what treatment plans he had in mind for those particular patients.

Dr. Adamson stated that he reviewed the charts and signed them. He did this at the office, in his car, at home. Every attempt was made to sign those charts within 24 hours. For logistical reasons, sometimes that wouldn't happen. Dr. Adamson commented that he's sure the Board members have all had charts in the office that they couldn't track down because there was a referral being made or something happening that Board members couldn't get their signature on the chart. That doesn't mean that the supervision wasn't provided as specified in the law. There were discussions about the cases and the care was physician directed. Dr. Adamson stated that there were really no boundaries to where they held their discussions. It permeated their personal lives and their professional lives were intertwined.

Dr. Adamson stated that if they did something wrong in performing and documenting their professional activities in their office, that was not their intent, and he's very sorry if that's the conclusion of some. His opinion that they were functioning in an appropriate manner was based on a lot of different things. As a member of the P.A. Advisory Committee, he talked to staff members of this Board and other members of that Committee. He had conversations with Mr. Hunter, when Mr. Hunter surveyed their office and answered some specific questions that they asked him about new conditions and self-limiting conditions and those things, discussions with other supervising physicians, physicians that are on their utilization plan, and probably most importantly, discussions with his wife as to what was going on with this Board's P.A. Policy Committee.

Dr. Somani asked Dr. Adamson to conclude his statement.

Dr. Adamson stated that there were allegations made that there were improper prescription activities. He stated that he wants to make it very clear that at no time did he authorize Ms. Adamson to prescribe any medication in any circumstances. This whole process has been an eye-opener for him. He understands that some don't see his practice the way that he did, but, again, that was no intent and if he's done something wrong, he's sorry. It's very important to him that he maintain his license. He is no longer in a private practice situation. He has not supervised P.A.s for two and a half years, but his current job duties require him to have a license. He performs volunteer activities at the physician's free clinic, seeing indigent

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patients. He needs his license to be able to do that and also his volunteer activities with the local high school.

Dr. Adamson again thanked the Board for its time and consideration.

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

Ms. Crawford stated that she and Ms. Albers handled this case on behalf of the State.

Ms. Crawford stated that, as you review the evidence in this case, you can see that this case involves a significant pattern of allowing a P.A. to act as a physician. There is a clear and widespread pattern of illegal authorization and illegal ordering of prescriptions for dangerous drugs. In case after case after case, this was the situation. Dr. Adamson and Ms. Adamson testified at length as to the routine practice of prescribing by Ms. Adamson. They indicate that she didn't prescribe because she didn't write out a prescription; but she had the prescriptions called in without any consultation with Dr. Adamson, after seeing the patient. Dr. Adamson did not see the patient in most of the cases at issue. Dr. Adamson was not in the office, and, in fact, most of the time he was out of state in those instances.

Ms. Crawford stated that Dr. and Ms. Adamson have taken the position that all of these prescriptions were, in fact, based upon Dr. Adamson's direct order. They stated that it was a standing order – either a general standing order, or a specific order for a specific patient.

Ms. Crawford related the following as an example of a specific standing order. There was one patient for whom prescriptions were called in for Premarin and Provera. Ms. Adamson testified that this was based upon a specific order from Dr. Adamson, and she recalled a conversation she had had with him about four months previous and he said that this patient should at some time get this and it should be at this dosage. This was the basis of the direct order. Nowhere in the patient record was this information written. Nowhere in the patient record was there any indication that this conversation took place. Nowhere in the patient record was there any indication that this patient had ever been prescribed hormone replacement therapy. There is nothing in any of the records for any of the prescriptions that were called in by Ms. Adamson to verify or substantiate that Dr. Adamson had, in fact, ordered these.

Ms. Crawford continued that there was also much discussion, both in the objections and through the hearing record and in the Report and Recommendation, with respect to the meaning of the term, "new condition." There was a great deal of verbal gymnastics surrounding this. The bottom line is that Dr. Adamson chose to make his own definition. This definition was that a new condition was a "multisystem disease that would have a major impact on a patient's long-term health." When asked what that meant, he offered the example of diabetes. The evidence showed that once the diagnosis of diabetes was made for that patient, the P.A. was authorized to treat anything to do with the diabetes. She was allowed to treat any side effect of the diabetes, such as renal problems, yeast infections, ringworm, eye problems or anything that might come from the diabetes because Dr. Adamson had already diagnosed the diabetes. This treatment would be given, all without Dr. Adamson seeing the patient.

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Ms. Crawford stated that, looking at the meaning of “new condition,” it’s important to look at it in the context of the statute. That statute, passed by the Ohio Legislature, limits the practice of P.A.s. It specifically states the limitations because the P.A. is not a physician and should not be practicing as a physician. Unfortunately, that’s what Dr. Adamson did. He allowed his P.A. to act as a doctor. She saw the patients, she made the assessment, because you couldn’t call it a diagnosis, she decided what the problem was, she rendered the treatment, which usually involved calling in prescriptions, all without having Dr. Adamson see the patient. This was the scenario that was seen in case after case, where the P.A. prescribed dangerous drugs.

Dr. Somani asked Ms. Crawford to conclude her statement.

Ms. Crawford stated that this pattern was prevalent throughout the whole case. It is this consistent pattern that was of grave concern.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF WALLACE C. ADAMSON, M.D. DR. AGRESTA SECONDED THE MOTION.

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

Dr. Egner stated that she has quite a few things to say. She added that she knows that the Board has a lot of cases, and she asked the Board to bear with her. She stated that she found this to be a very serious case, and she took a lot of time with it.

Dr. Egner stated that there are a few points she would like to bring to light: first of all, new condition and all of the testimony that revolved around “new condition,” and that the Board does not have a definition of “new condition.” Dr. Egner stated that she thinks that she could go through the rules and statutes for the Medical Board and find many terms that are not specifically defined. That does not mean that Board members don’t know what the meanings of those terms are. “New condition” is known to all of the Board members, it is known to all licensees, and with many examples through this case, actually not much comes under “new conditions” for the Adamsons. Viral meningitis, sinusitis were not considered new conditions. The question was asked, whether, if someone had an otitis media when two years old and is later seen when they’re 80 and have otitis media again, that would be considered a new condition; and the answer was, “no.” There is not a person around that would agree with that kind of reasoning. It’s just a rationalization to allow someone to see patients for any reason. A laceration is not considered to be a new condition because they have a pre-existing leg? Dr. Egner stated that there is no rationale that a laceration would not always be considered a new condition. Common sense must prevail. Dr. Egner stated that she feels that it is obvious to all Board members and to all licensees what “new condition” means.

Dr. Egner stated that the next issue is supervision. The Adamsons used a stamp that said “reviewed” with Dr. Adamson’s initials. The testimony was given that only Dr. Adamson could use the stamp, and that seemed like a set rule, unless he gave instructions in person or by phone for someone else to use it. The initials didn’t change, but someone else could use it. Then later it turns out that even Ms. Adamson could

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also use his “reviewed” stamp. That stamp to them meant that treatment was authorized by Dr. Adamson, unless the stamp was used to mean that they were aware of a continuity of care. This one stamp had so many uses and meanings that there is no meaning to the use of their “reviewed” stamp. There was no supervision of the patients that were seen.

Dr. Egner continued with a discussion of the distinction of “prescribing.” Is there a difference between writing a prescription and calling a prescription in? The Adamsons indicate that there is a difference; however, there is no difference between writing out a prescription or calling it in when it is being done by someone not licensed to prescribe. The P.A. could see the patient, note in the chart the medicine to be prescribed, stamp “reviewed,” and give the chart to a front desk person to call in the prescription. This was not the exception in this practice. It seemed to be the rule.

Dr. Egner referred to excerpts for a few patient records, noting that she can’t go through them all because it was just too much. She noted that the patients were seen by the P.A.s for any symptom or complaint because there really are no new conditions, as defined by Dr. Adamson. Medications consistently are prescribed by P.A.s. A physician would normally give a written prescription, but almost all medications in this office are called in because the patients weren’t seen by the physician. The letters, “V O W C A,” are used and giving credence that this meant that the condition was current and ongoing, but sometimes they reflect a note in the chart that was two or three years old. Dr. Egner stated that she would never want someone to take a voice order from her that was three years old and use it again. The “reviewed” stamp gives no reassurance the doctor actually reviewed the chart as it can be used under any circumstances by multiple people. This was the testimony that was given during the hearing. Viral meningitis, ankle sprain, depression, even pregnancy, are not considered new conditions. Never were these patients seen by a physician, but they were seen in the office and prescribed medication. Even P.A. students and nurse practitioner students prescribed medications.

Dr. Egner stated that the most glaring example for her was the case of an obese 61-year old male with diabetes who presented with cellulitis. Ms. Adamson performed an incision and drainage and packed the defect with Iodoform. This alone was no minor procedure. She prescribed an antibiotic. All this was done with the doctor out of town. The patient was seen six to eight subsequent times for debriding and repacking, and was not seen by a physician until a fistula formed and that patient was then sent to a surgeon. Dr. Adamson defended this care as not a new condition and not needing to be seen by a physician. Dr. Egner stated that this was well below minimal standards.

Dr. Egner continued that there are too many specific patients and examples of egregious practice. Dr. Egner stated that many times she doesn’t think the doctor wasn’t rendering poor care – he himself rendered very little care. Dr. Adamson makes reference multiple times to medicine being both a science and an art. Dr. Egner stated that, from the evidence, she feels that for him it is neither. It was a business for which he had P.A.s do the work and he received the money. Dr. Egner commented that the coup de grace is that he and his wife were members of the P.A. Advisory Committee and the P.A. Policy Committee. They, better than anyone, were well versed in the rules and standards of practice for supervising and P.A. standards. In light of all of these factors, Dr. Egner stated that she believes that permanent revocation is mandated.

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Dr. Steinbergh stated that Dr. Egner has outlined pretty succinctly the Board's concerns with this particular case, so she doesn't want to re-describe any of these. Her concerns are identical to Dr. Egner's. Of concern, of course, is the fact that the definition of "new condition" and the diabetic cases is a very strong example of how Dr. and Ms. Adamson failed to understand the appropriate care of these patients.

Dr. Steinbergh continued that, when a physician diagnoses a patient with diabetes and then relegates the care to the P.A. over long term, periodically assessing the patient by the physician would be appropriate. But when a patient who is a diabetic develops cellulitis or skin changes or ulcers, or any of these kinds of things, these are new conditions. They are not things that should be treated by a P.A. They should first be assessed by the physician; and if he or she feels that the P.A. following it for a period of time is appropriate, then she would not disagree with that. Dr. Steinbergh expressed concern about the fact that patients with new conditions were not seen appropriately by the physician, the supervision throughout this case was very poor. She added that the Hearing Examiner did an excellent job of outlining the case. Dr. Steinbergh stated that she thinks that Dr. and Ms. Adamson, because of their long-term relationship, lost sight of the physician and the physician extender. They lost sight of the critical nature of the assessment by the physician, and it became as if Ms. Adamson was the physician and he was not there a good deal of the time.

Dr. Steinbergh stated that for that reason she does support the Report and Recommendation.

Dr. Buchan stated that he has two questions that he had to answer as he reviewed this quite amazing case. The first was whether there was misconduct, particularly misconduct in the course of practice. The second: if so, what disciplinary action should follow. Dr. Buchan stated that, at the risk of piling on, he won't go through the notes he took, but would only highlight a couple of issues.

Dr. Buchan stated that it appeared to him, as he reviewed this case, that for patients, as they called the office, there was no discrimination between physician and P.A. New patients seemed to go to Dr. Adamson, but everyone else could go either place. Dr. Buchan stated that everyone involved with the P.A. Policy Committee realizes that that is simply not the case. In fact, the statute describes that new patients are to be seen by the physician. The Board equates that with established patients with new conditions. He equates those two patient categories because there is great reason for physicians seeing those people.

Dr. Buchan stated that he agrees with Dr. Gardner's definition of a "new condition." He felt that it was reasonable and most credible. He did not agree with Dr. Borg's or Dr. Adamson's definition. It simply was not reasonable or credible.

Dr. Buchan continued that appointments were made without differentiation between the physician and the P.A. Dr. Buchan stated that, in his review, the P.A. did diagnose and treat patients, and prescribed medications without appropriate supervision. To reiterate Dr. Egner's and Dr. Steinbergh's comments, standing orders were not written. He could not find evidence of that in the charts or the record. The stamps were utilized by the P.A. when, in fact, the physician was to solely take on that responsibility.

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Dr. Buchan stated that he was most discouraged and disappointed when he saw that P.A. students were participating and observing this kind of conduct. Dr. Buchan stated that he can't imagine what those students might be doing now, when they observed this as being a reasonable and credible practice pattern.

Dr. Buchan stated that his disappointment would translate ultimately to the type of discipline which should follow. Dr. Buchan stated that he does believe that the P.A. was unsupervised and was practicing in this case without the supervision mandated by statute, and revocation is reasonable.

