

September 12, 2007

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## MINUTES

### THE STATE MEDICAL BOARD OF OHIO

September 12, 2007

Deepak Kumar, M.D., President, called the meeting to order at 1:05 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, 31<sup>st</sup> Floor, Room B & C, South, with the following members present: Nandlal Varyani, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; David S. Buchan, D.P.M.; Dalsukh Madia, M.D.; Anquetette Sloan; Jack C. Amato, M.D.; Andrew F. Robbins, Jr., M.D.; and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: R. Gregory Browning, Ph.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Staff Attorney, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, Marcie P. Pastrick, David P. Katko, Karen H. Mortland, Kathleen S. Peterson, Cheryl D. Pokorny, Angela Scott, Daniel S. Zinsmaster, and Lynn Zondorak, Enforcement Attorneys; Sheryl L. Maxfield; Steven C. McGann; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Sallie J. Debolt, Executive Staff Attorney; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore, Disciplinary Information Assistant.

#### MINUTES REVIEW

**DR. BUCHAN MOVED TO APPROVE THE MINUTES OF JULY 11, 2007. DR. MADIA SECONDED THE MOTION.** A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

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**MR. ALBERT MOVED TO APPROVE THE MINUTES OF AUGUST 8-9, 2007. DR. BUCHAN SECONDED THE MOTION.** A vote was taken

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.

EXECUTIVE SESSION

**DR. STEINBERGH MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO INVESTIGATE CHARGES OR COMPLAINTS AGAINST LICENSEES OF THE BOARD, AND CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION. DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

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

The following joined the meeting after the executive session: Patricia A. Davidson, Chief Hearing Examiner; R. Gregory Porter and Gretchen Petrucci, Hearing Examiners.

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REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Hubert R. Franke, M.D.; Stephen Henry Humphrey, D.P.M.; David Chi Mai, D.P.M.; and Walter Stephen Shonkwiler, D.P.M. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar 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. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar 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. They may, however, participate in the matter of Dr. Franke, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

Dr. Talmage left the meeting at this time.

HUBERT R. FRANKE, M.D.

Dr. Kumar directed the Board's attention to the matter of Hubert R. Franke, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF HUBERT R. FRANKE, M.D. DR. MADIA SECONDED THE MOTION.**

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

Dr. Robbins stated that Dr. Franke failed to complete the U.S.M.L.E. sequence in the appropriate amount of time, i.e., seven years. He noted that the Board does grant waivers to the seven-year rule in certain cases, where good cause for not completing the sequence in the correct time is shown and in cases where an applicant is pursuing a doctoral degree in conjunction with his or her medical degree. The Board may also grant waivers to those going beyond ten years for good cause. Dr. Franke took Step 1 in June 1993 and did not complete the sequence until December 2004. He was outside the ten-year period by 18 months and therefore does not meet the seven-year requirement.

Dr. Steinbergh agreed that Dr. Franke does not meet the requirement for an exemption or for licensure in Ohio.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

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STEPHEN HENRY HUMPHREY, D.P.M.

Dr. Kumar directed the Board's attention to the matter of Stephen Henry Humphrey, D.P.M. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members. Dr. Kumar added, however, that these objections were not filed in a timely manner. He asked whether the Assistant Attorney General objected to the admission of these objections into the hearing record.

Mr. Wilcox stated that he did not object.

**DR. ROBBINS MOVED TO ADMIT THE LATE OBJECTIONS INTO THE RECORD.  
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

Dr. Kumar advised that the objections would be admitted into the record.

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

Dr. Humphrey was accompanied by his attorney, John Irwin, J.D., M.D.

Dr. Humphrey stated that he would like to take this opportunity to thank the Board for a number of things for which he's grateful. First, he thanked the Board for allowing him to voluntarily abstain from utilizing his professional license during the last three years. Dr. Humphrey stated that he appreciates that vote of good faith from the Board, and he hopes that he's lived up to it to the Board's satisfaction.

Dr. Humphrey stated that he was granted several postponements of the evidentiary hearing, for which he was extremely grateful. He also thanked the Board for the evidentiary hearing, stating that he believes it was conducted in a professional and fair manner. Dr. Humphrey stated that he would like to specifically thank Mr. Porter and Mr. Wilcox for the professional demeanor that they exhibited throughout the hearing. Dr. Humphrey stated that he would also like to thank the Board for allowing him to speak this afternoon.

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Dr. Humphrey expressed regret for his misbehavior, especially how it has affected and burdened other people. He apologized for that misbehavior and the fact that the Board has to address it now. He apologized to his family, his friends, his patients and his colleagues for all of the embarrassment. He apologized to the Board for the additional hardship and embarrassment he might have caused.

Dr. Humphrey stated that during the evidentiary hearing, two very different opinions of him have emerged. The first suggests that he has always been and will always be an evil person, and if he misbehaved it was a result of that evilness. The second suggests that he has always been and always will be a naturally good person and that his misbehavior was a result of a treatable and temporary mental condition. Dr. Humphrey stated that it is unfortunate, and he takes responsibility for the fact that now the Board has to decide upon which of those two theories of him is accurate.

Dr. Humphrey stated that shortly before the legal events occurred, his professional life was in a tremendous amount of stress, as was his personal life. He has to take responsibility for that, as well. Dr. Humphrey stated that he was substituting his “tried and true” values of his parental and religious upbringing for quick and easy substitutes. One of those substitutes was prescription psychiatric medications. Dr. Humphrey stated that he takes full responsibility for that. He stated that, at first, the quick fixes did offer him some resolve to his troubled focus and his mood. He added that, as the events as contained in the testimony at hearing have shown, so did his medical condition, eventually. His focus, in some aspects, turned into an obsession. Dr. Humphrey commented that he’s embarrassed to say that now, and he would not admit it at the time. He stated that his mood also began to fluctuate between extreme highs and lows.

Dr. Humphrey stated that, oddly enough, the focus of his obsession became construction equipment. He commented that, in retrospect, it’s not difficult for him to understand since he’s always been fascinated with the construction process and the equipment used in that process. Eventually, as the medical conditions continued to evolve, his obsession evolved into a compulsion. Dr. Humphrey stated that the object of that compulsion turned from 200 lb. compressors to 20 ton excavators. Dr. Humphrey stated that he is not at all proud to say this, but it is true.

Dr. Humphrey stated that he would also like to say that never once was a patient of his or an employee of his private practice the target of that behavior. The record does show that the chief detective investigating his case referred to his behavior as having been compulsive and a fetish. He noted that the Sixth Circuit Court judge presiding over his case also referred to his behavior as having been compulsive, and that his motivation, absolutely, was not financial. Dr. Humphrey stated that the judge was absolutely correct. Gregory B. Collins, M.D., and Peter R. Breggin, M.D., have also opined in favor of the mental illness theory.

Dr. Humphrey stated that, unfortunately, the record also shows that, once the official investigation into his behavior began, he lied tremendously and regrettably. He stated that he has much remorse and regret for the lies that he told as he does for the thefts themselves. He added that he now takes responsibility for and understands that it is the lies that he told then that give people such as Stephen G. Noffsinger, M.D., and Mr. Porter reason to doubt everything that he has said since then.

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Dr. Humphrey added that he also understands that only through his continued good deeds and his being accountable for what he did then, can any of his prior good credibility be re-established. Dr. Humphrey asked the Board to consider that, in April 2004, without the benefit of a trial, any plea-bargaining or excuses whatsoever, he accepted full accountability for what he had done. He pled guilty to everything. Shortly thereafter, a pre-sentencing investigation confirmed that he had no prior criminal record.

Dr. Kumar asked that Dr. Humphrey conclude his statement.

Dr. Humphrey stated that, from June 2004 to this day, he has fully and successfully completed every responsibility and obligation imposed upon him by the State of Ohio. He added that during the last three years, while his license has been in limbo, he has been working for a non-profit organization, helping other less fortunate ex-offenders be more accountable for their actions and helping them to find employment by working as a liaison between them and businesses.

Dr. Humphrey stated that he understands that what he is asking the Board is no small thing. He also understands that his actions were no small thing. He stated that Mr. Wilcox and Mr. Porter have accurately demonstrated that any violation of ORC 4731.22(B)(9) constitutes, in and of itself, grounds for permanent revocation. Dr. Humphrey asked the Board to consider that, in this instant case, there is mitigation involved. He asked that the Board continue to have faith that his life before and after these events was and will continue to be a positive experience for those around him. If so, he asked the Board to apply whatever conditions are necessary to ensure public safety, to not at this time permanently revoke his medical license, and to give him an opportunity to prove that his life is worthy of the Board's faith.

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

Mr. Wilcox advised that he did wish to respond. He stated that he thinks that the Report and Recommendation does a good job in outlining a complex case. He stated that he supports the recommendation for permanent revocation.

Mr. Wilcox stated that, while looking at this record, it's important to compare the experts and weigh their credibility in this matter. Appearing for the State was Dr. Noffsinger, an expert in forensic psychiatry, which is a subspecialty of psychiatry that focuses on the mental state of the patient during the time he or she is committing the crime in question. Mr. Wilcox stressed that this is an extremely important point, in that, of the three psychiatrists who testified as experts in this case, only Dr. Noffsinger has a specific focus and training in the area of recreating the mental state of individuals who commit criminal offenses.

Mr. Wilcox noted that Dr. Humphrey called on his behalf, Dr. Peter Breggin, who is not board-certified in psychiatry, and who has spent seemingly most of his career on a crusade against the use of psychiatric medications. Dr. Humphrey also had Dr. Collins, whose testimony was suspect in that he originally treated and evaluated Dr. Humphrey and had a diagnosis similar to that of Dr. Noffsinger's. This all changed, supposedly, when he read the report of Dr. Breggin and got the self-report from Dr. Humphrey regarding his claimed use of over-the-counter steroids. Mr. Wilcox stated that this sudden and abrupt diagnostic turnaround chips away at the credibility of Dr. Collins in this case.

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Mr. Wilcox stated that the medication-induced psychosis theory, brought forth by Dr. Humphrey, does not hold up under scrutiny. None of the evidence from the police report suggested that Dr. Humphrey was acting in a psychotic manner. In the incidents where he interacted with police officers, the reports do not state that Dr. Humphrey was confused or delusional. In fact, Dr. Humphrey tried to cover up his activities by making up lies. Mr. Wilcox noted that Dr. Humphrey even asked for an attorney after one of the arrests. Mr. Wilcox asked how someone under a so-called drug-induced psychosis would be able to rationally attempt to talk his way out of trouble or ask for legal representation. Mr. Wilcox added that there's also the element of trying to hide his crimes, as demonstrated when Dr. Humphrey placed a tarp over the stolen lumber, or when he tried to drive away after he wrecked while attempting to steal the backhoe. Mr. Wilcox asked why Dr. Humphrey would have attempted to get away if he was under a drug-induced psychosis. Mr. Wilcox asked why Dr. Humphrey would fear being caught by the police if he did not appreciate the consequences of his conduct. Mr. Wilcox stated that the questions he's posed cannot be answered by Dr. Humphrey if he sticks to his psychosis theory. Mr. Wilcox stated that the truth of the matter is that Dr. Humphrey was not under any drug-induced psychosis. As a result, this Board should permanently revoke Dr. Humphrey's certificate to practice podiatric medicine and surgery in this state.