Dr. Bhati stated that he will recuse himself from this case.

Dr. Buchan stated that he does believe that the misconduct, as described, but he questioned whether the Board should permanently revoke Dr. Adamson's license, or simply revoke it with some time line where it might not be reasonable to have him reapply. Dr. Buchan stated that he suggests this, based upon his experience with this Board and his notion that the Board has had other issues where P.A.s have been unsupervised. In one case in 1998, the physician was on vacation and the P.A. practiced independently and the Board did suspend that license. He added that he does think that this case goes beyond that case, and thus a revocation is not unreasonable. Dr. Buchan suggested striking the word, "permanent," from the Proposed Order.

Dr. Egner asked whether Dr. Buchan is suggesting this as an amendment.

Dr. Buchan stated that he wanted more conversation.

Dr. Steinbergh stated that, as the Board always does, each case is considered to be somewhat different. The Board tries to be consistent with Board Orders; however, this is an egregious case. It's a case of a physician not seeing patients under appropriate conditions. It was a case of not properly supervising a P.A., a P.A. supervising other P.A.s. The lines were blurred here, and this physician simply was not acting, in her mind, as an appropriate physician – a physician who understood his responsibility as a physician. Because of that, she supports permanent revocation.

Mr. Browning stated that he had the same consideration. He asked Dr. Buchan what time line he was thinking about.

Dr. Buchan stated that two years would be reasonable. He doesn't think that there is any doubt, at least in his mind, that the conduct was egregious, and it was unparalleled in his review of these cases. That having been said, is the appropriate sanction "permanent" revocation. That is the issue he wrestled with.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER TO STRIKE THE WORD, "PERMANENTLY," AND NOT ALLOW REAPPLICATION FOR A MINIMUM OF 24 MONTHS. DR. TALMAGE SECONDED THE MOTION.

Dr. Egner spoke against the motion to amend. She stated that, generally speaking, the Board uses non-

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permanent revocation in cases where the Board feels that it doesn't have all of the data. The Board may not have been able to go through a thorough investigation because it may be from an out-of-state action, or someone has not responded to his or her citation letter. These are the general circumstances that the Board issues a non-permanent revocation. Dr. Egner stated that she doesn't believe that in this case the Board needs to gather any more information to get a clearer picture of what went on in Dr. Adamson's practice. She doesn't think that a non-permanent revocation is in order. Dr. Egner stated that, if the Board is looking for them to get back into practice, then it should take on an order that looks like other standard orders, with a stayed revocation, a certain amount of suspension, probationary terms, and really go at it from that standpoint. Personally, she doesn't think that that's appropriate in this case. She thinks that Dr. and Ms. Adamson knew exactly what they were doing. They knew they were breaking the law. This was the standard of their practice. This did not occur only when Dr. Adamson was on vacation or when there were special circumstances to the practice. This was the everyday practice that they had, and they knew the rules better than anyone. Dr. Egner stated that she has said many times, and she believes it is true for every physician who has been a member of this Board, that it takes about two or three meetings after you have your first term here that you don't go back to your office and say, "I know these rules better now than I did prior to being a Board member, and maybe there are some things we should tighten up." These two individuals became very familiar with the Board rules, and they went back to their office and said, "we know these rules and now we know a way to get around them." For that reason, she believes that permanent revocation is in order.

Dr. Agresta agreed with Dr. Egner. The Board has 200 pages of report from the Hearing Examiner. Who knows how many other pages the Board would get if it went through the whole practice. The pattern is obvious; it doesn't take a rocket scientist to figure out the pattern of what happened here. Dr. Agresta stated that he doesn't know what else the Board can do. If there were only one or two cases, or even five to ten, the Board might say that they made a mistake and might give them a chance; but this was patient after patient after patient, totally ignoring what you're supposed to do. That's not appropriate.

Dr. Steinbergh stated that this is a very significant minimal standards issue. If the Board doesn't take a stand on this, as it sits and discusses who physicians are, responsibilities of physicians, who physician extenders are, what they may and may not do, and don't cross those lines, then there's no standard. This is it. This is a case where a physician simply has not been an appropriate physician.

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

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

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Dr. Garg	- abstain
Dr. Steinbergh	- nay

The motion failed.

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

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

The motion carried.

ROBIN RAE ADAMSON, P.A.

Dr. Somani directed the Board's attention to the matter of Robin Rae Adamson, P.A. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members. Dr. Somani advised that he was Acting Secretary in this case and would recuse himself from discussion and voting.

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

Ms. Adamson was accompanied to the meeting by her attorney, Gregory D. Russell. Mr. Russell advised that he and Ms. Adamson have decided to withdraw their request to address the Board.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ROBIN RAE ADAMSON, P.A. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Steinbergh stated that this case is inextricably combined with the case of Dr. Adamson. Ms. Adamson, as a P.A., overstepped her bounds as a P.A. and practiced as a physician for all the same circumstances that the Board just discussed. Another issue, which the Board didn't previously discuss, is that Ms. Adamson

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did, under multiple circumstances, actually supervise other P.A.s. There are boundary issues here. Ms. Adamson practiced as a physician, and she practiced, under certain circumstances as a P.A. Dr. Steinbergh spoke in support of the Report and Recommendation for permanent revocation.

Dr. Bhati stated that he must recuse himself from this case.

Dr. Somani advised that Dr. Garg has indicated that he will recuse himself from this case.

Dr. Egner stated that there are multiple problems here. There are problems with prescribing, when Ms. Adamson is not allowed to prescribe. Again, she was seeing patients with new conditions that were obviously known to her to be new conditions. She supervised other P.A.s, when that was not her role and not allowed by the Medical Board. Dr. Egner again noted that their association with the P.A.P.C. and the Advisory Committee makes these acts inexcusable because she, better than anyone, knew the rules and knew that what she was doing was illegal. For these reasons, permanent revocation of her license is also in order.

Dr. Steinbergh stated that one of Dr. Adamson's statements was that he and Ms. Adamson took the time to come to these meetings, participate in the process. Dr. Steinbergh stated that the Board recognizes that, and the Board is thankful that people do participate in the process. In this regard, however, they abused it. They knew better, as Dr. Egner described. They'd been exposed to it, and they simply abused the privilege of the practice of medicine and also the practice of a physician assistant.

Mr. Browning stated that they learned the system and gamed it intentionally, and they never came clean on it. That certainly had an effect on his decision on the last case, and as Dr. Steinbergh says, this case is directly linked. It's hard to do anything but permanently revoke. It's an unfortunate situation to say the least. Mr. Browning added that what is shocking to him is that, while the Board has some of the record, it's amazing that more bad things didn't happen to patients. There doesn't seem to be any understanding of the fact that that did happen and that it could have been a lot worse.

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

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

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The motion carried.

BRIJESH ARYA, M.D.

Dr. Somani directed the Board's attention to the matter of Brijesh Arya, M.D. He advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation.

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

Dr. Steinbergh stated that the record is clear in this case. Dr. Arya does not meet Ohio's requirements for licensure, and denial is appropriate. Dr. Arya has been unwilling to continue to take any other examinations, he hasn't taken the Test of Spoken English, he did not participate in a Fifth Pathway program, and for all of the reasons listed in the Report and Recommendation, he does not meet the standard.

Dr. Agresta agreed with Dr. Steinbergh

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

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

The motion carried.

JOHN A. FRENZ, M.D.

Dr. Somani directed the Board's attention to the matter of John A. Frenz, M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN A. FRENZ,

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M.D. DR. TALMAGE SECONDED THE MOTION.

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

Dr. Steinbergh stated that Dr. Frenz, as reported, voluntarily surrendered his Mississippi license. The surrender stated that an investigation had been conducted by the Mississippi Board that indicated that Dr. Frenz was unable to practice with reasonable skill and safety to patients. Dr. Steinbergh stated that, with the information the Board has at this time, the Proposed Order of revocation is appropriate. Dr. Frenz would need to present all of the information that was before the Mississippi Board at a hearing for the Board to consider anything else.

Dr. Buchan agreed with Dr. Steinbergh. The issue here is Dr. Frenz' fitness to practice. With the information the Board has, he would agree with the Order. What Dr. Frenz chooses to do in the future has yet to be determined. The Order is appropriate, as written.

Dr. Bhati stated that this is a bootstrap case, and obviously the Board doesn't have adequate information to work on it, so he would have to agree with the Proposed Order.

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

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

The motion carried.

JITANDER N. KALIA, M.D.

Dr. Somani directed the Board's attention to the matter of Jitander N. Kalia, M.D. He advised that no objections were filed to Hearing Examiner Roberts' Report and Recommendation. Dr. Somani advised that Dr. Bhati was Acting Secretary in this case and would recuse himself from discussion and voting.

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

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Dr. Kalia stated that he understands that the Board is not here to retry the case in which he was convicted of sexual imposition. He suggested that it would be helpful to the Board in its deliberations to have a clear understanding of the circumstances that led to the accusation.

Dr. Kalia stated that a cascade of females overtook him on June 21, 2001. One of his secretaries, Dawn, forged her name on a check made out to his wife and tried to cash it. Once she realized that she had been caught and would be dismissed, she returned to the office after hours, stole all available cash, any samples she could use and some original medical records. Dr. Kalia stated that he assumed that the other secretary, Veronica, was also involved, as they were on extremely good terms, and both called at 2:00 p.m. to tell him of their intention to resign. The next day he reported the matter to the police and informed both secretaries that they had been terminated with cause and that he would object to any unemployment benefits being paid to them.

Dr. Kalia stated that the accusation of stealing aroused a strong response from Veronica's husband, who threatened him with violence for accusing his wife of theft. The husband was subsequently arrested for menacing behavior. Dr. Kalia stated that within a week both Dawn and Veronica accused him of sexual imposition on June 13, 2001. Subsequently, Veronica adjusted the date of the alleged incident to December 14, 2000, presumably so that she could enlist the testimony of a previous secretary, Angela, who was also her good friend. Dr. Kalia continued that Dawn changed her date to May 25, 2001, a day when they were both working so that Veronica could be her witness. There is also a civil suit pending in which they hope to reap financial benefit from this claim.

Dr. Kalia stated that, up until this time, Veronica had caused him no concern. She had been a reliable, happy and obliging secretary, often filling in at short notice for the less-dependable Angela and, later, Dawn. He stated that he had no reason to fire her, except that she had joined with her friend.

Dr. Kalia continued that on January 14, 2002, he went to court, fully believing in the system of justice in this country. He felt certain that a sensible jury of twelve men and women would question the validity of an incident that was first reported to have happened in June, at which time he was supposed to have groped these women in a restaurant. Then the testimony changed to the event happening in December and May. Dr. Kalia stated that he felt sure that the jury would question why a woman who claims to have been subjected to unwanted sexual advances in the office would continue to work happily there for an additional six months, leaving only when she and a friend were fired for theft.

Dr. Kalia stated that he left court convicted and in a state of utter disbelief. Dr. Kalia added that Dawn's accusations were overturned. On August 21, 2002, he made a presentation to the Hearing Examiner of the State Medical Board. Much of the discussion revolved around what constitutes moral turpitude, which is defined as baseness, vileness, or depravity in private or social duties which man owes to his fellow man. The conclusion of the Hearing Examiner stated that the act of which he was accused would be considered an act of moral turpitude, especially because he is a physician and his behavior should rise to a higher standard. However, there was no violation of any physician/patient relationship. He was Veronica's employer. Dr. Kalia stated that it is important for the Board to consider that Veronica continued to work

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happily in his office for six months after the alleged incident; at times they were the only two in the office working. Veronica evidently did not feel that he had done anything base or vile or depraved, or she would have resigned a long time ago.

Dr. Kalia stated that it was ironic that the judge who convicted him expressly stated to the jury that his being a physician gave him no edge in morality or dependability, yet the Hearing Examiner chose to hold him to an exalted standard in his recommendations of suspension of his license to practice for 30 days and probationary conditions for two years. Dr. Kalia stated that he knows that this is a very mild punishment, compared to what is available to the Board, and must, therefore, reflect the mildness of the offense.

Dr. Somani informed Dr. Kalia that he has one more minute to conclude his statement.

Dr. Kalia stated that losing his license for even thirty days will be catastrophic for his financial solvency and for his patients. This is the middle of winter, when children tend to fall sick more often. The very people who have stuck with him during this whole nightmare will be forced to search for alternate care for their sick children. These people recognize that the behavior of which he was accused was completely out of character for him. They have either decided that he was wrongly accused and convicted, or they can see that it has nothing to do with his work as a doctor. Not only have they continued to bring their children to him for care, but 700 of them also signed a petition asking the hospital to reinstate his privileges. Several of them even made personal presentations before the hospital board. At least 50 people offered to travel to Columbus with him today to speak in his behalf.

Dr. Kalia stated that, financially, he supports three children in college, one of them in medical college. He also supports a wife who is semi-retired from practice with multiple sclerosis. The loss of his license, or even a probationary status for this short time will mean loss of contracts with all insurance companies and Medicaid, upon which he is dependent. It will take many months to be reinstated, if, indeed, he is. If it is the intention of the Board to punish him for this misdemeanor, he assures that loss of hospital privileges and loss of face with all the publicity has been punishment enough. If the Board wishes to teach him a lesson, he would assure the Board that he is a quick learner and has learned it already. Nobody needs to teach him that boorish and obnoxious behavior is a no-no. As in the first 23 years in practice and the last two, there has not been and will not be any other complaint against him.

Dr. Somani again asked Dr. Kalia to conclude.

Dr. Kalia asked the Board to consider that the true effect of suspension is that it will not make anybody's existence better: not his patients, his family or his own. He asked that the Board allow him to continue to practice, uninterrupted. He, his family and his patients will be grateful to the Board.

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

Mr. Wilcox spoke in support of the Hearing Examiner's Report and Recommendation. The bottom line in this case is that Dr. Kalia was convicted of misdemeanor sexual imposition. It involved one of his office employees and occurred during the course of his practice. Sexual imposition is a crime of moral turpitude

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under the law of Ohio. Mr. Wilcox stated that the Board is not here to retry the facts of this case. The simple fact is that this was actually tried in municipal court, Dr. Kalia was found to be guilty of sexual imposition, a misdemeanor, and the Board isn't here to address those facts again today. Given the facts of this situation, a suspension is appropriate in this case.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JITANDER N. KALIA, M.D. DR. AGRESTA SECONDED THE MOTION.

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

Dr. Agresta stated that he is not convinced of what happened in this case. He noted that the Board has to accept that Dr. Kalia was convicted of a misdemeanor in court. Obviously there was something presented at court about which the Board does not know. Dr. Agresta continued that, from the information presented at hearing, he's still not convinced in his own mind exactly what happened, which makes it very difficult for him to come up with some kind of decision. Dr. Agresta stated that he has a sneaking suspicion that suspending Dr. Kalia's license is not going to accomplish a whole lot. Dr. Agresta suggested staying the suspension and keeping the rest of the Order intact.

Dr. Talmage agreed with Dr. Agresta. The woman's changing the date of the alleged activity by six months doesn't give him a very comfortable feeling that this whole thing was done well, although the Board has no knowledge of the court proceedings. Dr. Talmage stated that the victim in this case wasn't a patient. He added that that doesn't excuse sexual imposition against anyone, but he believes the Board's particular concern would have been if this did involve a patient. This is an issue in the Municipal Court at this point.

Dr. Talmage stated that he would be in favor of staying the suspension in this case. When the appeal is concluded, the Board may have more insight, but that will be in retrospect.

Dr. Steinbergh stated that she has the same concerns. There are discrepancies in the record as to when the incidents happened. There was a conviction. Dr. Steinbergh stated that it's a concern when the Board doesn't have everything before it. It is always difficult when it's a "he said/she said" case. The fact that the secretary continued to work in the office after the incident concerns her, but the Board isn't here to try the case. The Board doesn't have the evidence to try the case. She added that she has the same concerns as fellow Board members as to what the appropriate disciplinary action should be. Dr. Steinbergh stated that she would be in favor of staying the suspension. She would continue the probationary conditions, as listed, including a course in personal ethics.

DR. STEINBERG MOVED TO AMEND THE PROPOSED ORDER TO STAY THE SUSPENSION, AND TO IMPOSE THE PROBATIONARY TERMS, AS WRITTEN. DR. BUCHAN SECONDED THE MOTION.

Dr. Buchan stated that, based upon the allegations and the record as he reviewed it, he had made a note that

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a suspension was appropriate, but he had also made a note that a stay of that suspension was not unreasonable, with a two-year probation, as outlined.

Mr. Dilling asked for clarification. He noted that the proposed Order talks about a course on personal ethics. He asked whether that was what Dr. Steinbergh meant when she said, "including a course in personal ethics."

Dr. Steinbergh stated that, as the Board has reviewed personal ethics courses in the past, the physician is sometimes then faced with having someone develop a course, which then addresses exactly the issue of which Dr. Kalia has been accused and convicted. Professional ethics would also be acceptable to her.

Dr. Egner stated that all medical professional ethics courses would include personal ethics and sexual boundary issues.

DR. STEINBERGH ASKED TO INCLUDE IN HER MOTION AN AMENDMENT TO PARAGRAPH B (4), BY CHANGING THE WORD, "PERSONAL," TO "PROFESSIONAL." DR. BUCHAN, AS SECOND, AGREED.

Dr. Somani asked Dr. Steinbergh to clarify her amendment.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO STAY THE 30-DAY SUSPENSION, AND TO IMPOSE THE PROBATIONARY TERMS, AS WRITTEN. SHE FURTHER MOVED TO CHANGE THE LANGUAGE IN PARAGRAPH B (4) TO REQUIRE A COURSE ON PROFESSIONAL ETHICS RATHER THAN PERSONAL ETHICS. DR. BUCHAN, AS SECOND AGREED.

Dr. Talmage stated that Dr. Kalia did make a statement that the Hearing Examiner tended to imply that he was held to a higher standard. Dr. Talmage stated that he, in fact, thinks that that is true. There are certain trusted people in society who are held to a higher standard because of the respect in which they are held. This type of behavior is more shocking when it involves physicians. The trust people hold in their physicians, and the intimacy with which physicians have to deal with their patients, does put them at a different standard. Dr. Talmage stated that he doesn't want to minimize that impression, because he thinks it is true. He would, however, go along with the amendment in this case.

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

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

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

The motion carried.

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

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

The motion carried.

ANTHONY W. KITCHEN, M.D.

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

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

Dr. Kitchen was accompanied by his attorney, Eric Plinke.

Dr. Kitchen thanked the Board for the opportunity to make an address. He stated that, when he was told that he would have five minutes to address the Board, he wasn't sure what he was going to say; but he realizes two things: the Board has the daunting task of protecting patients, while at the same time being fair to physicians; and all the Board knows about him is the terrible thing he did that he reported to the Board two and a half years ago. Dr. Kitchen stated that he would like to take this opportunity to let the Board know a little bit about him, so that the Board can make a good judgment and realize that he does not represent any risk or threat to patients in Ohio.

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Dr. Kitchen stated that he grew up in southeastern Ohio in a small town. He went to high school and was very serious about school. He never got into trouble, and he never really drank alcohol or did anything embarrassing or shameful. He was very close to his family, interested in a lot of sports and activities. He didn't take any drugs; he didn't even see drugs in his small town. Dr. Kitchen stated that he went to college at Ohio University and it was a different story. There were drugs and alcohol everywhere, but he managed to avoid those. It wasn't his scene. He stated that during his freshman year he used to sneak out of the dorm to prevent his roommate from laughing at him because he would rather sneak home and spend time with his family than go out and drink beer, chase girls and smoke dope and all of the stuff that college kids do. That's just how he was. Dr. Kitchen stated that he became very close to his family, and remains so.

Dr. Kitchen continued that in his last year of college his father was killed by a drunk driver. That galvanized his thoughts toward alcohol. At that time he felt a responsibility. His family was very close-knit and he felt that he had to do his duty to take care of his mother, who has a limited education and has a serious injury preventing her from working, and his sister who was still in high school. Dr. Kitchen stated that he was even more determined to get through medical school and do his residency. He did very well. He delayed his own personal gratification so that he could carry this out. He put his sister through college and took care of his mother.

Dr. Kitchen advised that, at the end of his residency, he married one of the nurses with whom he worked and they moved to West Virginia. He worked in Parkersburg for a couple years. Work was great; it was his oasis from stress, but there was plenty of stress and problems at home that kind of triggered this. Dr. Kitchen stated that he's not making excuses, he's just giving the Board some background as to why things may have happened the way that they did. Dr. Kitchen stated that his sister was in an abusive marriage and was relying heavily on him to take care of that situation. His mother was going through bankruptcy, and he felt that he had a financial responsibility to her. His wife had a miscarriage. All of this happened within about a three-month period. Heavy medical school loans put a lot of financial stress on him. His wife didn't want to help his family; she didn't feel that it was his duty. Dr. Kitchen stated that he felt differently, so that made for a lot of a conflict at home.

Dr. Kitchen stated that in this backdrop he was working a lot, and one day, at the end of a 16-hour shift, one of the nurses asked him to give an injection of Demerol, that he had ordered, to a patient. That would be the last patient of the day and the nurse was going to go home. Dr. Kitchen agreed to give the injection, and did so. Dr. Kitchen commented that this ordinarily did not occur in their department; the nurses usually gave the injections. The other nurses heard about his giving the injection, and later, when patients only needed a pain shot, they would give him the Demerol and he would give the injection to the patient.

Dr. Somani advised Dr. Kitchen that he had one more minute to speak.

Dr. Kitchen stated that, on three separate occasions, instead of giving the entire dose of Demerol to a patient, he kept 25 mg and he used it at home. This was a change in his practice pattern. One nurse became suspicious, he was confronted with this, and he admitted it.

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Dr. Kitchen commented that he is actually thankful to that nurse, whose identity he does not know, because she headed off something that could have become a major problem but wasn't. He realized that physicians function at a very high level, but live on a slippery slope. Anything bad can happen and can happen quickly, no matter how well things are going. Dr. Kitchen stated that he thinks that is something that really dawned on him and, since returning to work, he really savors and enjoys his work. As physicians, you may have a bad day, but a bad day at work is much better than a day where you're home, not treating patients. Since then he has learned as much as he can about himself through counseling sessions ordered by the West Virginia Board. He has better skills coping with stress, as well as with confrontation. He's a better husband, physician and friend to people he knows. He has learned a great deal from this. He has taken what could have been a problem and reversed it and made it an opportunity to be a better person, and he thinks he is.

Dr. Somani stated that Dr. Kitchen's time is up. He stated that the Board already has almost all of the information he has provided.

Dr. Kitchen asked that the Board stay his suspension so that he can continue his plans to move to Cambridge, Ohio, and work in Ohio. He also asked the Board to realize that he is not a bad person, but is a good person who did something out of character. He did something wrong, and he regrets it.

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

Mr. Michael stated that the State is in support of Ms. Murphy's Report and Recommendation, specifically the recommendation as to her Proposed Order. He stated that he would highlight a couple of things.

Mr. Michael stated that on three occasions, Dr. Kitchen took Demerol from patients in the emergency room. He took that drug home with him and self-injected it. His medical records for those patients, as Ms. Murphy pointed out, contained inaccurate notations of the narcotics that were actually administered to those patients. Mr. Michael noted that that is potentially a dangerous thing. Because of those facts, and the serious nature of Dr. Kitchen's actions, the State supports of Ms. Murphy's Recommendation.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANTHONY W. KITCHEN, M.D. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Steinbergh stated that, overall, she does support the Report and Recommendation, but she does have some comments and suggestions. As Mr. Michael said, not only did Dr. Kitchen divert medication from his patients, he also altered medical records. Dr. Kitchen recognizes that what he did was wrong, but the Report and Recommendation indicates that Dr. Kitchen doesn't believe that he has placed any patient in danger by his actions. Dr. Steinbergh stated that, any time physicians take the actions Dr. Kitchen took, they place patients at risk. There's no question in the Board's mind that that occurs. Physicians take an

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oath to do no harm to patients, but that is, in fact, what Dr. Kitchen did.

Dr. Steinbergh added, however, that she thought that Dr. Kitchen's response was very appropriate. Dr. Kitchen recognizes that what he did was wrong. Fortunately, Dr. Kitchen was caught quickly and did not continue to go on to what could have become a major impairment case. Dr. Kitchen's objections to the Report and Recommendation were also appropriate. Dr. Steinbergh stated that she would like to correct the record concerning page 10, paragraph 16, of the Report and Recommendation, that says, "(n)evertheless, Dr. Kitchen testified that, since April 2000, he has been practicing at Southeastern Regional Medical Center in Cambridge, Ohio." Dr. Steinbergh stated that the record should reflect that it was in April 2002.

Dr. Steinbergh stated that she thinks that Dr. Kitchen does recognize the seriousness of his actions, and he does need a suspension. Dr. Steinbergh suggested staying a portion of the suspension. Her initial thought was to stay all but 30 days.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER AS FOLLOWS: SUSPEND DR. KITCHEN'S LICENSE TO PRACTICE MEDICINE AND SURGERY FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN 180 DAYS; STAY ALL BUT 30 DAYS OF THE SUSPENSION; ADD A PARAGRAPH ABOVE PARAGRAPH 7 REQUIRING DR. KITCHEN TO SUCCESSFULLY TAKE A COURSE IN PROFESSIONAL ETHICS DURING THE FIRST YEAR OF HIS PROBATION; NUMBER FOLLOWING PARAGRAPHS ACCORDINGLY.