Mr. Browning arrived during the previous discussion, and advised that he had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Hubert R. Franke, M.D.; Stephen Henry Humphrey, D.P.M.; David Chi Mai, D.P.M.; and Walter Stephen Shonkwiler, D.P.M., and that he 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.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF STEPHEN HENRY HUMPHREY, D.P.M. DR. BUCHAN SECONDED THE MOTION.**

Dr. Kumar referred to page 33 of the Report and Recommendation, noting that there was a typographical error on page 33, paragraph number 74, where Dr. Collins was incorrectly identified as Dr. Cullen.

Dr. Buchan stated that this is a difficult case to sort out. What the Board does know is that Dr. Humphrey was found guilty of seven felony offenses. The Board is left to sort out his mental disorders. There was testimony of three experts that the Board had to weigh. Dr. Buchan stated that he would like to review what he appreciates to be the facts of the case, and he will then give his opinion.

Dr. Buchan stated that Dr. Humphrey graduated from podiatric medical school in 1988, and the Board knows that, at least, he had anxiety issues at that point in time. He worked at a party supply rental shop for about eighteen months after podiatric school. Dr. Buchan stated that he's not quite sure whether or not Dr. Humphrey had to deal with some anxiety issue right after podiatric school. Ultimately, around 1990, Dr. Humphrey landed a preceptorship in Toledo and worked there until he did a residency in 1995. Dr. Buchan stated that, seemingly, things were working okay, but then around 2002 the wheels fell off and Dr. Humphrey began this intense psychotherapy, beginning ultimately with the theft of a compressor from the hospital. The Board knows that, by January 2004, Dr. Humphrey had seven indictments on criminal offenses. He was incarcerated from June 2004 through September 2004.

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Dr. Buchan stated that, as he read the record, he tried to appreciate the truths of this matter. Dr. Buchan stated that he was particularly taken by Dr. Humphrey's testimony beginning on page 53 of the Report and Recommendation. He noted that Dr. Humphrey described in a more clear and lucid state that "(t)he video was pretty poor quality, and I should add – and you couldn't tell and he couldn't tell whether it was me or not..." Dr. Buchan stated that this was when Dr. Humphrey was more clear, when he was back on top of his game, so to speak. Dr. Buchan continued that, in regards to Dr. Humphrey's contact with the police officer in January 2004, Dr. Humphrey testified more recently that he didn't believe that he told the police officer that his name was Larry Johnson or that he was there to bird watch. Dr. Buchan again stated that this was years later in a moment of clarity and, he would like to think, when Dr. Humphrey was in a more healed state.

Dr. Buchan stated that he looks back on the record and he sees that Dr. Humphrey was taking on surgeries with which he wasn't comfortable. He had six different lawsuits. Dr. Humphrey reflects in the record that he was doing things when he wasn't in complete control.

Dr. Buchan stated that, when he lays out the Board's responsibility to protect the public, he thinks of Dr. Humphrey's credibility and whether he can be believed, even now. Dr. Buchan stated that he looks at the fact that Dr. Humphrey did take on responsibilities that were clearly not in the best interest of his patients. He added that it weighs heavy that Mr. Porter had the opportunity to hear testimony from all of the experts, as well as from Dr. Humphrey's experts and some of his employees. He stated that Mr. Porter's words were quite clear. Dr. Buchan stated that he thinks that Mr. Porter did an excellent job of compiling a tremendous amount of complex data.

Dr. Buchan stated that, based on just the merits of the case and the felony convictions, the Board has an opportunity to revoke Dr. Humphrey's license, and he thinks that the Board should. He stated that, reviewing the experts' testimony, he's drawn to the second reason that the Board should revoke Dr. Humphrey's license, and that has to do with Dr. Noffsinger's opinion. Dr. Buchan stated that he sides with Dr. Noffsinger in this matter. Dr. Buchan stated that Dr. Humphrey cannot be trusted with the health and welfare of his patients.

Dr. Buchan stated that, as much as he's compelled by Dr. Humphrey's words today, and he doesn't by any means think that Dr. Humphrey is an evil person, but he doesn't feel like Dr. Humphrey should be licensed in this state.

Dr. Steinbergh stated that she agrees with Dr. Buchan's comments. This is a physician convicted of seven felonies involving dishonesty. She referred to the paragraph under the five stars on page 64 of the Report and Recommendation, adding that she thinks that Mr. Porter sums this case up in a very appropriate way.

Concerning the question of mental illness, Dr. Steinbergh stated that there is no question that there is some concern about frontal lobe issues, but added that it's very difficult to piece together exactly what was going on with Dr. Humphrey at every time. Dr. Steinbergh stated that this is a convicted felon whom the Board cannot trust. He's been dishonest. Dr. Steinbergh stated that she thinks that all Board members would agree that being a professional requires that a physician not display the behavior that Dr. Humphrey

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displays. Dr. Steinbergh stated that, for that reason, she agrees with the Report and Recommendation for permanent revocation of Dr. Humphrey's license.

Dr. Egner stated that she agrees with Dr. Buchan completely. She thinks that the Report and Recommendation is extremely well written and makes it easier for the Board members to come to their conclusions. She stated that she thinks that of interest in this case are the diverse opinions of the experts. Dr. Egner stated that she thinks that Dr. Noffsinger did an excellent job in pointing out the issues with the two other expert physicians. She thinks that it was very clear that Dr. Breggin was asked to be an expert for the very fact that he has a theory of drug interactions. Dr. Egner stated that she thinks that Dr. Breggin is biased to his theory, and he wanted this case to fit it. Dr. Egner stated that this case does not fit with the side effects of drug interaction causing this degree of psychosis and happening in different combinations of drugs. Dr. Egner stated that she thinks that Dr. Noffsinger handled that argument very well.

Dr. Egner stated that Dr. Collins' opinion changing so dramatically during the course of these events is very disturbing to her. She stated that she agrees with Dr. Noffsinger that, being the treating psychiatrist and acting as an expert is a conflict.

Dr. Egner stated that this case is not about evil vs. good. She stated that even Dr. Humphrey's statements today confirmed for her that he does not really understand what this issue is about. He can't be monitored. He can't be trusted, and, unfortunately, he can't practice medicine.

Dr. Steinbergh stated that the bizarre behavior that Dr. Humphrey presented all through the record is something with which the Board and Dr. Humphrey's patients simply shouldn't have to deal. She stated that Dr. Humphrey's behavior is unacceptable. She added that it's clear that the Board doesn't have an absolute diagnosis, but she doesn't believe that there was a drug-induced psychosis here. The bizarre behavior continued for too long a period of time.

Dr. Buchan stated that Dr. Humphrey has heard the Board's review today. He stated that it is his nature to want to rehabilitate. Dr. Humphrey stated that he doesn't believe that there's any evilness here at all. Ultimately, however, the Board is charged with protecting the people of this state. Dr. Buchan stated that Dr. Humphrey can rehabilitate himself, and he encouraged him to continue on that track. Dr. Buchan stated that not having a license is not a death sentence. It's just that Dr. Humphrey will have to do good in other ways.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye

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Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.

DAVID CHI MAI, D.P.M.

Dr. Kumar directed the Board's attention to the matter of David Chi Mai, D.P.M. He advised that objections were filed to Hearing Examiner Davidson's Report and Recommendation and were previously distributed to Board members. He advised, however, that these objections were not filed in a timely manner. He asked whether the Assistant Attorney General had any objections to these objections being admitted into the hearing record.

Mr. Wilcox advised that he did not.

Dr. Kumar asked for a motion concerning Dr. Mai's request.

**DR. STEINBERGH MOVED TO ADMIT THE LATE OBJECTIONS INTO THE HEARING RECORD. DR. BUCHAN SECONDED THE MOTION.** All members voted aye. The motion carried.

Dr. Kumar stated that Dr. Mai's Objections will be admitted into the hearing record.

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

Dr. Mai was accompanied by his attorney, John R. Irwin, J.D., M.D.

Dr. Mai thanked the Medical Board for allowing him to address it. He appreciated the chance to have a hearing to tell his side of the story and his side of the events. He expressed gratitude that, through this whole experience, Hearing Examiner Davidson and Assistant Attorney General Wilcox treated his family and himself with respect and courtesy. He stated that he appreciates whatever they did to help soften the blow.

Dr. Mai stated that if there was any way for him to open himself up to show the Board that he's sorry. He added that he doesn't know what other words he could use to express to the Board his most sincere apology for the transgressions that he's had in the past, both in Tennessee and in California. He stated that he apologizes to the Board, stating that this could be one less case on the Board's agenda. He stated that he has apologized to the people of the State of Tennessee at the hearing that he had that gave him his civil rights back. He apologized to the people in California. Dr. Mai stated that he apologizes, not just to the Medical Board, but to everyone here, his fellow citizens, and the people with whom he lives and sees day in and day out. Dr. Mai stated that he's sorry for what has happened and for the grief and the burden he's put on everybody to have to sit through this today.

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Dr. Mai stated that, when he looks back at what happened in Tennessee, when he recalls going through such a gut-wrenching event, he tries to forget the past. He tries to forget what happened. He spent seven days locked up, thinking that he didn't belong there. This is not who he is, it is not the person that he is. Dr. Mai admitted that he did forget the lesson that it taught him. It was a place to which he never wants to go back or even revisit.

Dr. Mai stated that he has a young family and a son. He indicated that he doesn't know how he will explain this to his son, and how he can make his son understand the person that his father is today.

Dr. Mai stated that, at the hearing, the attorney brought up the police report, which contradicted his recall of the events. He never stated that he had reason to believe that that report was untrue. In fact, he had reason to believe that it was true. Dr. Mai stated that, perhaps, when you go through traumatic events, you try to forget what happened; but in his case it wasn't that he tried to forget what happened. These were lessons that he tried to keep. Dr. Mai commented that he thinks that some circumstances make a person what he or she is today.

Dr. Mai stated that he lives with what happened to him every day. He is now much more conscientious because he has to stay as far away from straying over the line as possible. He's currently in a supervised program, and is being monitored on a daily basis. Dr. Mai stated that everything he does is monitored and watched, and he thinks that that is the best place for him.

Dr. Mai asked that the Board find that he can be rehabilitated. He added that he wants the opportunity to show that he is a different person.