Dr. Steinbergh stated that she hopes that this was an enormous lesson to Dr. Kitchen. She believes that the nurse who reported Dr. Kitchen did him a huge favor, preventing what may have later been a significant case. If Dr. Kitchen moves in that direction again, the Board will know.

Dr. Egner stated that she believes it is always good for physicians to come to address the Board. She stated that she has a better idea of Dr. Kitchen than she had from just reading the hearing record. She noted that Dr. Kitchen does not consider himself an impaired physician, and she would assume by the Proposed Order that the Board does not either because it is not asking him to attend any kind of meetings or ongoing aftercare. Dr. Egner stated that she doesn't know whether Dr. Kitchen is impaired or not. She knows that physicians, like anyone else in society, perhaps more often, are faced with some very stressful times. There aren't very many of them who respond to that by injecting themselves with Demerol, not just once but three times. Dr. Egner stated that she has great concerns as to whether Dr. Kitchen is impaired. She stated that the Board will find out, because if Dr. Kitchen is impaired and doesn't go through a good recovery process, he'll fail, and the Board will know that. She added that she hopes that he doesn't, but she is concerned that the Proposed Order doesn't address all of the issues. She noted that Dr. Kitchen will be required to submit drug logs and urine screens, and she believes that those things should be very strictly kept.

Dr. Egner continued that, as far as his suspension time, she doesn't have strong feelings about reducing his suspension time. He'll be on probation for three years, and she believes that the Board will know in those three years whether or not Dr. Kitchen is having problems.

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Dr. Buchan stated that his review of this was positive for Dr. Kitchen. Dr. Buchan stated that he does believe that Dr. Kitchen is amenable to an Order that would allow him to continue to practice. There were several mitigating issues that struck him, and Dr. Kitchen reinforced those today by his presence. Dr. Buchan indicated that it was commendable that Dr. Kitchen self-reported to both the Ohio and West Virginia Boards. Dr. Buchan stated that he believes Dr. Kitchen appears to be sincere and remorseful and willing to take the necessary steps. He's been under a contract with the West Virginia Board for two and a half years. He's been monitored, and that's been a successful experience for him. Dr. Buchan stated that he didn't feel that a suspension is necessary, and he would be in favor of staying all or a portion of the proposed 180-day suspension. Dr. Buchan stated that he thinks Dr. Kitchen gets the point. This is a situation where the Board can act favorably and rehabilitate a fellow who may have fallen down a slippery slope. Dr. Buchan stated that he believes Dr. Kitchen can get back on track, and the Board can be a participant in his doing so.

DR. TALMAGE SECONDED DR. STEINBERGH'S MOTION.

Dr. Talmage stated that, in the past couple of months, the Board has talked about compromised patient care due to drug use. In this case, that is true, but to a much more minor degree. In those cases, the drugs were used during patient care, while patients were being seen or cared for. In this case, the drug was taken home and injected, after he was no longer responsible for patients. While the patients did not get their full amount of medication, and that is reprehensible, it is a lesser degree of compromise. Dr. Talmage stated that he would be in favor of a shorter suspension or staying part of the suspension in order to allow Dr. Kitchen to continue to practice. The probation will tell the Board whether or not Dr. Kitchen is fit to continue.

Dr. Bhati stated that the issue is whether Dr. Kitchen is going to take the opportunity given to him by having been caught early in the process to be a normal person the rest of his life. The Board has information from Dr. Pepper and Dr. Goldberg concluding that Dr. Kitchen is not chemically dependent. As far as a suspension for 180 days, Dr. Bhati stated that he believes that the Board already has Dr. Kitchen's attention. He would be more inclined to stay the entire 180 days.

Dr. Steinbergh stated that she added a medical ethics course for Dr. Kitchen because the ethical decision he made to divert medication and falsify records is a huge concern to this Board. She does believe that a short suspension is necessary.

Mr. Dilling asked what Dr. Steinbergh is trying to accomplish by a "stayed" suspension, rather than just changing the suspension period to 30 days.

DR. STEINBERGH STATED THAT SHE WOULD BE WILLING TO CHANGE THE LANGUAGE TO ORDER A MINIMUM 30-DAY SUSPENSION. DR. TALMAGE, AS SECOND AGREED.

Dr. Buchan stated that he would go along with that, but his first choice would be for an indefinite

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suspension, and stay that indefinite suspension and move forward with the probationary terms.

Dr. Steinbergh stated that she believes Dr. Buchan's reasoning, which she would support, is the fact that the Board recognizes this as a significant offense, but also recognizes some mitigating circumstances evidenced by Dr. Kitchen's appearance and by the record that he self-reported. Dr. Kitchen did the appropriate things after the incident.

Ms. Schmidt asked for clarification of the motion.

Dr. Steinbergh stated that the motion was for a suspension for an indefinite period of time, but not less than 30 days.

Dr. Egner suggested that if Dr. Steinbergh wants to suspend Dr. Kitchen's license for 30 days, she should just move to change the suspension period to 30 days.

DR. STEINBERGH RESTATED HER MOTION TO CHANGE THE SUSPENSION PERIOD TO 30 DAYS, AND TO ADD A PROFESSIONAL ETHICS COURSE TO THE PROBATIONARY PERIOD. DR. TALMAGE AGREED.

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

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

The motion failed.

DR. BHATI MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF ANTHONY W. KITCHEN, M.D., TO IMPOSE AN INDEFINITE SUSPENSION, TO STAY THE INDEFINITE SUSPENSION, TO ADD A PROFESSIONAL ETHICS COURSE AS PARAGRAPH 7, AND RENUMBER THE OTHER PARAGRAPHS.

Mr. Dilling referred to paragraph B of the Proposed Order, which lists conditions for reinstatement. He stated that that would be unnecessary if the Board is staying the suspension. He suggested deleting paragraph B. He stated that if Dr. Kitchen violates the Board's Order, the Board will have to hold another

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hearing to find that he did violate the Order. At that point, the Board will need to give conditions for reinstatement. That's why he suggested deleting Paragraph B.

Mr. Albert left the meeting during the preceding discussion.

DR. BHATI AGREED TO ADD THE DELETION OF PARAGRAPH B TO HIS MOTION. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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

The motion carried.

KENNETH N. MICHAELIS, L.M.T.

Dr. Somani directed the Board's attention to the matter of Kenneth N. Michaelis, L.M.T. He advised that

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objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Mr. Michaelis was accompanied by his attorney, Elizabeth Y. Collis.

Ms. Collis advised that she knows that the Board members have reviewed the objections she submitted. She and Mr. Michaelis do support the Report and Recommendation.

Mr. Michaelis thanked the Board for allowing him to address it before making its final determination on his case. He has been licensed in Ohio since 1985. He has not worked as a massage therapist for about twelve to 13 years. He would like to retain his license so that he may start to practice massage again some time in the future, should he choose to do so.

Mr. Michaelis stated that, as the Board well knows from reading the transcript of his hearing, he has run the family business for the past 22 years or so. The current name of the business is "Holistic Alternatives, Inc." Through this business he sells dietary supplements to both individuals and professionals. This is strictly a mail order business, where orders are taken over the telephone or the website. They have never had a store-front or walk-in store like GNC or Wal-Mart. In general, the only contact he has with customers is through the mail, by telephone, or through e-mail. His family has been in this business since 1972, and he's worked part-time in the business since its inception when he was about 13 years old.

Mr. Michaelis continued that in 1977, after high school, he became more involved in the business. In 1980 he took over the day-to-day management of the business. From 1972 until the year 2000 the family business sold Laetrile and other dietary supplements to customers. In 1977, when his father ran the business, he was raided by the Food and Drug Administration (FDA). No criminal charges were filed against him, but he did initiate and win a legal battle with the FDA. The federal judge ruled that Laetrile is legal to possess and ordered the FDA to return the seized Laetrile because it was seized illegally. In 1989, while he was managing the business, they were again raided by the FDA and Laetrile was confiscated. No criminal charges were filed, nor were he or his company provided with any information from the Government that it was illegal to either possess or sell Laetrile. They received no "cease and desist" letter from the Government or any communication from the Government whatsoever, and they continued to sell Laetrile openly. Due to financial considerations, no suit was issued to force the FDA to return the seized merchandise in 1989, and no forfeiture papers were filed by the Government, as required by law, to allow them to retain any materials seized. However, the Laetrile and other records were never returned.

Mr. Michaelis continued that, following the raid in 1989, they did begin to store the Laetrile off premises and stored, out of sight, the small amount they kept in their business location. In 1993 the business was again raided by the FDA, but, again, no charges were filed, nor was he or the company warned by the Government not to sell Laetrile. Cease and desist letters were issued by the FDA, and once again, all seized items were retained by the Government, even though no forfeiture papers were filed or procedures

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followed. Based on advice from legal counsel, the company continued to do business as usual and continued to sell Laetrile to customers openly.

Mr. Michaelis stated that he has never advised customers how to use Laetrile, or advised customers that Laetrile is a cure for cancer or anything else. He's also never used his credentials as a massage therapist on any literature, stationery or documentation connected with the family business, because he did not want customers to assume that because he was licensed by the State Medical Board or had some title after his name that he was qualified to advise them on the use of Laetrile or anything else. He never held himself out to customers as anything other than a salesman of dietary supplements, including Laetrile. When he signs his name to any letters written either personally or as manager of the business, he never uses the title, L.M.T., or any other title. He never advises customers that Laetrile is a cure for cancer or anything else, since he firmly believes that it is not a cure for cancer. He does believe that, in conjunction with a healthy diet and lifestyle changes, Laetrile can aid in helping to build the immune system, which he believes can help one's overall well-being. Customers who contacted him in the business to purchase Laetrile were referred to him by a treating physician with whom they had already consulted regarding the use of nutrition and Laetrile. If he was contacted by someone who did not have a physician but wanted to purchase Laetrile, he would refer them to a physician who had experience with nutrition and the use of Laetrile.

Dr. Somani advised Mr. Michaelis that he had one more minute. He added that the Board has much of the information he is providing now.

Mr. Michaelis stated that at no time did he ever provide direction for the dosage of Laetrile to individuals seeking personal health advice. In January 1998, Holistic Alternatives, Inc. was again raided by the FDA. After consultation with legal counsel, he continued to do business as usual; however, this time, in August 2000, he was charged with a felony count of introduction of an unapproved drug, specifically Laetrile, in interstate commerce. Although he was never criminally charged in the past and was running the business in the same manner that he had been for 20 years, this time, without having been issued a cease and desist letter, he was charged with a felony. He entered into a plea agreement that specified one year probation; however, instead he was sentenced to serve six months in a halfway house and is currently serving the last three weeks of six months on home confinement, which permits him to go to work every day but requires him to return home by 6:45 p.m. He was also sentenced to a one year probation, which ran concurrent with six months of home confinement.

Mr. Michaelis stated that it is not illegal to purchase or possess Laetrile in the United States. In the past, others have imported and shipped Laetrile to his business, even following the raid in 1998. In accordance with advice from legal counsel, he personally arranged to have Laetrile imported into the United States. Laetrile was imported into the United States through licensed brokers in Arizona. The Laetrile was imported as a dietary supplement and was cleared by both U.S. Customs and the U.S. Food and Drug Administration. Following the indictment in August 2000, he stopped selling Laetrile. Since Laetrile was a large percentage of his business and since the remaining customers cannot be adequately serviced due to his six months absence in a halfway house from December 24, 2001 to June 21, 2002, the business has suffered financially. Mr. Michaelis stated that he would like to retain his license to practice as a massage therapist in case he chooses to take some refresher courses and supplement his income in the future by

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doing massage. He's supportive of the Hearing Examiner's recommendation or for any shorter suspension period for his license. He would like to be able to retain his license to practice as a massage therapist.

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

Mr. Michael advised that Mr. Michaelis pled guilty to a felony count of introduction of an unapproved drug into interstate commerce. This is a felony under the federal code. While Mr. Michaelis seems to state that it was legal to possess Laetrile, he admitted that he had been hiding it to keep the Government from finding it, as they would come and raid his business. In fact he had hidden it offsite. He also had hidden it in his house, as noted in the Report and Recommendation. Mr. Michael stated that, to clarify that point, it was hidden inside a furnace that Mr. Michaelis had in his basement. He clearly knew that there was something wrong with his business of distributing Laetrile throughout the United States, and he admitted that his company was a major player in the United States, one of two that he named, as far as the distribution of Laetrile. Mr. Michael stated that it is also quite clear that Mr. Michaelis was well familiar as to what people were using Laetrile for in the treatment of cancers, as opposed to simply a dietary supplement. Mr. Michael stated that the State supports Ms. Murphy's Report and Recommendation.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KENNETH N. MICHAELIS, L.M.T. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Agresta stated that he would support the Proposed Order. He believes it is fair, considering the circumstances and information the Board has.