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

Mr. Wilcox stated that he can't imagine a more clear-cut case of an individual who has demonstrated in his past a lack of moral character. Dr. Mai has been convicted of stealing from his employer, Kroger, in 1997. The record reflects that this theft from his employer was a clear-cut case, in which Dr. Mai was caught in the act of taking money from the Kroger pharmacy. Mr. Wilcox commented that one would imagine that Dr. Mai would learn a lesson about honesty, morality and integrity after his felony conviction in the State of Tennessee. Mr. Wilcox stated that the record reflects that, apparently, Dr. Mai did not because seven years later he was summarily dismissed from his podiatry school in the state of California for dishonesty.

Mr. Wilcox stated that Dr. Mai comes before the Board today and says how he's changed his character, but there's a seven year window between 1997 and 2004. The podiatry school had entrusted Dr. Mai with a position which gave him access to funds in the California School of Podiatric Medicine student account. According to official documents, Dr. Mai submitted fraudulent receipts for reimbursement, and he misappropriated several thousand dollars for his own personal use. Because he could not account for the use of these monies, he wrote a personal check for over \$7,500 to the program to reimburse the fund. At that point he was immediately dismissed from the program.

Mr. Wilcox stated that this is a podiatrist who currently holds a training certificate in Ohio, who has

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demonstrated a pattern of lying, cheating and stealing in his past. It would be one thing if Dr. Mai had had a single isolated incident involving dishonesty; but, unfortunately, in this case he has demonstrated a pattern of dishonest behavior. Mr. Wilcox stated that he thinks that this pattern was underscored at hearing when Dr. Mai came before the Board, under oath, at hearing, and testified in a completely false manner as to the circumstances surrounding his arrest in the state of Tennessee.

Mr. Wilcox stated that all of these issues show that Dr. Mai simply doesn't have the moral character to remain licensed in Ohio under training certificate, or to sit for the PMLexis examination in this state.

**DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DAVID CHI MAI, D.P.M. DR. BUCHAN SECONDED THE MOTION.**

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

Dr. Buchan commented that he wishes that Dr. Mai had been as transparent in July at his hearing as he was today. It may have had a different outcome. Dr. Buchan stated that he read the record and the testimony, and he agrees with the Report and Recommendation. Dr. Buchan stated that he hears Dr. Mai today, apparently remorseful, and he understands that Dr. Mai is currently in the middle of a training program, and he thinks that Dr. Mai is a bright individual; however, the most important quality of a good physician is not GPA or MCAT score. The number one piece that determines a good physician is character, which is difficult to measure. It's hard to know when they enter into school whether the school is getting people of good character. If someone falls off the character chart and steals once, the Board might have some grace in that regard. Dr. Buchan stated that he was disappointed that, in the record, when Dr. Mai talks about other people being implicated in his theft. There were witnesses watching Dr. Mai putting money in his pocket. Dr. Buchan commented that he wondered when Dr. Mai would just give it up and tell the truth.

Dr. Buchan stated that, after seven years, Dr. Mai got the opportunity to clear his name and make his character sound and he has another bad outcome. He made another bad series of choices. Again, on the record at hearing, Dr. Mai was not forthright as to how that transpired.

Dr. Buchan stated that he agrees that character is at issue today. This physician has just simply not passed the test on two separate occasions. Dr. Buchan stated that he agrees with the Report and Recommendation.

Dr. Steinbergh stated that she felt the same way Dr. Buchan did, in terms of the honesty piece. She stated that she couldn't understand why Dr. Mai wouldn't remember, at his age, what exactly transpired as he was stealing the money. At some point he needs to give it up and confess that he did this. Dr. Steinbergh stated that Dr. Mai continues to deny reality. She stated that she would have to believe that Dr. Mai remembers what happened. She finds his denial to be very disingenuous. Dr. Steinbergh added that it bothered her a great deal that Dr. Mai is now finishing the second year of a three-year residency and that this has to catch up with him at this point. It makes her feel bad that the Board is going to deny him the ability to finish his training. On the other hand, she believes that the Board members could agree that this is not someone the Board wants licensed in the state of Ohio. Dr. Steinbergh stated that she thinks that the Board has no choice but to permanently deny him a license and to permanently revoke his training certificate.

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Dr. Robbins stated that he wanted to point out an error in State's Exhibit 7. He referred to a letter written by Dr. Mai, in which Dr. Mai states, "(o)n April 27, 2007, I pled guilty to a Class D felony theft over \$1 000.00." Dr. Robbins noted that the date should read "April 27, 1997."

Dr. Robbins stated that he agrees wholeheartedly with Dr. Buchan and Dr. Steinbergh. This case is all about character. Dr. Robbins stated that he actually has a lot of empathy for this individual; but, as you follow the chronology of this and listen to Dr. Mai's explanations, he's not sure that Dr. Mai has come to grips with what he's done and the fact that his actions are egregious. Dr. Robbins stated that it is clear that there's no way the Board can give Dr. Mai an Ohio license. He added that he is in total support of the Report and Recommendation.

Dr. Buchan commented that he doesn't understand the logic of the delay in the proposed ten-day delay in the effective date of the Order. He stated that Dr. Mai is in a residency, and there will be coverage for his patients should the effective date be immediate. If it is appropriate that Dr. Mai not hold a license in ten days' time, it's appropriate that he not hold a license today.

Dr. Varyani agreed with Dr. Buchan.

**DR. BUCHAN MOVED TO AMEND THE EFFECTIVE DATE OF THE PROPOSED ORDER TO MAKE THE ORDER EFFECTIVE IMMEDIATELY. DR. VARYANI SECONDED THE MOTION.**

Dr. Steinbergh inquired about the reason for the amendment.

Dr. Buchan stated that he could understand allowing a wind-down period for a physician who is in a private practice and has to arrange for care for his patients, but not for someone in a residency program. If the Board decides to revoke the license, it should be revoked immediately.

Dr. Steinbergh agreed.

Dr. Talmage left the meeting during the previous discussion.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye

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Dr. Steinbergh     - aye  
Dr. Kumar           - aye

The motion carried.

**DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DAVID CHI MAI, D.P.M., AS AMENDED. DR. VARYANI SECONDED THE MOTION.**

Dr. Kumar stated that he would now entertain further discussion.

Dr. Robbins stated that this action is happening later in Dr. Mai's education than he would have liked it to happen. He asked for clarification about the training certificate application process.

Ms. Thompson stated that the training certificate application requires the applicant to answer the same sorts of questions that an applicant for a full license must answer. However, under the statutes and rules, the applicant gets an acknowledgment letter as soon as the application is filed. The resident can then start his or her training program at that time. The residents are in that training program while the application is being reviewed. If an issue is identified that would send the application for enforcement, the applicant automatically gets a training certificate at the end of 120 days, but that doesn't close out the issue. If an issue is identified in an application for a full license and is then sent to enforcement, no license is issued until the enforcement issue is completely resolved.

Dr. Robbins asked whether an applicant could go through his or her entire training before the Board gets through the whole enforcement process.

Ms. Thompson stated that she would certainly hope not, but it depends on the case. She stated that she sees a lot of training certificate applications that are coming through the complaints department. They are generally all reviewed for those issues within six months of having been filed. One of the reasons the rule was written in the way it was is because you don't want to disrupt training that has already started because most of those complaints get closed without formal action.

Dr. Robbins commented that there's probably no such thing as a summary suspension of a training certificate.

Ms. Thompson stated that there is, but it depends on the issues.

Dr. Robbins expressed concern that a resident could be pretty far along in the training process before the Board takes action.

Ms. Thompson advised that licensure cases have a high priority code, so they move more rapidly. She stated that just a few months ago a summary suspension was done on a training certificate and the physician was probably eight to nine months into his training program.

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Dr. Egner stated that she appreciates Dr. Robbins' concerns, adding that she thinks that it's a concern for all the Board members, but she noted that, in a training program, there are a lot of supervision safety nets. She stated that she can live with allowing a resident to continue his training while the Board does its investigation. She stated that there is some downside to it, though. Dr. Egner stated that she wants Dr. Mai to know that, because of those safety nets and stopgaps, residency life is not like life in private practice. Private practitioners are met on a daily basis with moral decisions, ethical decisions. It is so easy to take that lower road if you are not of good character. Dr. Egner stated that, when she looks at this case, she's not just looking at where he is today. She wants to know where he will be in five to ten years. She stated that that's the problem. Dr. Mai has shown a pattern of dishonesty, just as Ms. Davidson said in her five-star paragraph. Even at hearing Dr. Mai did not come clean in his testimony to show the Board that he is a different person. For that reason, she can't see him ever being a practitioner in Ohio with the character he's demonstrated here. Dr. Egner stated that she agrees with the Report and Recommending, adding that it is very well written.

Dr. Egner added that the Board takes this action with great regret, having to take the license of such a young physician.

Mr. Browning stated that he really thinks that the Board needs to look at its process. He stated that the taxpayers of this state and nation are paying piles of money to train people, and the Board has a process where someone can start training when they shouldn't be allowed to. Mr. Browning stated that he can't believe that the Board can't do something to narrow the gap, to make sure that the Board doesn't have this situation, which does come up, although rarely. Mr. Browning stated that he agrees with everything that has been said, in terms of the outcome, but it's terrible from everyone's point of view, including the taxpayers who underwrite these residency programs and training to a significant degree, to have to pay the freight on this when it was not necessary in the first place.

Mr. Whitehouse stated that the alternative is to flip the process on its ear and have these individuals sitting out while the Board works through the application process. Then they won't be in these programs. Mr. Whitehouse stated that he understands the concern expressed by Mr. Browning, but the answer for him doesn't lie in flipping this situation and have them sit out. He stated that the Board needs to work more with the schools.

Dr. Kumar at this time asked that discussion be directed at the case before the Board at this time.

A vote was taken on Dr. Buchan's motion to approve and confirm, as amended:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye

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Dr. Robbins           - aye  
Dr. Steinbergh       - aye  
Dr. Kumar            - aye

The motion carried.

WALTER STEPHEN SHONKWILER, D.P.M.

Dr. Kumar directed the Board's attention to the matter of Walter Stephen Shonkwiler, D.P.M. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Buchan advised that he must recuse himself from this matter. Mr. Browning advised that he must also recuse himself from this matter.

**DR. ROBBINS MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF WALTER STEPHEN SHONKWILER, D.P.M. DR. STEINBERGH SECONDED THE MOTION.**

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

At this time Dr. Kumar welcomed medical students from the Ohio University College of Osteopathic Medicine.

Dr. Steinbergh stated that this is a case of a podiatrist who has a rather long history of deception. She summarized the charges against Dr. Shonkwiler, as well as the Hearing Examiner's Findings of Fact. She noted that, at this time, Dr. Shonkwiler does not have active privileges in any setting. Dr. Steinbergh spoke in support of the Proposed Order of permanent revocation on the basis of Dr. Shonkwiler's extreme dishonesty. She noted that Dr. Shonkwiler continued to practice at East Columbus Surgery Center (ECSC) without having ever been taken to task for not having active privileges in a hospital.

Dr. Egner stated that, to her, the most important part of the Report and Recommendation is not the longstanding history of lying and dishonesty, although that is what most of the Report and Recommendation deals with, but it is with St. Ann's terminating Dr. Shonkwiler's privileges for misrepresenting things in patient charts and for performing surgical procedures that were unnecessary. Dr. Egner stated that that is absolutely appalling and scary. There is no reason to doubt that that went on for years. Dr. Egner stated that time after time this physician showed dishonesty and poor character. Dr. Egner stated that she is in total agreement with the proposed permanent revocation, adding that this should have been done long before today.

Dr. Varyani stated that he was surprised that Dr. Shonkwiler got privileges at a surgery center when he didn't have privileges at any hospital. He asked how Dr. Shonkwiler could admit patients, if a problem arose in surgery. Dr. Varyani also questioned how a surgery center could give Dr. Shonkwiler privileges when he had been dismissed from one hospital. Dr. Varyani stated that he knows that that isn't in this Board's jurisdiction, but he thinks this is an issue. Dr. Varyani spoke in support of the Report and

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Recommendation.

Dr. Kumar stated that he was also bothered by the way that ECSC continued to give Dr. Shonkwiler extension after extension to get hospital privileges.

Dr. Madia also expressed concern that the surgery center continued Dr. Shonkwiler's privileges without ensuring first that he had hospital privileges.

Dr. Robbins stated that he is in agreement with the other Board members' comments. He stated that he is also appalled that the surgery center gave Dr. Shonkwiler temporary privileges. He stated that he understands having empathy, but ECSC should have been on the phone asking what is going on. They clearly never did a thing to check into what Dr. Shonkwiler was doing in terms of getting privileges.

Dr. Varyani stated that he is part of a for-profit surgery center and their bylaws require hospital admitting privileges prior to granting privileges to any physician. He commented that this facility can't be JCAHO-approved without that in its bylaws.

Dr. Talmage returned to the meeting during the previous discussion.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- abstain
	Dr. Madia	- aye
	Mr. Browning	- abstain
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

Dr. Robbins stated that it seems to him that the Board still has an obligation concerning ESCS. He stated that he knows that there's nothing in front of the Board now, but he feels compelled that the Board should inform some agency that this occurred.

Dr. Kumar stated that the Department of Health regulates and licenses the surgery center. It would behoove the Board to send the Department of Health a letter of concern.

Dr. Robbins asked that a letter of concern be sent to the Department of Health.

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FINDINGS, ORDERS AND JOURNAL ENTRIES

EDWARD DOUGLAS DEHAAS, M.D.

Dr. Kumar noted that, by letter of April 11, 2007, the Board issued a Notice of Opportunity for Hearing to Dr. DeHaas, based upon the allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. DeHaas' address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Dr. DeHaas and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

**DR. STEINBERGH MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY, IN THE MATTER OF EDWARD DOUGLAS DEHAAS, M.D. DR. ROBBINS SECONDED THE MOTION.**

Dr. Steinbergh noted that Dr. DeHaas is currently incarcerated. She stated that this is an egregious case of prescribing and selling controlled substances.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

NOTICES OF OPPORTUNITY FOR HEARING AND ORDERS OF SUMMARY SUSPENSION

KIMBERLI JO BURBACK, M.T. APPLICANT - LETTER OF PROPOSED DENIAL

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

**DR. ROBBINS MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MS. BURBACK.**

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

RICHARD LUBOGA BYAKIKA, 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. BYAKIKA.**  
**MR. BROWNING SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

NANCY ROSE DUKE, M.T. - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

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

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**DR. STEINBERGH MOVED TO SEND THE NOTICE LETTER TO MS. DUKE. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

RUSSELL L. GAUDETT - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

At this time the Board read and considered the proposed notice 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 NOTICE LETTER TO MR. GAUDETT. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

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RAVI KUMAR JONNALAGADDA, M.D., AKA RAVI J. KUMAR, M.D. - LETTER OF PROPOSED DENIAL

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

**DR. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. JONNALAGADDA. DR. AMATO SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

ROBERT M. MOORE, M.T. - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

At this time the Board read and considered the proposed notice 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 NOTICE LETTER TO MR. MOORE. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

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The motion carried.

DAVID G. PETRAS, L.M.T. – CITATION LETTER

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

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

MARY ELLEN RATCLIFF, M.T. APPLICANT - - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

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

**DR. ROBBINS MOVED TO SEND THE NOTICE LETTER TO MS. RATCLIFF. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye

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Dr. Steinbergh - aye

The motion carried.

MARIA IMMACULATA REDMON, M.D. - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

At this time the Board read and considered the proposed notice 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 NOTICE LETTER TO DR. REDMON. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

PAUL DANIEL REIKOWSKI, JR., L.M.T. – CITATION LETTER

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

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye

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Dr. Robbins - aye  
Dr. Steinbergh - aye

The motion carried.

BLYTHE H. SNOW, D.O. - NOTICE OF OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION

At this time the Board read and considered the proposed notice 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 NOTICE LETTER TO DR. SNOW. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

GREGORY S. UHL, 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. UHL. MR. BROWNING SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

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

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Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

#### RATIFICATION OF SETTLEMENT AGREEMENTS

Board members were provided with copies of settlement agreements negotiated by Board staff and/or the staff of the Office of the Attorney General, as authorized by the Board's Secretary and Supervising Member, and as appropriate, the Board President, as well as copies of summaries of the agreements. The names and license numbers of the licensee or applicant subjects of such settlement agreements were removed from the documents.

#### PHILIP THEODORE NOWICKI, M.D. – PERMANENT SURRENDER/CONSENT TO REVOCATION OF LICENSE

**DR. STEINBERGH MOVED TO RATIFY THE PERMANENT SURRENDER WITH CONSENT TO REVOCATION OF DR. NOWICKI'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. MR. BROWNING SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Dr. Egner left the room at this time.

#### GREGORY G. DUMA, M.D. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. DUMA. DR. EGNER SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain

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Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

Dr. Egner returned to the room at this time.

CHARLES DAVID HANF, M.D. – WITHDRAWAL OF APPLICATION

**DR. STEINBERGH MOVED TO RATIFY THE WITHDRAWAL OF DR. HANF’S APPLICATION TO PRACTICE MEDICINE AND SURGERY. MS. SLOAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

WILLIAM WAYNE HOLLIFIELD, M.D. – CONSENT AGREEMENT

**DR. VARYANI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. HOLLIFIELD. DR. STEINBERGH SECONDED THE MOTION.**

Dr. Steinbergh stated that she initially had concerns about this consent agreement, noting that Dr. Hollifield hasn’t practiced since 2001. She noted, however, that she called Mr. Katko and was advised that Dr. Hollifield recently passed the SPEX, and is currently board-certified in neurosurgery. She added that Dr. Hollifield will have a monitoring physician under the terms of the consent agreement. She stated that this information helped her to feel more comfortable about ratifying the agreement.

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A vote was taken on Dr. Varyani's motion to ratify:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

JAIME SMITH E. INCAS, M.D. – PERMANENT SURRENDER OF LICENSE

**DR VARYANI MOVED TO RATIFY THE PERMANENT SURRENDER OF DR. SMITH E. INCAS' LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

KATHERINE ANNA KOCZAN, D.O. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. KOCZAN, D.O. DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain

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Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

Dr. Talmage left the room at this time.

ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. SZOKOLOCZY-SYLLABA. DR. MADIA SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

JOHN WESLEY SHAW, M.D. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. SHAW. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye

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Dr. Amato - aye  
Dr. Robbins - aye  
Dr. Steinbergh - aye

The motion carried.

WILLIAM L. SCHLOTTERER, D.O. – CONSENT AGREEMENT

**DR. VARYANI MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. SCHLOTTERER. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

RICHARD DAVID GRECZANIK, D.O. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. GRECZANIK. MS. SLOAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

At 3:03 p.m., the Board took a brief recess. The meeting reconvened at 3:24 p.m. with Dr. Egner, Dr. Steinbergh and Mr. Browning out of the room.

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### PERSONAL APPEARANCES

Dr. Kumar advised that Ms. Pfeiffer has asked to address the Board prior to the personal appearances on today's agenda.

Ms. Pfeiffer stated that she would like to remind Board members that there are practitioners who will be appearing before the Board and who have consent agreements related to impairment. There is a subset of those whose conduct that led to them entering into a consent agreement due to impairment may possibly constitute criminal conduct. Ms. Pfeiffer stated that in those instances, typically the consent agreement into which they entered relates solely to the impairment. There are no other obligations or admissions of criminal conduct. Ms. Pfeiffer stated that some of the questions Board members might ask, might possibly incriminate them were they to answer those questions. She stated that, should a physician advise the Board that his attorney advised him or her not to answer certain questions, the Board members need to respect that and understand that.

Dr. Egner and Mr. Browning returned during Ms. Pfeiffer's statement.

### WALTER L. GEORGE, M.D.

Dr. George appeared before the Board pursuant to his request for release from the terms of his September 11, 2002 Step II Consent Agreement.

Dr. Kumar briefly explained Dr. George's history with the Board for the benefit of the students in the room.

Dr. Buchan asked Dr. George to summarize his time with the Board.

Dr. George stated that he'd like to begin by saying that, as he sat in the audience and listened to these very sad stories, many of whom were people who are sick but don't yet know that they are sick, he's grateful that he's not one of those anymore. Dr. George stated that he owes that, in no small part, to the intervention of the Medical Board.

Dr. George stated that the second thing that strikes him is that he thinks about all of these young students from Ohio University School of Medicine, indicating that he himself graduated from Ohio University in 1971. He stated that he entered medical school with all the idealism and optimism of any young physician, and he had no idea what was in store for him. Dr. George stated that he just can't help but hope for them. Maybe if he had sat in a meeting like this when he was their age and heard these stories, and maybe if someone had taught him a little bit about the disease of alcoholism and drug addiction, and maybe if he had known a little bit about all the temptations and all the other things, maybe his life would have taken a different course. Dr. George stated that he's glad the students are here.

Dr. George stated that he's learned that he was a very sick person. The disease of alcoholism and addiction goes way beyond just taking the substances. It takes a long time to peel away the layers of dishonesty, deceit and ego in order to get down to the truth of what they are and what they have. To that end, he is

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very proud of the Medical Board for what it does. Dr. George stated that he's heard that this is the toughest medical board in the country when he first got sober, and that he was in for a hard time. He stated that the Medical Board has quite a reputation, and he was pretty terrified. He didn't know what was going to happen to him. Dr. George advised that he was a self-reporter. He didn't come under any legal consequences. He didn't come under any potential felony actions. Dr. George stated that he came here and saw that it was going to take him six years from the day he got sober to get out from underneath this rock. He commented that he thought that this was a terrible, long time. He questioned how he would ever get through it, and why the Medical Board was doing this, and why was it so long.