Dr. Steinbergh also supported the Report and Recommendation, but added that she would like to require Mr. Michaelis to pass the entire massage therapy examination, as Mr. Michaelis has been out of practice for ten years.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO REQUIRE MR. MICHAELIS TO PASS BOTH THE BASIC SCIENCES AND LIMITED BRANCH PORTIONS OF THE BOARD'S MASSAGE THERAPY EXAMINATION AS A CONDITION FOR REINSTATEMENT OF HIS LICENSE. DR. BHATI SECONDED THE MOTION.

Dr. Steinbergh stated that the Proposed Order does allow the Board to require Mr. Michaelis to present additional evidence of his fitness to resume practice. She would require him to pass the massage therapy examination, as it is given at this time by the Medical Board, accompanied by appropriate fees for taking the examination.

Dr. Buchan stated that he believes that Mr. Michaelis understands, once and for all, what this is all about. The suspension is appropriate, and Dr. Steinbergh appropriately amended the Order.

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

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

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF KENNETH N. MICHAELIS, L.M.T. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHAEL CARMEN STASCHAK, M.D.

Dr. Somani directed the Board's attention to the matter of Michael Carmen Staschak, M.D. He advised that in his absence, Mr. Browning approved Dr. Staschak's motion for an extension of time to December 4 to file objections. Objections were faxed to the Board's office on December 5, and were distributed to Board members. On December 6, the Board received, via fax, a "Motion For Leave To File His Objections To The Report And Recommendation Beyond The December 4, 2002 Deadline." The Assistant Attorney General has indicated that he has no objections to the late filing. The objections were previously distributed to Board members. Dr. Somani asked whether the Board wished to grant the motion to extend

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the filing deadline by one day.

DR. BHATI MOVED TO APPROVE DR. STASCHAK'S MOTION FOR LEAVE TO FILE HIS OBJECTIONS TO THE REPORT AND RECOMMENDATION BEYOND THE DECEMBER 4, 2002 DEADLINE. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

Dr. Staschak was accompanied by his attorney, James M. McGovern.

Mr. McGovern thanked the Board for accepting the late filing of the objections to the Report and Recommendation. He advised that most of his points are set forth therein, therefore he will leave most of their time to Dr. Staschak so that he can state his position.

Dr. Staschak thanked the Board for the opportunity to address it. This regards his application for an Ohio license. Dr. Staschak stated that, not meaning to gloss over the difficulties he had in Pennsylvania, he would like to briefly touch on two aspects of them. These occurred in 1995, 1996 and 1997.

Dr. Staschak stated that his Pennsylvania license was suspended for 30 days for distributing medication to his wife. At that time she was undergoing radiation therapy for malignant melanoma. The medication he was distributing to her, Buprenex, was for relief of pain. At that time he thought he was doing the right thing. He knows now, and he knew after they started with the Pennsylvania Board, that his professional judgment was clouded by his love for his wife. Dr. Staschak stated that he can accept the difficulties that he imposed upon himself by the inappropriate prescribing of the medication, and he has corrected that. He has taken the 30-day suspension in 1997 from Pennsylvania. He paid a substantial civil penalty, and he took a course in prescribing proper narcotics prescription from one of the national experts on narcotics prescription in New Jersey.

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Dr. Staschak stated that the second difficulty that arose resulted in a reprimand, and a \$1,000 civil penalty and that was in preparation for the administrative hearing in the first case. His attorney asked him to collect medical records from his wife. Dr. Staschak stated that his wife collected these medical records. This occurred over a three-month period of time, where his wife faxed and wrote letters to different institutions and the records were received by mail. Dr. Staschak stated that he gathered these records, including among them an expert report from one of the treating ophthalmologists, whom he understood to be treating his wife. He submitted them to his attorney, along with 35 to 40 total records that were shipped out to his attorney. His attorney reviewed the records, and there were some questions as to the language of some reports and the English and spellings. It was something his attorney was going to look into.

Dr. Staschak advised that he practiced law in Pennsylvania. He has a masters in administrative law, and he practiced healthcare law. So, anytime any records were entered into the court system, these needed to be verified by the attorney as being actual, factual and true. His understanding, too, that for any expert reports that they would be bringing into the case, the experts would be subject to cross-examination by the State and would be required to make in-person testimony to the State Hearing Officer. Dr. Staschak stated that it was his understanding that his attorney would verify these records, and once they were verified and cleaned up, he would submit them to the Board. The attorney did not verify the records. He submitted them to the Board, and Dr. Staschak was charged with submitting fraudulent records. Dr. Staschak stated that, upon learning that 2 out of 40 records were fraudulent, they immediately withdrew them, before any hearing occurred. For this he was reprimanded.

Dr. Staschak stated that he can accept the ultimate responsibility, but he relied upon another professional. As an attorney and a physician, he could be before the Board, practicing law. He could have represented himself before the State of Pennsylvania, but he believes in the old adage that if you treat or represent yourself, you have an idiot for a professional and a stupid fool for the client. That's why he's here with Mr. McGovern to guide him.

Dr. Somani asked Dr. Staschak to wind up his presentation.

Dr. Staschak stated that he believes he's a person of the utmost professionalism. He tries to practice professionally in both medicine and law. The State of Pennsylvania has reinstated his license after 30-day suspension in 1997, and found him to have good moral character. The Supreme Court has a full legal license, and he has a good moral character in their definition. Dr. Staschak stated that he hopes that these attributes of his practice and beliefs would be sufficient to let the Board grant him an Ohio license.

Mr. McGovern stated that Dr. Staschak has demonstrated satisfactory, present proof of good moral character. Unlike other applicants to this Board, Dr. Staschak did not try to conceal anything from this Board. He was completely forthright in disclosing what happened in Pennsylvania as part of his Ohio application, and he has come to the Board and offered testimony that is completely consistent with the Findings and Facts and Conclusions of Law in the Pennsylvania Board matter. By his present actions, he has demonstrated to the Ohio Board that he is a physician of good moral character and has put his mistakes of the past behind him. Dr. Staschak is ready for licensure in this state.

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

Mr. Wilcox stated that he supports the Hearing Examiner's Report and Recommendation in this matter. He believes that the facts demonstrate that Dr. Staschak lacks the moral character to be licensed as a physician in the State of Ohio. The fraudulent expert reports submitted to the Pennsylvania Board were so ridiculous that he believes that anyone doing a cursory review of those documents would have easily come to the conclusion that they were fraudulent. Additionally, Dr. Staschak is not only a licensed physician in the State of Pennsylvania, but as the Board heard earlier, he is also a licensed attorney. Mr. Wilcox stated that Dr. Staschak's blaming his attorney rings even more hollow, given the fact that he is an attorney.

Dr. Staschak should have reviewed any documents that were going to be presented, or could potentially be presented in a hearing against him. Dr. Staschak stated at hearing that he had no reason to believe that the reports were fraudulent. Mr. Wilcox stated that he doesn't think that that is credible. As such, he believes that the recommendation of permanent denial is appropriate in this matter.

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

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

Dr. Steinbergh spoke in support of the Proposed Order of permanent denial of Dr. Staschak's application. She does find it to be incredulous that a physician and someone with a law degree would submit the type of records that Dr. Staschak submitted. Dr. Staschak was prescribing for his wife, and the question is why wasn't her treating physician prescribing for her. Why was Dr. Staschak doing the prescribing?

Dr. Steinbergh stated that the Pennsylvania Board had reason to take action on Dr. Staschak's license. Even his explanation as to why he would like to have an Ohio license is somewhat suspect. Dr. Staschak indicated that he loves the practice of emergency medicine and would like to work in Ohio. He says that his wife has always dreamed of attending veterinary school and is hoping to apply at Ohio State's school of veterinary medicine. Dr. Steinbergh stated that this is a woman who has been extremely ill, according to Dr. Staschak. She couldn't testify because it would put her into a major depression, and he feared for her life. This is not someone who is going to apply to veterinary school.

Dr. Steinbergh stated that none of this makes sense to her. She believes that the Pennsylvania Board was reasonable in its discipline of him, and she doesn't find that she can approve him for licensure in this state.

Dr. Bhati stated that this gentleman is not only a medical doctor, but he is a licensed attorney, and he has a masters degree in health administration law. Dr. Bhati stated that it is beyond him how Dr. Staschak could not know how the papers were prepared and how they were released. Dr. Bhati stated that he is afraid that he has to agree with the Proposed Order on this case.

Dr. Egner agreed with Dr. Steinbergh's and Dr. Bhati's statements. She has one additional point, and that is in regards to the objections filed in this case. They indicated that the Board does not have or know the definition of "good moral character." Dr. Egner stated that she takes objection to that statement. She

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thinks that Dr. Staschak prescribed narcotics to his wife, there is no record, he has committed fraud, and she believes that the Board knows that that doesn't come under good moral character.

Dr. Steinbergh stated that this Board takes disciplinary action against physicians for the same things, and she sees no reason to license a physician who has already had this type of disciplinary action. It is one thing to deal with an already previously licensed physician; it's another thing to license a physician under these circumstances. She stated that she does not find it appropriate to do so.

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

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

The motion carried.

GARY R. ROCHON, M.D.

Dr. Somani directed the Board's attention to the matter of Gary R. Rochon, M.D. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Mr. Dilling advised that Dr. Rochon is present and has indicated that he wishes to address the Board. He has not filed a motion to address the Board; however, the Board may vote to allow him permission to speak.

**DR. BHATI MOVED TO GRANT DR. ROCHON PERMISSION TO ADDRESS THE BOARD.
MR. BROWNING SECONDED THE MOTION.** A vote was taken:

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

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

The motion carried.

Dr. Rochon thanked the Board for the opportunity to address it. He at this time introduced Joseph D. Varley, M.D., program director for the NEOUCOM psychiatric residency program.

Mr. Wilcox objected to Dr. Varley's addressing the Board.

Dr. Rochon stated that Dr. Varley is only present to answer any questions Board members may have.

Dr. Rochon stated that he is here to request a license to continue his residency training. In 1995, as a second year resident, he had two personal relationships with patients he was treating. Dr. Rochon acknowledged that this was a terrible thing for him to do, and he stated that he is extremely sorry for the harm he caused, not just to his patients, but to everyone involved – his family, the residency program and medicine in general. Dr. Rochon stated that he started psychotherapy with Dr. Olson soon after that. It was extremely difficult at first; he had a lot of defenses. He was selfish, egocentric, but he had lost everything. He lost his wife and kids, his wife filed for divorce, and he was at a low point in his life. It was only because of that that there was the ability for him to engage in some significant personal change in psychotherapy. He worked with Dr. Olson for about five years. After that he worked with Dr. Geneva, and he is currently working with Dr. Wasserman.

Dr. Rochon stated that he has undergone significant psychological testing with Dr. Siegel in Maine, and, most recently with Dr. Levine, here in Ohio. All of these professionals have indicated that they believe, in their professional opinion, that he is at less risk now for committing any kind of boundary violation than any resident currently in training.

Dr. Rochon stated that, looking back on what he did eight years ago, he still sometimes finds it difficult to believe that he committed such egregious behavior. It was against the oath he took when he graduated from medical school, and against the vow he made to his wife when they married. It was, up until that time, out of character. Dr. Rochon stated that he appreciates Dr. Olson's ability and desire to work with him. Dr. Olson referred him to the Physicians' Rehabilitation Program through the Wisconsin State Medical Society. It was there that Dr. Rochon became associated with the Caduceus group. It was a godsend to be able to embrace the spiritual guidelines that the Caduceus people profess.

Dr. Rochon stated that he respectfully requests that the Board give him a second chance to continue with his residency training. Dr. Rochon stated that he's not that altruistic, but he feels that he owes something back to medicine.

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

Mr. Wilcox agreed with the Hearing Examiner's proposal for the Board to deny Dr. Rochon's application for licensure in Ohio; however, he does not agree with the proposal to allow Dr. Rochon a training certificate. Given Dr. Rochon's past behavior with patients, whom he believes to be some of the most vulnerable members of society, those with psychological and mental issues, the risk to the public would be substantial and is not outweighed by Dr. Rochon's progress, since these incidents occurred in 1995 in the State of Wisconsin.

Mr. Wilcox stated that Dr. Rochon was very forthright at hearing, and he does have the support of his current program director, but Mr. Wilcox added that he still does not believe that the Board should allow Dr. Rochon to practice in Ohio under any circumstances, given his past behavior.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GARY R. ROCHON, M.D. DR. AGRESTA SECONDED THE MOTION.