Dr. George stated that today he doesn't feel that five years is long enough, especially for physicians. He stated that he's gotten to know many physicians in recovery, and they're tough nuts to crack. He stated that their accomplishments and achievements and running all the time on the treadmill of success keeps them from realizing just who they are and what they have. If it weren't for the rigid stipulations of the five-year consent agreements imposed by this Medical Board, he believes that many of these physicians would go back out. It takes time to make these discoveries. This process of self-discovery is very rough, very difficult. You have to commit every ounce of your will to recovery. He commented that, in a way, the Medical Board in Ohio makes it easy for these physicians. The Board requires them to submit to these stipulations for five years in order for them to practice. Dr. George stated that he's seen, right around the two or three-year period, changes in physicians start to occur. They're starting to realize that they're the same as everybody else with this disease, and they're starting to realize just how badly they need A.A., sponsorship and meetings, and all those things. If it weren't for that five-year requirement, he thinks that a lot of these physicians wouldn't make it.

Dr. George stated that he went to one A.A. meeting a week for about two years that was just for medical professionals. He stated that he finally left that meeting. He said that it was helpful to him early on, when he needed to understand his Board issues. He needed to talk to people who had been through it and who had survived and had their careers and practices back. He added, however, that he quite frankly was not getting the message in those physician-based A.A. meetings that he was getting out in the community from all the blue collar guys, and all of his sponsors who would look him in the eye and see through his ego and see through his pride and tell it to him like it was. Dr. George stated that he stopped going to the physician group meetings. He stated that it's just an extra challenge for physicians.

Dr. Steinbergh returned to the meeting at this time.

Dr. George again stated that he's very grateful to the Board, and added that he is a staunch advocate. Dr. George added that, if there's anything that he can do to help the Board, either as a physician liaison with new physicians coming in, or any other way, he would be honored to do it. Dr. George stated that he thinks that the Board is doing a good job. He added that he thinks the Board is doing the right thing.

Dr. Kumar thanked Dr. George for his comments. He commended Mr. Albert, who has been the lead person in getting the program to work as effectively as it does.

**DR. VARYANI MOVED TO RELEASE DR. GEORGE FROM THE TERMS OF HIS  
SEPTEMBER 11, 2002 STEP II CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE**

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**MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.

Dr. Talmage and Dr. Egner left the meeting at this time.

ERDULFO P. PAAT, M.D.

Dr. Paat appeared before the Board pursuant to his request for release from the terms of the Board's Order of March 10, 2004.

Dr. Kumar advised that Dr. Paat was found guilty of one misdemeanor count of sexual imposition toward a female patient.

In response to Board members' questions, Dr. Paat stated that he's changed his practice habits and is more careful than he was previously. He learned that good communication is a good way to avoid this problem. He always has another female present when he examines female patients because that's how you can get into this kind of trouble. He stated that he pled "no contest" in court because he was having financial problems.

Dr. Paat stated that, currently, he's in a three-physician office. One of the physicians, a family physician, is a female. He added that he also has an extern from a medical assistant program training with him.

Dr. Paat thanked the Board for its efforts in his regard.

**DR. STEINBERGH MOVED TO RELEASE DR. PAAT FROM THE TERMS OF THE BOARD'S ORDER OF MARCH 10, 2004. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye

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Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.

GERALD B. APPLGATE, M.D.

Dr. Applegate made his initial appearance before the Board, pursuant to the terms of the Board's Order of June 14, 2006.

In response to Board members' questions, Dr. Applegate stated that his license was reinstated in June. His practice is in gynecology only, and he has an office in Miami Beach, Florida. The Florida Board also adjudicated his case and placed him on a 90-day probation and fined him. That is now all behind him in Florida.

Dr. Applegate stated that he is no longer married to the woman for whom he was writing the prescriptions. He added that he is being very diligent and careful in keeping accurate medical records now. Upon the request of a Board member, Dr. Applegate explained, for the sake of the students in the room, that as a physician, you're taught to keep your patients interests as the primary focus. When trying to treat a spouse, your thinking gets quite clouded, both emotionally, and as a physician. He stated that it's impossible to serve two masters, adding that it's very easy to get caught up in it. It's a no-win situation, so it's important to avoid that type of situation.

In response to further questions, Dr. Applegate stated that his Ohio license was suspended by the Board for one year, but he was still practicing in Florida during that time. He was originally in Pittsburgh and had an office both there and in Ohio.

Dr. Kumar stressed for those present the importance of being completely accurate on applications.

**DR. STEINBERGH MOVED TO CONTINUE DR. APPLGATE UNDER THE TERMS OF THE BOARD'S ORDER OF JUNE 14, 2006, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye

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Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- aye

The motion carried.

ERICA R. BROWN, M.D.

Dr. Brown made her initial appearance before the Board, pursuant to the terms of her June 13, 2007 Consent Agreement.

Dr. Steinbergh asked whether Dr. Brown is still in training. She replied that she is.

Dr. Steinbergh noted that Dr. Brown had some problems with domestic violence. She stated that this is a terrific lesson for the medical students in the room because the privilege to practice medicine is something very different from getting a degree. Not only does the Board look to physicians to be honest and to be competent physicians, but things as simple as this could bring a physician before the Medical Board.

Dr. Brown commented that she's not too far away from where the students are in their progress. She first thanked the Board for giving her an opportunity to practice. She advised that she was involved in a really bad relationship, which, after about two years, sparked a terrible ten minutes of her life, which she hopes to never repeat and which never happened before. Dr. Brown stated that she feels terrible about it still. She added that she's spent about the last two years working on those things and participating in a variety of different groups. She's also received counseling for being a battered woman.

In response to further questions, Dr. Brown stated that her residency is going great. She's in training at Ohio State Medical Center in the emergency department. She added that her program was wonderful throughout this process, in terms of being supportive. Dr. Brown stated that, after you've faced losing the opportunity to practice, it's a pleasure to work every day.

Concerning questions about her personal support system, Dr. Brown stated she lived in Boston for a year. Her sister lives there and she spent a lot of time with her sister. She not only participated in counseling, but she also took some time to process what had gone on during the past five years, and how she got into that situation. Dr. Brown stated that she definitely needed to take some time to just do some introspection, and to figure out how things evolved. Dr. Brown stated that you never wake up in the morning and say, "I'm going to be in a bad relationship today." Dr. Brown stated that she needed to process how one thing led to another, and how she kept turning the other cheek so much and letting things go, and then progressing to an awful situation that was not only humiliating, but out of character. Dr. Brown stated that it also helped her to start residency in a better state of mind.

Dr. Steinbergh stated that the Board will help to support Dr. Brown, but its mission is public protection. The Board will look at physicians in a variety of ways to make certain that a physician is appropriate to take care of patients.

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**DR. STEINBERGH MOVED TO CONTINUE DR. BROWN UNDER THE TERMS OF HER JUNE 13, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

Dr. Egner returned to the meeting at this time.

DEBORAH LYNNE FRANKOWSKI, M.D.

Dr. Frankowski made her initial appearance before the Board, pursuant to the terms of her June 13, 2007 Step I Consent Agreement.

In response to Board members' questions, Dr. Frankowski stated that she is doing much better. She stated that she walked out of her practice on her own at the end of March. She entered treatment on her own. Dr. Frankowski stated that, since she's been home, she's been very involved in A.A. She has a sponsor, and she's working the steps. Dr. Frankowski stated that she's not working at this point, but she is taking care of her three children, which is pretty much a full-time job.

Dr. Frankowski stated that she believes that she understands the terms of her consent agreement. She advised that she goes to meetings at least six days a week. She attends one caduceus meeting a week, and the rest are A.A. meetings.

When asked how long she has been impaired, Dr. Frankowski stated that she's been using Hydrocodone for approximately four years. She added that she's not sure that she was impaired the whole four years. It progressed. She's been using about four years. She's feeling much better now. Dr. Frankowski explained that she started using Hydrocodone for headaches and to treat anxiety. She started abusing it for anxiety. She quit using, on her own, for about a year in that four-year span. Then the work and home situations got very anxiety-provoking and she started using again. Her use just got out of control.

When asked how her home situation is now, Dr. Frankowski stated that it's good. Her children are ages

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ten, eight and five.

In response to further questions, Dr. Frankowski indicated that she does have a diagnosis of bipolar disorder. She's on medication and undergoing ongoing treatment. This is not a recent diagnosis. Dr. Frankowski stated that she feels that that diagnosis, to some extent, did play into what brought her before the Board. Dr. Frankowski stated that it was more the anxiety component that brought her before the Board. Her psychiatrist at the time couldn't get a handle on the anxiety. That psychiatrist had her on Xanax as well as mood stabilizers, and she kept ramping up the Xanax. Dr. Frankowski stated that it did nothing for the anxiety. She added that she doesn't see that psychiatrist any more. She sees a psychiatrist who specializes in addiction now. That psychiatrist is also treating the bipolar with mood stabilizers. She's currently taking Seroquel, Lamictal, Lithium and Lexapro.

Dr. Frankowski advised that her treatment at Parkside started in April 2007. She was at Parkside from April 23 to May 22, 2007. She stated that, when she went to Parkside, she thought she was going there to save her license, and it saved her life. She stated that she had absolutely no idea about addiction. She had no idea that it was a disease. She had no idea what to do, who to ask or where to go. All she knew was that she had quit using, and she didn't know how to do that. It saved her life. She stated that it was a good experience. She doesn't know whether it would be better if it was longer. She added that she didn't really know much about the other treatment programs. Dr. Frankowski stated that an OB/GYN in the Cincinnati Caduceus meeting kind of took her under his wing and walked her through the process. She stated that he had gone to Parkside, and that's how she ended up there. Dr. Frankowski stated that it was a good experience, and really got her on her feet and got her started.

Dr. Robbins asked Dr. Frankowski what her children know.

Dr. Frankowski stated that her ten-year-old knows most of the story. She commented that he's very mature and very perceptive. He was very upset when she was gone. Dr. Frankowski stated that she was such a mess during the couple of weeks between walking out of her practice and entering treatment, trying to figure out what to do. She didn't talk to him before she went to treatment because she wasn't in a position to do that. When she came home, she sat down and talked to him and told him that she was on some medication that she shouldn't have been on. She's told him that she goes to meetings, and that's part of her medicine. Dr. Frankowski stated that her son has been good about it. He goes to meetings with her, and he's done really well with it. Dr. Frankowski added that, unfortunately, he's been exposed to some things she wishes he hadn't been in this whole process, but he's done very well with it. Her younger two children seem pretty oblivious, really. They're young enough that their perception of it is, "how does it affect me?" She stated that they were sad that she was gone, but when she came back, everything was okay. They aren't really interested at this point.

In response to further questions, Dr. Frankowski stated that she was in a group practice before. She stated that the other physicians in the group have just turned their backs on her.

Dr. Buchan asked Dr. Frankowski whether, had she known about addiction, she would have avoided this situation.