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

Dr. Steinbergh stated that this is a case of great egregiousness, involving incidents for which this Board, in general, permanently revokes licenses. She understands that Dr. Rochon has come to terms with things, but she doesn't find that it would be appropriate to grant him a full license or a training certificate. She added that it would be inappropriate to allow Dr. Rochon to train in Ohio and not to grant him a license. She added that Dr. Rochon would be taking care of patients during his training period.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF GARY R. ROCHON, M.D., TO PERMANENTLY DENY BOTH A TRAINING CERTIFICATE AND A FULL LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. BHATI SECONDED THE MOTION.

Dr. Egner agreed with Dr. Steinbergh. Dr. Egner stated that if the Board feels that a permanent license to this physician would be inappropriate, then a training certificate would also be inappropriate. She added that these types of cases are always difficult; the Board takes into consideration the fact that this happened early in Dr. Rochon's career. He was a second-year resident. On the other hand, a lot of those times people are immature in age. Dr. Rochon was not immature in age, but he was perhaps immature in thought and judgment. Dr. Egner expressed concern about this case, especially in relationship to Dr. Rochon's specialty. A psychiatrist has such a unique relationship with his or her patient. Every psychiatry residency deals with these issues, more so than other specialty training programs. Their residents know that to overstep those bounds is totally immoral, unethical, and harmful to their patients. Was Dr. Rochon responsible for that patient becoming suicidal? Dr. Egner stated that she doesn't know, but the situation surely didn't help the patient. Dr. Egner stated that there are certain things that cross a line, and this is it.

Dr. Bhati stated that one of the Board's responsibilities is to protect the public of the State of Ohio. Dr.

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Rochon has also demonstrated and admitted that he had a sexual relationship with both patients 1 and 2. What makes him think this won't happen again? Dr. Bhati stated that there is no way that he would be willing to take a chance on Dr. Rochon, whether in a residency program or with a full license. Dr. Bhati spoke in support of Dr. Steinbergh's amendment.

Dr. Buchan stated that he came to the meeting today accepting the Proposed Order with some modification. After hearing his colleagues, he agrees with the proposed amendment.

Dr. Bhati stated that the Board always has had zero tolerance in sexual abuse cases. This situation, where the physician admits to relationships with two patients, is totally unacceptable. The Board must maintain zero tolerance in sexual abuse cases.

Dr. Somani stated that an additional point is that the psychiatric report says this is "less likely" to happen in the future. Dr. Somani stated that the Board doesn't want an even "less likely" situation to be present in this profession.

Dr. Agresta stated that he agrees with the other Board members. If the case came to him and Dr. Rochon wasn't in training, he would permanently deny him a license.

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

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

The motion carried.

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

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

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

The motion carried.

JOSEPH ROBERT MANNINO, JR., D.O.

Dr. Somani directed the Board's attention to the matter of Joseph Robert Mannino, Jr., D.O. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOSEPH ROBERT MANNINO, JR., D.O. DR. BUCHAN SECONDED THE MOTION.

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

Dr. Steinbergh stated that this is a bootstrap case from Florida, and a minimal standards case. She finds the Report and Recommendation for reprimand to be appropriate. Dr. Mannino was found to have inadequate recordkeeping. Also, in reviewing the case, it concerned her significantly that Dr. Mannino went on and on to see a 49 year old male who presented with fatigue and anemia, and he didn't do a basic evaluation. He didn't do a timely and thorough evaluation. There was inappropriate care here. In Dr. Mannino's objections he stated that the patient never presented for a physical, although he told the patient he needed a physical. Dr. Steinbergh stated that there comes a point when you just simply do it. You don't keep asking the patient to come back; you tell the patient that there's a medical problem and you're going to diagnose it. It doesn't take long.

Dr. Buchan stated that he believes the Proposed Order is appropriate.

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

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

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

The motion carried.

ADMINISTRATIVE REPORT

Mr. Dilling asked to make part of his report at this time to allow staff who are present to leave at their usual times.

Mr. Dilling announced that Bobbi Artrip, a records assistant, retires at the end of December of this year. Ms. Artrip joined the Board staff in September 1973 and has worked in the C.M.E., Records and Renewal section throughout her career with the agency. Mr. Dilling wished Ms. Artrip a happy and healthy retirement. He added that Ms. Artrip does not like to be recognized in public, so he asked Board members to stop by the Records section to say goodbye to her. He noted that Ms. Artrip is devoted and does her work well, and the Board appreciates her efforts.

Mr. Dilling introduced Investigators Bob Gibbs and Jerry Anson, both of whom will retire on January 10, 2003. He stated that Mr. Gibbs worked at the Highway Patrol from 1957 until 1985, when he joined the Board's investigative staff. Mr. Anson also worked at the Highway Patrol from 1962 until his retirement in 1989, when he began his second career as a Board investigator. Mr. Dilling stated that he would like to commend their dedication and service to the citizens of Ohio in all that they've done, and wish them well in their years ahead.

At this time Mr. Dilling presented a "five-year pin" to Angie Fields, Public Inquiries Assistant, celebrating her five years of state service. Mr. Dilling stated that Ms. Fields has really grown in her job. One of her areas of expertise is tracking down medical records for patients. She also deals with all of the complaints and calls that come in. Mr. Dilling commented that Public Inquiries is a tough job. The staff there are very busy.

FINDINGS, ORDERS AND JOURNAL ENTRIES

ROY MERLE HUTCHINSON, M.D.

By letter of September 11, 2002, the Board notified Dr. Hutchinson that it proposed to deny his application for a certificate to practice medicine and surgery based on Dr. Hutchinson's alleged failure to provide complete and accurate information on his licensure application pertaining to investigations, complaints and allegations involving Iowa's Medical Board; and his alleged failure to cooperate with an Ohio Medical Board investigation. Said notice was mailed via certified mail, return receipt requested, to Dr. Hutchinson's address of record. On October 16, 2002, a second mailing of the notice was sent. A signed certified mail receipt was returned to the Medical Board from that second mailing, documenting

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proper service of the notice; however, no hearing request has been received from Dr. Hutchinson and more than 30 days have elapsed since the mailing of that notice. The matter was presented to the Board for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF DENIAL OF DR. HUTCHINSON'S LICENSURE APPLICATION, EFFECTIVE IMMEDIATELY. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

AMR HAMID EL-MAHDY, M.D.

By letter dated September 3, 2002, the Board notified Dr. El-Mahdy of its determination that it had reason to believe that he was in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered him to undergo a psychiatric evaluation on October 5, 2002. Dr. El-Mahdy failed to appear for his scheduled examination. At no time did he inform the Board that his failure to appear was due to circumstances beyond his control. The matter was presented to the Board at this time for final disposition.

DR. STEINBERGH MOVED TO APPROVE THE PROPOSED FINDINGS, ORDER AND JOURNAL ENTRY, EFFECTIVE IMMEDIATELY, IN THE MATTER OF AMR HAMID EL-MAHDY, M.D. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg - abstain
Dr. Steinbergh - aye

The motion carried.

A copy of the Findings, Order and Journal Entry shall be maintained in the exhibits section of this journal.

CITATIONS, LETTERS OF PROPOSED DENIAL AND ORDERS OF SUMMARY SUSPENSION

VENU G. MENON, 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. MENON. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

Vote:

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

The motion carried.

ABDULHASSIB RASLAN, M.D. - CITATION LETTER

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

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

Vote:

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

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

The motion carried.

RATIFICATION OF CONSENT AGREEMENTS

TRACY TILLER, M.D.

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

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

The motion carried.

JOANNE POJE, M.D.

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

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

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

The motion carried.

JAMES L. REINGLASS, M.D.

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

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

The motion carried.

FLORENTINO HUMBERTO TOLEDO, M.D.

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

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

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The motion carried.

DANIEL HOWARD BRUMFIELD, M.D.

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

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

The motion carried.

VIKAS KUMAR JAIN, M.D.

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

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

The motion carried.

CHRISTIAN T. FELTER, M.D.

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH

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

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

The motion carried.

GLENN ALLAN IBEN, M.D.

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

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

The motion carried.

ALLAN WILLIAM CLARK, M.D.

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

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

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

The motion carried.

JOSEPH T. CALIGARIS, M.D.

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

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

The motion carried.

PERSONAL APPEARANCES

RUSSELL B. ALLISON, M.D.

Dr. Allison appeared before the Board pursuant to his request for release from the terms of the Board's Order of December 3, 1997.

In response to Mr. Browning's questions, Dr. Allison stated that he is doing fine. He is in Russellville, Arkansas, practicing orthopedics. He has an exceedingly busy practice. His family is doing well, and is adjusted to the move from Pittsburgh, Pennsylvania, where he was doing his residency. He's been in Arkansas for about four years, and they have a partner coming in in about six months. Things are going smoothly.

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Dr. Buchan asked Dr. Allison how he is going to manage his life so that a trigger doesn't create a similar pattern.

Dr. Allison stated that he's still in a compliance agreement with Arkansas. He signed a five-year agreement in 1998, so he has another year left on that agreement. Nothing will really change once he is released from probation. He was in a compliance agreement before he came into probation and is still in one now that he's leaving. He will probably re-sign with Arkansas because it's now his lifestyle and his friends are all involved in programs. His life pretty much revolves around it at this point.

Dr. Buchan asked whether Dr. Allison feels he can be of service to other people down the road on the issue of impairment.

Dr. Allison stated that he certainly hopes so. He added that he's been involved with several people as they came into the program. He's seen a lot of guys go in and out while he's been involved.

Dr. Buchan stated that he hopes that Dr. Allison continues to be a model.

In response to Dr. Egner's questions, Dr. Allison stated that he has had no relapses since 1995. He last relapsed in 1995 after ten years of sobriety. He has been with the program a long time. He just moved to a strange town and got involved with the wrong group and allowed himself to get out of control again. Hopefully his life is much more stable and he won't get involved in those areas again.

Dr. Davidson asked Dr. Allison about the role of stress and overwork in relapse susceptibility.

Dr. Allison stated that in his case, his was much more dependent upon completion of success than completion of stress. It's at the end of stressful periods that he's most dangerous. So not building up so much stress so that you need a break would be a key issue.

Dr. Buchan asked Dr. Allison how he feels about alcohol.

Dr. Allison stated that he's never been a big drinker. After this happened he didn't drink any longer and it didn't seem to be a big issue for him. Fortunately, he didn't drink a lot before this time, so it didn't play a major role.

DR. BUCHAN MOVED TO RELEASE DR. ALLISON FROM THE TERMS OF THE BOARD'S ORDER OF DECEMBER 3, 1997. 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
	Mr. Browning	- aye

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

The motion carried.

MARTIN W. BRUEGGEMANN, M.D.

Dr. Brueggemann appeared before the Board pursuant to his request for release from the terms of the Board's Order of January 13, 1999.

In response to Dr. Agresta's questions, Dr. Brueggemann stated that he is in practice in Cincinnati, doing internal medicine and pulmonary disease. Dr. Brueggemann advised that it is very unlikely that he will get himself into the same situation again. He has learned a lot from this experience.

Dr. Bhati stated that he wants to hear that it will never happen again. He added that he doesn't like the word, "unlikely."

Mr. Browning asked Dr. Brueggemann what he got out of this experience.

Dr. Brueggemann stated that it's pretty horrible. It's been an educational experience. He tried to make the best out of the worst circumstances. He tries to look for the good things.

In response to Dr. Garg's questions, Dr. Brueggemann stated that he completed an ethics course in Cleveland. It made him aware of the scope of the problem. He added that you deal with things like this all of the time, and he wasn't aware of the problem. Dr. Brueggemann stated that it was a useful course that made him aware of how one slips into a situation such as that, and makes you better aware of how to avoid the situation.

Dr. Garg stated that he asked the question because he hopes that the course has strengthened what the Board has said. The Board doesn't want to hear that Dr. Brueggemann's actions are unlikely to reoccur, it wants to hear that they will never reoccur.

DR. BHATI MOVED TO RELEASE DR. BRUEGGEMANN FROM THE TERMS OF THE BOARD'S ORDER OF JANUARY 13, 1999. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

WILLIAM L. CRAWFORD, M.D.

Dr. Crawford made his initial appearance before the Board, pursuant to the terms of his September 11, 2002 Consent Agreement.

In response to Dr. Steinbergh's questions, Dr. Crawford stated that he is nervous, but, physically, he feels very good. He's in a pretty good space relative to his use of alcohol. He is not currently practicing medicine, but is pretty much working his recovery program, doing one or two A.A. meetings per day, exercising, eating three meals a day. He is in contact with someone in A.A. every day. He has four children who live out of the country, and he's waiting for them to come home.

In response to Dr. Agresta's questions, Dr. Crawford stated that he got sober in 1997 at Talbot Recovery Campus in Atlanta. He relapsed in May of this year.

Dr. Agresta asked what caused Dr. Crawford's relapse.

Dr. Crawford stated that he drank because he's an alcoholic. There were a lot of things going on in his life, but that would only be an excuse.

Dr. Bhati stated that he's glad that Dr. Crawford realizes that.