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Dr. Frankowski stated that she'd like to think so, but, given the disease concept, she's not sure that that's something you have a choice over. She added that she certainly didn't intend to start misusing medication. She thinks at some point that everybody knows when they're using that it's not right, that it's not normal; but she's not sure at what point you really have the choice until you really hit bottom. She acknowledged that stress contributed to her using. Now she has the tools to deal with that stress prior to being medicated. She stated that that's what A.A. does. Dr. Frankowski stated that one thing with her son is that he can see what she's gone through, and he sees her tackle something so hard successfully. That will teach him that he can do the same.

Dr. Egner commented that children learn more from what they see than from what their parents say. There's no doubt about that.

In response to further questions from Dr. Egner, Dr. Frankowski stated that she did practice full-time. She doesn't think about what she wants to do when she can go back to work, and added that she really can't go there yet. She stated that getting to be home with her children has been a huge gift. She commented that she's never been home with them.

Dr. Egner stated that she knows how difficult it is to have three young children so close in age, and working and being a mother at the same time. She recommended that Dr. Frankowski take time and make slow decisions as she's getting back into practice.

**DR. STEINBERGH MOVED TO CONTINUE DR. FRANKOWSKI UNDER THE TERMS OF HER JUNE 13, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MS. SLOAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

STEVEN F. GREER, M.D.

Dr. Greer made his initial appearance before the Board, pursuant to the terms of the Board's Order of June

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13, 2007. He was accompanied by his attorney, Dr. Irwin.

In response to Board members' questions, Dr. Greer stated that he's working the program of recovery taught to him at Talbot. He attends six to seven meetings a week, and he has a sponsor at the home group. He recently attended an International Doctors in A.A. conference in Boston. Other than that, he does what is required by his consent agreement. He has to go to Talbot for revisits. He went back in June and will be going back in October. He's working the steps, and has gotten through the steps. He's making amends. He calls his sponsor every day.

Dr. Greer stated that he needed this time off. He advised that, looking back, even after being out as long as he was the last time, it wasn't enough going back into the surgery residency.

Dr. Steinbergh stated that Dr. Greer is not in compliance at this time, as drug screens from August 12 and August 29 have not been received.

Dr. Greer stated that this was something that O.P.H.P. discussed with him. He sent O.P.H.P. chain-of-custody forms. He stated that there have been issues. He stated that he dropped some urine samples at University Hospitals, one in April and one in June, that were not processed. He was able to provide a chain-of-custody form as evidence that he had physically dropped the urine. When he transitioned over to his primary care physician, whose office is up the street from where he lives, apparently there were some clerical errors made. In going back through the chain-of-custody forms with him at his office, there was one form that didn't have a date on it, there was one form dated November. Dr. Greer acknowledged that he has to be more vigilant about that.

Dr. Steinbergh advised Dr. Greer that he has to be compliant with the Board's Order. He can't mess up again. It's his responsibility to get those reports in.

Dr. Greer stated that he physically drops a urine every week. He doesn't know from the dates whether the samples weren't processed or they just didn't get them.

Mr. Albert asked Dr. Greer whether he understands what a "stayed revocation" is.

Dr. Greer stated that he does.

Mr. Albert stated that a stayed revocation means that, if Dr. Greer has another relapse, this Board will impose that revocation. His license will be gone forever. That information will go to every state across the country. Mr. Albert stated that the Board is here to give him advice, and Dr. Greer's attorney is probably one of the best attorneys he knows. Mr. Albert stated that Dr. Greer really needs to work the program.

Dr. Kumar stated that Dr. Greer needs to talk to Ms. Bickers to learn what he must do to be in compliance.

Dr. Greer stated that maybe he doesn't understand the role of O.P.H.P. He was going through O.P.H.P. and working with Jason Jones on these issues. He was submitting documentation to Mr. Jones. The bottom line is that he knows that he needs to be more vigilant himself, but he thought that he'd taken the

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appropriate action. Mr. Jones didn't say that there was anything else that needed to be done.

Dr. Buchan asked Dr. Greer what his drug of choice is.

Dr. Greer stated that it's cocaine.

Dr. Buchan stated Dr. Greer has been down this road before. He stated that some Board members are compassionate, but he is not. Dr. Greer needs to either get right or go home. Dr. Buchan stated that Dr. Greer is a smart, talented physician. The Board will help him to a point, but this is intolerable. He stated that this conversation won't happen again. If Dr. Greer is non-compliant again, the game is over.

Dr. Irwin stated that this issue was not brought up to him until recently.

Dr. Kumar stated that it is important that Dr. Greer communicates with Ms. Bickers.

Ms. Sloan stated that the Board members aren't babysitters. She added that Dr. Greer is a very smart person. She stated that this is his license the Board is talking about, and if he wants to keep his license, he needs to follow up to make certain that he remains in compliance. He needs to find out how to get his screens in. She commented that she's sure that Dr. Greer didn't have any trouble finding drugs. She indicated that it's difficult to believe that Dr. Greer is following up.

Dr. Kumar stated that he believes that Dr. Greer has heard, loud and clear, what he must do.

Dr. Amato asked whether the Board will be notified if the results from July don't show up. He suggested that the next appearance be before the full Board so that the Board can make sure that Dr. Greer is compliant.

Dr. Steinbergh stated that Dr. Greer has been doing this since 2004. This isn't anything new to him.

**DR. BUCHAN MOVED TO CONTINUE DR. GREER UNDER THE TERMS OF THE BOARD'S ORDER OF JUNE 13, 2007, WITH HIS NEXT APPEARANCE BEFORE THE FULL BOARD. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

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Dr. Kumar - aye

The motion carried.

WILLIAM C. HARLAN, D.O.

Dr. Harlan made his initial appearance before the Board, pursuant to the terms of his May 9, 2007 Step I Consent Agreement.

In response to Board members' questions, Dr. Harlan stated that he is somewhat anxious about this appearance. He advised that he is addicted to Ritalin. His license is currently suspended. He completed his 28-day program at Parkside, and since that point in time he's attending aftercare at Parkside on a weekly basis. He attends anywhere from one to three Caduceus meetings weekly, and, typically, three N.A. meetings on a weekly basis. He's doing some service work, and he's spoken at Ohio University College of Osteopathic Medicine's addictions class about his story. He also has been "hanging out" at home, trying to get healthier both physically and spiritually. Concerning the twelve-step program, Dr. Harlan stated that he's working on his third step. He started out with a temporary sponsor and then got a permanent sponsor who had him go back. He also reads a lot of literature and works a lot with his sponsor.

Concerning compliance with his consent agreement, Dr. Harlan stated that he stays in touch with O.P.H.P. and Ms. Bickers. He turned in additional paperwork today. He stated that that brings him into compliance.

Dr. Steinbergh cautioned Dr. Harlan to stay compliant so that he can return to practice.

Dr. Robbins stated that one of the things that got Dr. Harlan into trouble was that he needed more energy because of a lot of multiple situations. He asked Dr. Harlan to tell the Board about that.

Dr. Harlan stated that, when he looks back into it, his using began somewhere around November 2005. As far as the disease of addiction, it extended further back, not necessarily with the use of chemicals but behaviors. Dr. Harlan stated that he thinks that there was somewhat of a work addiction. He was basically doing four jobs. He was doing his emergency department shifts. His goal was to cut back on that, but they had physicians who were ill and there was difficulty with staffing, so his shifts actually increased. Then he was covering three different correctional facilities. They were quite far away, in Greenville, Zanesville and Nelsonville. The emergency department was in Springfield. Dr. Harlan stated that he was working all the time. He stated that one of the big things he's learned is that, even though he's passionate about his work and looks very much forward to returning and being a better physician, he has to place himself and his wellbeing first. He's worked on learning to say "no." Dr. Harlan stated that he thinks that that's very important for the medical students to learn.

Mr. Browning asked Dr. Harlan how he will change his pattern.

Dr. Harlan stated that change is an ongoing process, and it's not easy. It takes a lot of work. The program

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he's following is fantastic. Dr. Harlan stated that this whole experience has been pretty much a Godsend to him. On a daily basis he must monitor his priorities, his behaviors, and really stay on top of things.

Concerning family support, Dr. Harlan stated that he feels extremely lucky with his family support.

**DR. STEINBERGH MOVED TO CONTINUE DR. HARLAN UNDER THE TERMS OF HIS MAY 9, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. BROWNING SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

JAMES MICHAEL KENNEN, D.O.

Dr. Kennen made his initial appearance before the Board, pursuant to the terms of his June 13, 2007 Step I Consent Agreement.

Dr. Steinbergh stated that Dr. Kennen has been with the Board for a long time, also, since 2001. He's here again due to a relapse and subsequent agreement. She asked what is different now from six years ago.

Dr. Kennen asked to make a correction. He stated that he's not here on a relapse or on a subsequent agreement. He was actually under revocation at the time, was reapplying for his license. He was three weeks' shy of four years of sobriety and had a one-night episode. Unfortunately, his pattern is binge drinking. He stated that he first came through the program in 2001. Dr. Kennen stated that he felt that his problem was basically because of anxiety and depression. He thought that his alcohol consumption and abuse was a symptom of other problems. Since then, he has proven to himself and everyone else around him that he definitely does have a problem with alcoholism. Dr. Kennen stated that, thanks to having to be accountable to the Medical Board and to the Cleveland Clinic, and to help from the Cleveland Clinic and to working the program for six years, he's a different person than he was when he came here in 2001. Dr. Kennen stated that he's very grateful for the gift he's been given to be able to be a healthier person, not only physically, but mentally and emotionally.

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Dr. Kennen stated that he would like to reiterate some of the things that Dr. George said earlier. A.A. and recovery have given him a new outlook on life. In no small part, that has been because of the problems he's had with the Medical Board. Dr. Kennen stated that, even though he's been around for six years, he considers the fact that his first relapse, which was after nine months, has been very brief. He actually went to Caduceus and sought help at that point. He has a history of binge drinking. Dr. Kennen stated that he drinks for affect, not because he likes the taste of it. He always knew he was an over drinker, he just didn't buy into the disease. He now definitely realizes the fact that this is a disease and that he does have the disease of alcoholism. Dr. Kennen stated that, not only has he been working the program of A.A., but he volunteers at the Cleveland Clinic in the Alcohol and Drug Recovery Center. Each week, he attends a relapse prevention group at the Cleveland Clinic. He sees a psychologist every other week since his last relapse. He attends Caduceus group meetings. Dr. Kennen commented that he runs the Caduceus group and the support group at times.

Dr. Kennen stated that he thought that he'd bought into the program totally and the fact that he was an alcoholic; but in the back of his mind, he probably always thought that his biggest problems were anxiety and depression, and those were due to medications used. When he went off the medication, those things seemed to go away. Dr. Kennen stated that he thinks that he got complacent, and put himself in a bad situation. He had the one-night relapse and ended up in legal problems. Dr. Kennen stated that he thinks that was a big wakeup call for him. Something has definitely changed. Dr. Kennen stated that he's very grateful to the Medical Board for allowing him to appear here. After his past history, he added, the Board may have refused his request to practice medicine again.