Dr. Buchan stated that the Board is interested in Dr. Crawford's not coming back. Whatever Dr. Crawford can identify as a precipitating cause is critical because he won't get that many chances here.

Dr. Crawford stated that he understands that. What had happened immediately prior to his relapse is that his father died, his oldest daughter developed thyroid cancer and his grandson went into renal failure and probably needs a kidney transplant. Those things happened within the course of three or four months.

Dr. Agresta stated that the reason for asking that question is to learn if Dr. Crawford continued with his program during the period immediately prior to relapse. Did he still go to A.A., did he have support at that time?

Dr. Crawford stated that he started off well in 1997. He left Talbot at the beginning of 1998. He was doing meetings regularly. He never did get a sponsor at that time. Dr. Crawford stated that he didn't really

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like A.A. meetings very much in 1997. He thought he could still do it, that if he worked hard enough and was resolute enough, that he could lick this thing. Dr. Crawford stated that he was very happy and his life was going very well. That's where he became lulled into complacency; his life had become very manageable. He thought, well, if it's manageable, he mustn't be powerless and he could try it again. Why not have just a couple of drinks to relieve the tension he was under? That's pretty much how it played out.

Dr. Bhati stated that a third strike is not very good. It will get him into real deep trouble, and he might lose his license. He cautioned Dr. Crawford to be very careful this time. He added that the key is the support system.

DR. BHATI MOVED TO CONTINUE DR. CRAWFORD UNDER THE TERMS OF HIS SEPTEMBER 11, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION.

Mr. Dilling asked whether, at two different times in Dr. Crawford's life, in 1997 and then the relapse, he was confronted with physician colleagues who noted that he had a drop-off in his practice or seemed erratic. Was this unnoticed by Dr. Crawford's colleagues?

Dr. Crawford stated that in 1997 no one had come to him. He stated that he'd had a stroke in 1997 and that was the precipitating event. As far as this past May, no one approached him. He added that he had three separate weekend events. No one at work said anything to him.

Dr. Somani stated that he hopes that Dr. Crawford realizes that the Board has been very supportive and would like to see him continue to make progress.

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

The motion carried.

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ASHOK V. PADHIAR, M.D.

Dr. Padhiar made his initial appearance before the Board, pursuant to the terms of his September 11, 2002 Consent Agreement.

Mr. Albert asked Dr. Padhiar how many DUIs he's had.

Dr. Padhiar stated that he believes that he's had seven DUIs.

Mr. Albert asked who drove Dr. Padhiar to Columbus today.

Dr. Padhiar stated that his wife did.

Mr. Albert asked whether Dr. Padhiar realizes that there were 17,000 people killed in this country last year by drunk drivers.

Dr. Padhiar stated that he was aware of that, and he's aware that it's a shameful thing.

Mr. Albert commented that, as an anesthesiologist, Dr. Padhiar works with the results of a lot of these accidents.

In response to Mr. Albert's questions, Dr. Padhiar stated that he is "kind of chagrined at what happened." It's not something he's proud of. His driver's license was taken away for a year and a half. He lives in the southern part of the state, in Circleville.

Mr. Albert stated that Dr. Padhiar is a person who is supposed to be setting an example for people because he is an educated physician. Mr. Albert stated that Dr. Padhiar is lucky. He'd better get with the program because he's run out of time. Mr. Albert asked whether Dr. Padhiar went to jail.

Dr. Padhiar stated that he had home incarceration.

Mr. Albert stated that Dr. Padhiar got a real break.

Dr. Steinbergh stated that she absolutely agrees with Mr. Albert's comments. She was pretty shocked. Dr. Padhiar is a liar. He fraudulently reapplied for licensure three times to this state. He's had all of these DUIs, risking the lives of all these people. At the rate he's going, he's not going to have a medical license. This is no laughing matter. It's one of the most serious things she's seen. She indicated that she was shocked when she read this case. Dr. Steinbergh stated that if Dr. Padhiar keeps going at this rate, he will not have a medical license.

Dr. Padhiar stated that he was an alcoholic and didn't recognize that fact. One of the things about an alcoholic is that, in a diseased state of mind, it changes your perception and you don't really realize that what you're doing is really wrong at that stage. When he did realize it, he entered a program voluntarily at

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Parkside. He spent 28 days in that program and that was very beneficial for him. He has been four and a half months sober now, and he has a good support system in place, thanks to Parkside and his own personal efforts and the efforts of his family. Dr. Padhiar stated that this time he thinks he's going to beat this problem for good.

Dr. Steinbergh stated that she hopes he does because there won't be another chance. She added that the Board appreciates the disease and the mental impairment that comes with it, but there are certain things that occur, and multiple DUIs like this really bother her.

Dr. Garg asked Dr. Padhiar whether he understands that the consent agreement revoked his license, but stayed that revocation.

Dr. Padhiar stated that he does.

Dr. Garg stated that, what Dr. Steinbergh is trying to tell Dr. Padhiar is that if there is any other DUI, that will be a revocation of his license for good.

Dr. Padhiar stated that he won't let that happen. He understands that and he appreciates the Board's help in this.

Dr. Davidson asked whether his being an alcoholic is a fairly new awareness for him.

Dr. Padhiar stated that when he had his previous DUIs he had evaluations done through counseling services. They usually said that it was abuse and not dependence. When he went into treatment through Parkside, they told him that it was dependence. It's a very gray area between where you might be abusing alcohol and where you are dependent on it. It was very hard for them to make that diagnosis. He added that he felt that he was an alcoholic. He took matters into his own hands to make sure that this problem never occurs again.

Dr. Davidson noted that Dr. Padhiar also has a mental health kind of diagnosis. She asked how big a part that played.

Dr. Padhiar stated that he thinks there was depression in the background, but part of the reason for that was that his parents are immigrants in this country for the last three years and his father had heart failure two years ago. About the same time he got the DUIs, his father had a stroke for which he was hospitalized in the ICU for ten days in Cincinnati. Dr. Padhiar stated that he is the only son. His parents are his dependents in this country. His mother is 80 and his father is 89. After his father's stroke, when he came home, he had a great deal of neurological problems that came after that, including forgetfulness and absentmindedness. Dr. Padhiar stated that there was a fair deal of stress on him. Dr. Padhiar stated that part of his depression came from that. On top of that, there were financial problems because of the fact that his parents are immigrants and don't qualify for any kind of medical insurance. That was a heavy financial burden on him at the time. This still continues to the present day. Some of that contributed to his alcohol problem.

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Dr. Agresta suggested that Dr. Padhiar keep his responsibilities in mind. If he falls off the wagon he's on, he won't be able to provide for those who are dependent on him. That should be an incentive for him to stay with the program. Dr. Agresta stated that it sounds like Dr. Padhiar has a lot of work to do.

Dr. Garg commented that alcoholism is very rare in the Indian culture.

Dr. Padhiar stated that he plans to work on this very hard.

Ms. Sloan stated that support from his family is necessary.

Dr. Buchan stated that this is Dr. Padhiar's first visit with the Board, and he should consider himself in partnership with the Board to some degree. Dr. Buchan stated that he believes that Dr. Padhiar understands that he's not just fighting for his license, but is fighting for his life. Dr. Buchan urged Dr. Padhiar to continue to fight for his license, and his license will be fine as he succeeds. The Board will hold him accountable. Dr. Buchan stressed that, more than his license, Dr. Padhiar's life is on the line.

Dr. Bhati stated that Dr. Padhiar is lucky to still be alive after seven DUIs.

Dr. Padhiar stated that he thinks that it is probably God's wish that he be around for somebody else.

Dr. Bhati stated that Dr. Padhiar should take that into account and continue to work hard on it. He expressed surprise that anyone considered Dr. Padhiar to be simply abusing and not dependent on alcohol after seven DUIs. This is a plain, simple dependence, and he needs to continue to work hard.

Dr. Padhiar stated that, initially, he thought it was abuse, but now he knows that it is dependence. He's really working hard on his recovery.

DR. BHATI MOVED TO CONTINUE DR. PADHIAR UNDER THE TERMS OF HIS SEPTEMBER 11, 2002 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION.

Mr. Dilling commented that, had State Issue 1 passed, one wonders whether or not offenders would have gotten the same type of treatment. Mr. Dilling noted that on two occasions, in 1996 and 2002, Dr. Padhiar did not tell the Board the truth. He lied to the Board on renewal cards. He didn't answer the questions properly. One of the reasons the Board asks those questions is that if answered correctly, the Board will send the doctor to evaluations and help the doctor realize the alcoholism. It is part of the Board's duty to protect the public. If the Board doesn't get the information, the Board can't do its job. Mr. Dilling stated that Dr. Padhiar's truthfulness to the Board is just as important as the talk about alcoholism. While the Board has laid down the law about relapse, another big point is that if he doesn't tell the Board the truth and doesn't keep the Board informed about his progress, it will be a lot worse for him. That will transfer to other states as well.

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

The motion carried.

Mr. Albert stated that between 50 and 60 people are killed in this country every day because of alcohol and drugs on the highway.

PROBATIONARY REPORTS

Dr. Somani referred the Board to the Compliance Staff's reports of conferences with probationers on October 7 and 8, 2002. He noted that all probationers are in compliance.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH WILLIAM K. BASEDOW, D.O.; WILLIAM J. BOOTH, P.A.; DOUGLAS BOSACK, M.D.; WAYNE S. BRECHBUHLER, M.D.; MARGUERITE D. BRUCE, M.D.; JAMES E. FLEMING, M.D.; DONALD B. FORD, M.D.; LOREAL LYNN FREDEBAUGH, M.D.; DARRELL A. HALL, M.D.; KATHERINE A. HUMES, M.D.; THOMAS A. HUNTER, P.A.; MICHAEL S. MCINTOSH, M.D.; DALE PRATT-HARRINGTON, D.O.; ANDREW SCHNEIDER, M.D.; CLIFFORD SONNIE, M.D.; JAMES E. STURMI, M.D.; AND VIRGINIA C. WOODROW, M.D. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye

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Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

PROBATIONARY REQUESTS

VICTOR BYKOV, M.D.

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

DR. STEINBERGH MOVED TO APPROVE KINGSLEY A. ORRACA-TETTEH, M.D., TO SERVE AS DR. BYKOV'S MONITORING PHYSICIAN WITH A VARIETY OF TEN (10) FILMS REVIEWED ON A WEEKLY BASIS. DR. BHATI SECONDED THE MOTION.

Dr. Steinbergh stated that the Board previously required the same number of films reviewed for Dr. Noble.

Dr. Bhati stated that that will be 40 films a month.

Dr. Steinbergh stated that Dr. Bykov sees a lot of films.

Dr. Talmage stated that they review about ten percent of the films anyway.

Dr. Somani noted that Dr. Bykov is doing locum tenens work, so he'll be all over.

Dr. Buchan asked if he would have to find a monitor at each location.

Ms. Bickers stated that it is difficult for doctors who are doing locum tenens to find someone to review charts. They have had a hard time finding someone at each location.

Dr. Talmage asked whether they have the same problem in radiology.

Ms. Bickers stated that they do.

Dr. Steinbergh stated that that's a problem, because not only is the physician not in the same place all of the time where people get to know him, he's in a high-risk type of practice. He's in and out of hospitals. Who is really monitoring? How is Dr. Orraca-Tetteh going to monitor if Dr. Bykov is moving around?

Dr. Bhati stated that Dr. Bykov will have to take the films to the doctor who is monitoring him.

Dr. Buchan stated that the onus is on Dr. Bykov to solve these issues.

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

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

The motion carried.

ROBERT R. DAIBER, M.D.

Dr. Daiber's request for modifications to the terms of his June 13, 2002 Consent Agreement was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO GRANT DR. DAIBER'S REQUEST TO REDUCE HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS. DR. STEINBERGH FURTHER MOVED TO DENY DR. DAIBER'S REQUEST TO ADMINISTER, DISPENSE, OR POSSESS CONTROL SUBSTANCES. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

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RICHARD R. DE LA FLOR, M.D.

Dr. De La Flor's request for a reduction in his drug screen requirement was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO GRANT DR. DE LA FLOR'S REQUEST TO REDUCE HIS DRUG SCREEN REQUIREMENT TO ONCE PER WEEK. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MARK S. FLEMING, M.D.

Dr. Fleming's request for modifications to his probationary terms was presented to the Board for consideration at this time.

DR. BHATI MOVED TO APPROVE DR. FLEMING'S REQUESTS TO REDUCE HIS DRUG SCREEN REQUIREMENT TO TWICE PER MONTH, AND TO REDUCE HIS ALCOHOL AND DRUG REHABILITATION MEETING REQUIREMENT TO THREE PER WEEK. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye

The motion carried.

MARY JO FOOTE, P.A.