Dr. Steinbergh stated that Dr. Kennen is the only one who can turn this around now.

**DR. STEINBERGH MOVED TO CONTINUE DR. KENNEN UNDER THE TERMS OF HIS JUNE 13, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

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KERRIE VAN WAGONER, P.A.

Although scheduled to make her initial appearance before the Board, pursuant to the terms of her June 13, 2007 Step I Consent Agreement, Ms. Van Wagoner did not appear.

RANDALL G. WHITLOCK, JR., P.A.

Mr. Whitlock made his initial appearance before the Board, pursuant to the terms of his July 11, 2007 Step I Consent Agreement.

In response to Board members' questions, Mr. Whitlock stated that he is doing well. He stated that he started with a cocaine dependency approximately two years ago. He went into an intensive outpatient program (IOP) in the fall of 2006. He also saw an addiction psychologist. Both were unsuccessful. Mr. Whitlock stated that he then entered Glenbeigh after referral by the Employee Assistance Program at work. His family was also trying to do interventions on him. Mr. Whitlock stated that, unfortunately, he did not think that he had a problem. He's come to the realization that he was very sick and he entered Glenbeigh on December 19, 2006. He informed the Board approximately one week later. He entered into a Step 1 Consent Agreement. He left Glenbeigh in January 2007. Mr. Whitlock stated that he went to the Bethesda IOP in late January, and graduated from there in March. He signed his agreement with the Board on March 14, 2007 and relapsed on March 27, 2007. He entered Glenbeigh for the second time on April 2, 2007 for approximately 28 days and stayed at a three-quarter house there for another month.

Mr. Whitlock stated that he returned home in late May 2007 and restarted an aftercare program. He's been in a weekly aftercare program since then. Mr. Whitlock stated that he also works an NA program, and he goes to A.A. and Caduceus.

Concerning the relapse, Mr. Whitlock stated that he doesn't think that he understood the disease concept. It was one of those things. He thought that he could control it and found out, very harshly, that he couldn't. He added that he's fortunate to be sitting here alive, when he shouldn't be. He stated that he thanks his Higher Power that he is. He knows now that he can't use. He will very likely not be alive if he ever uses again. He understands now that he is powerless. He has a disease that, if he does not pray, work his steps, call his sponsor and understand that the disease is out to kill him, it very likely will. Mr. Whitlock stated that, unfortunately, he has had several friends and close associates who have passed on since he's been involved with this. He now understands what's been involved. Mr. Whitlock stated that he is feeling better, but it's a daily reprieve. He has to work daily on this. He's recently returned to work, and that's going well. Previously he worked two jobs and a lot of hours a week, and it was very stressful. Now he works 40 hours a week, which is a lot less. He's started back in July, in a logistics department, basically moving equipment and stocking. Just being in the setting has helped tremendously. He commented that he's worked in a hospital setting since the early 1990s.

Dr. Buchan asked Mr. Whitlock how he is dealing with his old friends.

Mr. Whitlock stated that he has no association with any of his past friends. He added that his poor choices

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in friendships are what started him on his drug use. Mr. Whitlock commented that he should have listened to his parents, who told him at a young age that he was hanging around with the wrong people.

Dr. Buchan asked whether Mr. Whitlock has any children. He replied that he does not.

Mr. Whitlock stated that he did have friends who did not use or drink; but, unfortunately, later in life, he hung around with people who did. Several years ago a friend of his had just gotten out of jail, and he tried cocaine with the friend the one time, and it was all over. He just made the choice to pick it up. Mr. Whitlock stated that he has some grandparents and uncles who are alcoholics and/or addicts. As he looks back, he had addictive behavior long before he ever picked up. Mr. Whitlock stated that he has a thinking disease, and it's a mental and spiritual disease. Spiritually, he was very unfit, and it almost killed him.

**DR. MADIA MOVED TO CONTINUE MR. WHITLOCK UNDER THE TERMS OF HIS JULY 11, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

#### LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Kumar advised that at this time, he would like the Board to consider the probationary reports, the probationary requests, and the licensure applications on today's consent agenda. Dr. Kumar asked whether any Board member wished to consider either an application for licensure or a probationary report or request separately. He noted that all probationers are in compliance.

There was no request to consider an item separately.

**DR. VARYANI MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON AUGUST 6-7, 2007, WITH: DAVID B. AXELSON, M.D.; CHARLES**

**B. BERTANI, D.O.; TRACIE L. BOLDEN, M.D.; JOSEPH CLAUDE CARVER, M.D.; PATRICK BRIAN CESTONE, JR., M.D.; JASON V. CHURCH, M.D.; L. JEAN COOPER, M.D.; STEVEN W. CRAWFORD, M.D.; RICHARD R. DELAFLOR, M.D.; MILES E. DRAKE, JR., M.D.; MARY JO FOOTE, P.A.; PETER FRAGATOS, M.D.; DARRELL A. HALL, M.D.; RONALD C. HETMAN, D.P.M.; LOUISE DELYTE MORRIS, P.A.; FRED R. MOSS, M.D.; PHILLIP THIELE NORTH, M.D.; PAUL E. PANCOAST, M.D.; DALE PRATT-HARRINGTON, D.O.; THOMAS A. RANIERI, M.D.; JOHN H. ROCKWOOD, P.A.; JOHN W. SHAW, M.D.; AND TOBY JAMES TIPPIE, P.A.; DR. VARYANI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:**

- **TO APPROVE CRAIG L. BIERER, D.O.'S REQUEST TO CHANGE HIS SUPERVISING PHYSICIAN FROM LEROY J. LEFEVER, D.O. TO BRUCE GRAY, M.D.;**
- **TO APPROVE JAMES H. SCOTT, D.O. TO SERVE AS KEVIN W. BOWERS, D.O.'S MONITORING PHYSICIAN;**
- **TO APPROVE RAPHAEL CHUNG, M.D. TO SERVE AS JOHN D. BROWNLEE, M.D.'S MONITORING PHYSICIAN;**
- **TO APPROVE PAUL CLAASSEN, D.O.'S REQUEST FOR A REDUCTION IN DRUG SCREENS FROM ONCE A WEEK TO TWICE A MONTH, AND AN ELIMINATION OF HIS CONTROLLED SUBSTANCE LOG REQUIREMENT;**
- **TO APPROVE MAZIN K. YALDO, M.D. TO SERVE AS JAMES VINCENT FURICCHIA, M.D.'S MONITORING PHYSICIAN;**
- **TO APPROVE LAMBERTO T.R. GALANG, JR., M.D.'S REQUEST TO CHANGE HIS MONITORING PHYSICIAN FROM JEFFREY B. MILLER, M.D. TO DAVID J. UTLAK, M.D.**
- **TO APPROVE RICHARD J. PETRUSKA, L.I.S.W., TO SERVE AS ADAM P. HALL, D.O.'S TREATING MENTAL HEALTH PROFESSIONAL;**
- **TO APPROVE PHIL MYERS, M.D. TO SERVE AS ADAM S. MARTIN, M.D.'S MONITORING PHYSICIAN;**
- **TO APPROVE DAVID A. LINDSTROM, M.D., TO SERVE AS FLORENCE B. MATYAS, M.D.'S MONITORING PHYSICIAN;**
- **TO APPROVE JAMES M. MCGINNIS, D.O.'S REQUEST FOR ELIMINATION OF HIS AFTERCARE REQUIREMENT;**

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- **TO APPROVE KEVIN DALE MCKEE, D.O.'S REQUEST TO DISCONTINUE PSYCHIATRIC COUNSELING;**
- **TO APPROVE AKI S. PURYEAR, M.D.'S REQUEST TO REDUCE HIS APPEARANCE SCHEDULE TO ANNUALLY;**
- **TO APPROVE ROBERT S. REEVES, JR., M.D.'S REQUEST FOR A REDUCTION IN HIS PSYCHIATRIC SESSIONS TO EVERY THREE MONTHS;**
- **TO APPROVE COLLEEN M. OPREMCAK, M.D., TO PERFORM THE PSYCHIATRIC EVALUATION OF STEPHEN J. ROLFE, M.D., REQUIRED FOR REINSTATEMENT;**
- **TO APPROVE THOMAS M. ROBB, D.O., TO SERVE AS BOTH CHRISTOPHER S. SHAW, M.D.'S TREATING PSYCHIATRIST AND ADDICTIONOLOGIST;**
- **TO APPROVE TED W. GOSSARD, M.D., TO SERVE AS SCOTT R. WELDEN, M.D.'S SUPERVISING PHYSICIAN;**
- **TO APPROVE RUTH S. ERULKAR, M.D. TO SERVE AS HEATHER LOUISE WHITTY, L.M.T.'S TREATING PSYCHIATRIST; AND**
- **TO APPROVE GREGORY S. ZINNI, M.D.'S REQUEST TO ELIMINATE THE CHART REVIEW REQUIREMENT.**

**DR. VARYANI FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A", THE P.A. APPLICANTS LISTED IN EXHIBIT "B," THE ACUPUNCTURE APPLICANTS LISTED IN EXHIBIT "C," AND THE ANESTHESIOLOGIST ASSISTANT APPLICANTS LISTED IN EXHIBIT "D." DR. STEINBERGH SECONDED THE MOTION. A vote was taken:**

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

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Dr. Kumar - aye

The motion carried.

#### ADMINISTRATIVE REPORT

Mr. Whitehouse reviewed his written report, copy of which shall be maintained in the exhibits section of this journal.

#### PRESIDENT'S REPORT

Dr. Kumar reminded Board members that the annual retreat will be held the following morning, beginning at 8:30 a.m. It will last until noon. Attending the retreat will be representatives from the Federation of State Medical Boards, the Ohio State Medical Association and the Ohio Podiatric Medical Association. He advised that, in October, there will be an internal retreat to further discuss some items discussed earlier, and to receive information from the Hearing Unit.

Dr. Kumar advised that the Board had invited Governor Strickland to attend the October meeting, but he will be unable to attend then. He has indicated that he could make an appearance at either the November or December Board meetings.

Dr. Kumar at this time asked that staff work on obtaining information for the Board concerning inquiries received and staff response time.

#### REPORTS OF ASSIGNED COMMITTEES

##### IMPAIRMENT COMMITTEE

Mr. Albert advised that the Committee reviewed an application for a Certificate of Good Standing as a Treatment Provider from ATS Behavioral Health, Inc., in Riverside, OH. The Committee recommends approval of the application.

**MR. ALBERT MOVED TO GRANT ATS BEHAVIORAL HEALTH, INC., A CERTIFICATE OF GOOD STANDING AS A TREATMENT PROVIDER. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

##### ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye

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Dr. Amato - aye  
Dr. Robbins - aye  
Dr. Steinbergh - aye

The motion carried.