Ms. Foote's request to change her treating psychiatrist was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE ALBER GHOBRIAL, M.D., TO SERVE AS MS. FOOTE'S TREATING PSYCHIATRIST. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

LOREAL L. FREDEBAUGH, M.D.

Dr. Fredebaugh's request for a reduction in her psychiatric sessions was presented to the Board for consideration at this time.

DR. BUCHAN MOVED TO APPROVE REDUCING DR. FREDEBAUGH'S PSYCHIATRIC SESSION REQUIREMENT TO ONE SESSION A MONTH. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

GARY F. GLADIEUX, M.D.

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

DR. BHATI MOVED TO GRANT DR. GLADIEUX'S REQUEST TO REDUCE HIS APPEARANCES TO EVERY SIX MONTHS. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

Vote:

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

The motion carried.

TIMOTHY A. GOODEN, M.D.

Dr. Gooden's request to change monitoring physicians was presented to the Board for consideration at this time.

DR. EGNER MOVED TO APPROVE CHRISTINA M. DELOS REYES, M.D., TO SERVE AS DR. GOODEN'S MONITORING PHYSICIAN. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

Vote:

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

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

The motion carried.

DAVID COREY HANES, D.O.

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

DR. BHATI MOVED TO REDUCE DR. HANES' APPEARANCE SCHEDULE TO EVERY SIX MONTHS. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

BAK CHUL KIM, M.D.

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

DR. BHATI MOVED TO REDUCE DR. KIM'S DRUG SCREEN REQUIREMENT TO ONCE A MONTH. DR. BHATI FURTHER MOVED TO ELIMINATE DR. KIM'S DRUG LOG REQUIREMENT. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

LAURENCE I. KLEINER, M.D.

Dr. Kleiner's request for permission to increase his work hours was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO PERMIT DR. KLEINER TO INCREASE HIS WORK HOURS TO 65 HOURS PER WEEK. DR. BHATI SECONDED THE MOTION.

Dr. Talmage stated that 65 hours a week for a physician is not bad. The Board will watch him closely to make sure he doesn't get overworked.

Dr. Davidson stated that this is kind of a unique situation. This pediatric neurosurgeon left Virginia with a reprimand and had to get a psychiatric evaluation. He's in Dayton. Dr. Davidson stated that she was trying not to be biased by the letter from Dr. Murphy, that she found offensive. Dr. Murphy is writing the letter as the one who recruited Dr. Kleiner, and he has every vested interest in working this guy hard to keep his trauma program. Twice he remarks on the fact that there are residents there to carry this guy around, and a P.A. was going to do all of the histories and physicals, so that Dr. Kleiner could just be a machine and operate. She thought that this is just asking for trouble and it is not doing Dr. Kleiner any favors. She suggested that keeping the hours at 55 will be saying that the Board cares about Dr. Kleiner and wants to see a little more time before giving him more hours. Dr. Davidson noted that the psychiatrist who is seeing Dr. Kleiner advised that he is inclined to support the request to increase weekly hours. She stated that she didn't take that as a gushing endorsement. Dr. Davidson stated that Dr. Kleiner has a difficult situation before him, and perhaps the Board would be helpful to require another six months at 55 hours a week.

Dr. Talmage stated that, on the other hand, if the Board does grant it, 65 is not really a huge number of hours.

Ms. Bickers reminded the Board that Dr. Kleiner only comes in to the Board once a year.

Dr. Egner suggested approving it and ask Dr. Kleiner to come in in three months and talk to him about it.

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She stated that that would be reasonable. She agreed that Dr. Murphy has a vested interest in saying that Dr. Kleiner is doing great.

Dr. Garg suggested bringing him in before the Board in January.

Dr. Buchan stated that if the message is only that the Board cares and is interested in the recovery, it could compromise and approve 60 hours, and the message gets transmitted.

Dr. Davidson questioned how the message would be taken.

Dr. Talmage amended his motion, as follows.

DR. TALMAGE MOVED TO PERMIT DR. KLEINER TO INCREASE HIS WORK HOURS TO 65 HOURS PER WEEK, WITH A REVIEW IN THREE MONTHS. DR. BHATI SECONDED THE MOTION.

Dr. Agresta stated that his only comment is that he knows Dr. Murphy, and he knows the circumstances of how Dr. Kleiner was recruited, and he knows that they've arranged to bring down the stress level by having the other neurosurgeons, who are not pediatric neurosurgeons, cover for him. He does have a support group there. They do have a vested interest in keeping him there, but they do want him to stay. They had a difficult time getting a pediatric neurosurgeon there; they are not easy to come by. He agreed with Dr. Buchan that a compromise response would be appropriate.

Mr. Browning suggested changing the time to 60 hours. He stated that, for a normal person, that's time and a half.

Several Board members advised that that is not unusual for a physician and 80 hours a week is average.

Dr. Talmage amended his motion, as follows:

DR. TALMAGE MOVED TO PERMIT DR. KLEINER TO INCREASE HIS WORK HOURS TO 60 HOURS PER WEEK, WITH A REVIEW IN THREE MONTHS BY THE SECRETARY AND SUPERVISING MEMBER. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye

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Dr. Garg - aye
Dr. Steinbergh - aye

The motion carried.

ERIC W. LOTHES, M.D.

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

DR. BUCHAN MOVED TO REDUCE DR. LOTHES' DRUG SCREEN REQUIREMENT TO ONCE A MONTH. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:

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

The motion carried.

HARRY P. NGUYEN, M.D.

Dr. Nguyen's request to eliminate his prescription countersignature requirement was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO ELIMINATE THE BOARD'S REQUIREMENT THAT ALL DR. NGUYEN'S ORDERS AND/OR PRESCRIPTIONS FOR CONTROLLED SUBSTANCES BE COUNTER-SIGNED WITHIN 24 HOURS WHILE DR. NGUYEN WORKS IN THE EMERGENCY DEPARTMENT. 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
Mr. Browning	- aye

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

The motion carried.

WILLIAM H. NOBLE, III, D.O.

Dr. Noble's request to change monitoring physicians was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE DONALD E. WIDMAN, M.D., TO SERVE AS DR. NOBLE'S MONITORING PHYSICIAN, WITH TEN (10) CHARTS REVIEWED ON A WEEKLY BASIS. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

MICHAEL J. O'BRIEN, D.O.

Dr. O'Brien's request for approval of an assessing and/or treating psychiatrist was presented to the Board for consideration at this time.

Dr. Talmage stated that he has a problem with approving the same person as both the assessing physician and the treating physician. He suggested that there may be a conflict of interest.

Dr. Garg agreed.

Dr. Egner noted that Dr. Borders has been Dr. O'Brien's treating psychiatrist.

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Ms. Bickers stated that Dr. Borders is a psychiatrist at Shepherd Hill, where Dr. O'Brien underwent treatment, so he's familiar with him.

Dr. Talmage asked whether this is usual.

Dr. Garg stated that the Board has approved this in the past, but he feels that the Board should re-address it.

Mr. Browning suggested that Dr. O'Brien, being told about this conversation, may want to come back and recommend someone else as assessing psychiatrist. He may prefer this doctor to treat him. He added that he doesn't believe that the psychiatrist should do both. He should do one or the other.

Mr. Dilling stated that the Board does have an approved treatment provider system, which is based on providers assessing and treating. That was discussed at the retreat at some length. Dr. Parran suggested that that was probably not the best system.

Dr. Garg stated that he believes that the Board needs to re-examine the situation.

DR. BUCHAN MOVED TO APPROVE PHILLIP L. BORDERS, M.D., TO SERVE AS EITHER DR. O'BRIEN'S ASSESSING PSYCHIATRIST OR TREATING PSYCHIATRIST, DR. O'BRIEN TO CHOOSE. DR. BUCHAN FURTHER MOVED TO ASK DR. O'BRIEN TO SUBMIT THE NAME OF A DIFFERENT PSYCHIATRIST TO SERVE IN THE POSITION NOT CHOSEN FOR DR. BORDERS. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MARK E. SENIOR, D.O.

Dr. Senior's request for a reduction in the frequency of alcohol and drug rehabilitation meetings was presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE DR. SENIOR'S REQUEST TO REDUCE THE

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FREQUENCY OF HIS ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWO PER WEEK. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

Mr. Albert stated that the Board has a few probationers who are required to submit urine samples on a “bi-monthly” basis. The new consent agreements and Board orders are worded to require that samples be collected “twice per month.” Mr. Albert asked for the Board’s permission to switch the ones on a “bi-monthly” schedule to “twice per month.”

Dr. Talmage stated that he thought that the Board discussed and approved this previously.

DR. BHATI MOVED TO PERMIT THE SECRETARY AND SUPERVISING MEMBER TO CHANGE ORDERS AND CONSENT AGREEMENTS REQUIRING “BI-MONTHLY” DRUG SCREENS TO DRUG SCREENS “TWICE PER MONTH.” 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

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REINSTATEMENT REQUESTSRODNEY L. TOMCZAK, D.P.M.

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

DR. BUCHAN MOVED TO APPROVE RADU V. SAVEANU, M.D., TO PERFORM DR. TOMCZAK'S PSYCHIATRIC ASSESSMENT, AS REQUIRED BY PARAGRAPH 9.b.i.v. OF HIS JUNE 12, 2002 CONSENT AGREEMENT. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

LICENSUREPHYSICIAN ASSISTANT UTILIZATION PLANS

At this time the Board reviewed a number of proposed P.A. Utilization Plans.

DR. BHATI MOVED TO APPROVE THE PROPOSED P.A. UTILIZATION PLANS OF THE FOLLOWING: OHIO GASTROENTEROLOGY GROUP, INC.; RENAISSANCE COUNSELING SERVICE, INC.; COMPREHENSIVE HEALTH CARE; JESSE EISLER, M.D.; HEARN VASCULAR, INC.; AND BORIS TEREBUH, M.D. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

PROPOSED REVISIONS TO PRE- AND POST-CITATION SETTLEMENT AGREEMENT POLICY PAPERS

Ms. Lubow referred to her memorandum of November 27, 2002, regarding the above-captioned documents. She stated that these are documents that have been utilized for a number of years. Staff felt that it was time to update them to reflect the current process. Ms. Lubow advised that there were no major changes to the documents.

Ms. Lubow stated that one change involves the Assistant Attorneys General. The Board has traditionally had them sign off on pre-citation agreements. Ms. Albers has expressed concern about signing a document in which she or the other Assistant Attorneys General are not involved. In the future the Enforcement Coordinator who negotiated the agreement will sign it instead.

DR. BHATI MOVED TO APPROVE THE REVISED PRE- AND POST-CITATION SETTLEMENT AGREEMENT POLICY PAPERS. 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

REPORT BY SECRETARY AND SUPERVISING MEMBER

Dr. Garg asked to postpone his report until January, at which time he and Mr. Albert will have statistics to

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present to the Board. He added that, thus far, the statistics look good. During their report next month, they will also discuss priority codes, which were to have been discussed at the retreat, but time did not allow.

Mr. Albert stated that he and Dr. Garg feel that the Board had a good year, and added that he believes Board members will agree, once they see the statistics. Mr. Albert stated that this Board is blessed with a good staff.

ADMINISTRATIVE REPORT

Mr. Dilling commented that, as of November 2002, the Board had taken 162 disciplinary actions. During the same time period in 2001, it had taken 137 disciplinary actions. This is a significant increase.

EXECUTIVE COMMITTEE REPORT

Dr. Somani stated that the Committee held a short meeting to discuss several issues relating to the Federation meeting in 2003. Among topics discussed were nominations for office and proposed resolutions. There are two possible resolutions, upon which he and Mr. Dilling will be working to bring to the Board. The Board has until February to submit those resolutions.

Mr. Dilling stated that the Committee also approved Dr. Steinbergh's travel to New Orleans for an American Association of Osteopathic Examiners meeting. This will be at the expense of the seminar organizers.

ELECTION OF OFFICERS

FOR THE YEAR 2003, DR. BHATI NOMINATED MR. BROWNING TO SERVE AS PRESIDENT, DR. TALMAGE TO SERVE AS VICE-PRESIDENT, DR. GARG TO SERVE AS SECRETARY, AND MR. ALBERT TO SERVE AS SUPERVISING MEMBER. DR. BUCHAN SECONDED THE NOMINATIONS.

DR. BHATI MOVED TO CLOSE NOMINATIONS. DR. AGRESTA SECONDED THE MOTION. All members voted aye. The motion carried.

By acclamation, Mr. Browning will be President, Dr. Talmage will be Vice-President, Dr. Garg will be Secretary and Mr. Albert will be Supervising Member for 2003.

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

Thereupon at 5:45 p.m. the December 11, 2002 meeting of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio,

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meeting on December 11, 2002, as approved on January 8, 2003.

Pitambar Somani M.D.

Pitambar Somani, M.D., President

Anand G. Garg

Anand G. Garg, M.D., Secretary

(SEAL)