LICENSURE COMMITTEE

Dr. Robbins stated that the Committee reviewed a number of Licensure applications.

Khaled Abdelhady, M.D.

Dr. Robbins advised that Dr. Abdelhady is over the seven-year time limit by one year and ten months. He passed Step 1 on the first attempt with a 75, Step 2 on the second attempt with a score of 77, and Step 3 on the fourth attempt with a score of 77. Dr. Abdelhady has sent a letter of explanation claiming he went over the seven year limit for USMLE because he has been in continuous medical education as a full time resident. He has been Board-certified in Surgery since 2006, and holds a license in the state of Illinois. Dr. Robbins stated that the Committee did not feel that Dr. Abdelhady's ongoing residency was good cause to waive the seven years.

**DR. ROBBINS MOVED TO PROPOSE TO DENY DR. ABDELHADY'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR LIMIT ON THE BASIS THAT HE HAS NOT SHOWN GOOD CAUSE. DR. AMATO SECONDED THE MOTION. A vote was taken:**

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

Maxim Novikov, M.D.

Dr. Robbins advised that Dr. Novikov is over the seven-year time limit by five months. He passed Steps 1, 2 and 3 on the first attempt with scores of 92, 86, and 93. Dr. Novikov has sent a letter of explanation claiming he went over the seven year limit for USMLE because he was in an Internal Medicine residency at William Beaumont Hospital in Royal Oak, MI and Step 3 is not required in Michigan while the

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physician is still in training. Dr. Robbins advised that the Committee recommends approval.

**DR. ROBBINS MOVED TO APPROVE DR. NOVIKOV'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN YEAR RULE AS OUTLINED IN 4731-6-14(C)(3), OHIO ADMINISTRATIVE CODE; AND TO ACCEPT DR. NOVIKOV'S EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Shreyash Pandya, M.D.

Dr. Robbins advised that Dr. Pandya is over the seven-year time limit by four months. He passed Step 1 on the first attempt with a score of 77, Step 2 on the second attempt with a score of 77 and Step 3 on the seventh attempt with a score of 78. Dr. Pandya has sent a letter of explanation claiming he went over the seven year limit for USMLE because he was unaware of the Ohio seven year requirement and the licensure rules are different in Michigan. Dr. Robbins advised that the Committee recommends denial of the limited exception of the seven year rule as outlined in 4731-6-14(C)(3).

**DR. ROBBINS MOVED TO PROPOSE TO DENY DR. PANDYA'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR RULE, ON THE BASIS THAT HE HAS NOT SHOWN GOOD CAUSE. DR. BUCHAN SECONDED THE MOTION.**

Dr. Buchan stated that he does not disagree with the motion, but he would like clarification. He noted that Dr. Pandya is four months over the time limit and the Board is holding to the line.

Dr. Steinbergh stated that one of the considerations that she had was that Step 2 was passed on the third attempt and Step 3 was passed on the seventh attempt, and he just barely passed.

Dr. Robbins stated that multiple failures cannot be considered any longer. However, the Committee felt that multiple failures do not constitute "good cause" for not completing the exam sequence within seven

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years.

A vote was taken on Dr. Robbins' motion:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Nikesh Patel, M.D.

Dr. Robbins advised that Dr. Patel is over the seven-year time limit by nine months. He passed Step 1 on the first attempt with a score of 86, Step 2 on the second attempt with a score of 81, and Step 3 on the third attempt with a score of 81. Dr. Patel has sent a letter of explanation claiming he went over the seven year limit for USMLE because he changed from a Surgery residency at UMDNJ-Robert Wood Johnson Medical Center to an Integrated Plastic Surgery residency at Albany Medical Center. Dr. Robbins advised that the Committee recommends denial of the limited exception of the seven year rule as outlined in 4731-6-14(C)(3).

**DR. ROBBINS MOVED TO PROPOSE TO DENY DR. PATEL'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR RULE ON THE BASIS THAT HE HAS NOT SHOWN GOOD CAUSE.**

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

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The motion carried.

Vinay Prasad, M.D.

Dr. Robbins advised that Dr. Prasad is over the seven-year time limit by two years and two months. He passed Steps 1 and 2 on the first attempt with scores of 77 and 77, and Step 3 on the second attempt with a score of 76. Dr. Prasad's letter of explanation states that he went over the seven year limit for USMLE because his wife had complications in her pregnancy, and the infant was prematurely delivered and diagnosed with Duchene Muscular Dystrophy. Dr. Prasad was taking care of his wife and infant while completing his Pathology residency. Dr. Robbins stated that the Committee recommends approval of Dr. Prasad's request.

**DR. ROBBINS MOVED TO APPROVE DR. PRASAD'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN YEAR RULE AS OUTLINED IN 4731-6-14(C)(3), OHIO ADMINISTRATIVE CODE; AND ACCEPTANCE OF HIS EXAMINATION SEQUENCE IN ORDER TO BE GRANTED A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. AMATO SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Thomas Bennet, L.M.T.

Dr. Robbins advised that Mr. Bennett is applying for restoration of his L.M.T. license in Ohio. Mr. Bennett has indicated on his application for restoration that he has not actively practiced Massage Therapy since 1997. Dr. Robbins advised that the Committee recommends approval, contingent upon Mr. Bennett passing the limited branch portion of the massage examination.

**DR. ROBBINS MOVED TO APPROVE MR. BENNETT'S APPLICATION FOR RESTORATION OF HIS CERTIFICATE TO PRACTICE MASSAGE THERAPY IN OHIO, SUBJECT TO HIS PASSING THE LIMITED BRANCH PORTION OF THE OHIO MASSAGE THERAPY EXAMINATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING**

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**RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS.  
DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Proposed Rule 4731-6-04, Demonstration of Proficiency in Spoken English

Dr. Robbins advised that the Committee also reviewed proposed Rule 4731-6-04, Ohio Administrative Code. He stated that this proposed rule was drafted pursuant to statutory language that the Board requested through House Bill 119, which required the Board to adopt rules recognizing an acceptable examination as well as a minimum score that would demonstrate proficiency in spoken English.

**DR. ROBBINS MOVED TO AUTHORIZE STAFF TO PROCEED WITH FILING THE RULE FOR HEARING. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh stated that the Committee has been considering letters concerning the podiatric scope of

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practice over the past few months. It is now ready to present final draft responses for the Board's approval.

Dr. Buchan spoke in support of sending the letters. He briefly discussed the training and education of podiatrists, and how that has grown over the past several years.

Dr. Steinbergh reminded the Board that the hospitals will have to credential individuals who have been appropriately trained to do the procedures.

Dr. Varyani expressed concern on the length of time it has taken the Board to respond to these inquiries.

**DR. BUCHAN MOVED TO SEND THE PROPOSED LETTER, A COPY OF WHICH SHALL BE MAINTAINED IN THE EXHIBITS SECTION OF THIS JOURNAL, TO AARON CHOKAN, D.P.M., OF OHIO FOOT AND ANKLE CENTER IN RESPONSE TO HIS INQUIRY CONCERNING WHETHER SPLIT THICKNESS SKIN GRAFTS HARVESTED FROM THE ANTERIOR THIGH IS WITHIN THE SCOPE OF PRACTICE OF PODIATRY IN OHIO. DR. AMATO SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

**DR. STEINBERGH MOVED TO SEND THE PROPOSED LETTER, A COPY OF WHICH SHALL BE MAINTAINED IN THE EXHIBITS SECTION OF THIS JOURNAL, TO EMMALIA REINWALD, R.N., DIRECTOR – CLINICAL SERVICES, MARION AREA HEALTH CENTER, IN RESPONSE TO HER INQUIRY CONCERNING WHETHER THE PERONEAL NERVE DECOMPRESSION PROCEDURE IS WITHIN THE SCOPE OF PRACTICE OF PODIATRY. DR. TALMAGE SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- nay
	Dr. Buchan	- aye
	Dr. Madia	- nay

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Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Kumar	- nay

The motion carried.

Dr. Steinbergh stated that the Committee also discussed an inquiry from Thomas J. Misny, M.D., Medical Director of Cleveland Therapy Center, concerning the delegation of exercise instructions to massage therapists. The Committee is not ready to bring a response to the Board for approval at this time.

#### PHYSICIAN ASSISTANT COMMITTEE

Dr. Talmage stated that the Committee reviewed the proposed Formulary with changes recommended by the P.A. Policy Committee. The Committee has tabled the Formulary due to lack of pertinent information needed to make a decision on the changes. Dr. Talmage reviewed the proposed changes.

**DR. TALMAGE MOVED TO APPROVE THE PROPOSED CHANGES TO THE FORMULARY.  
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Dr. Talmage stated that the Committee also reviewed Special Services Plans submitted by two groups.

#### Orthopaedic Associates of Southwestern Ohio

Dr. Talmage stated that the Committee considered the above-named group's request to withdraw its special services applications for intra-articular hip injections, intra-articular ankle injections and intra-articular elbow injections, and recommends granting the group's request to withdraw.

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**DR. TALMAGE MOVED TO GRANT ORTHOPAEDIC ASSOCIATES OF SOUTHWESTERN OHIO'S REQUEST TO WITHDRAW ITS SPECIAL SERVICES APPLICATIONS FOR INTRA-ARTICULAR HIP INJECTIONS, INTRA-ARTICULAR ANKLE INJECTIONS AND INTRA-ARTICULAR ELBOW INJECTIONS. DR. BUCHAN SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Blanchard Valley Women's Care

Dr. Talmage advised that the Committee reviewed the above-captioned's request for its P.A.s to perform intrauterine insemination. He added that the consideration of timing would be made by the physician and not by the P.A.

**DR. TALMAGE MOVED TO APPROVE BLANCHARD VALLEY WOMEN'S CARE'S REQUEST FOR ITS P.A.S TO PERFORM INTRAUTERINE INSEMINATION, IN AN OFFICE SETTING, UTILIZING 100% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM 25 PROCEDURES TO DETERMINE COMPETENCY. DR. VARYANI SECONDED THE MOTION.**

Dr. Egner asked whether they would be using washed sperm. Dr. Talmage stated that they would be.

A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Ms. Sloan	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

MINIMAL STANDARDS COMMITTEE

Dr. Kumar advised that concerns about the impact of Rule 4731-27-01, Ohio Administrative Code, the physician/patient termination rule, were reviewed by the Committee. Dr. Kumar stated that some provisions of the rule, as written, will be difficult to implement in some medical settings. Concerns have also been raised as to the applicability to physicians who practice in corporate or clinic practices where the entity, not the physician, owns the patient records.

Dr. Kumar stated that the Committee will work on addressing the concerns expressed.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

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

**DR. BUCHAN MOVED TO APPROVE HARMONY PATH SCHOOL OF MASSAGE THERAPY'S APPLICATION FOR RENEWAL OF ITS CERTIFICATE OF GOOD STANDING AND MINNESOTA SCHOOL OF MASSAGE & BODY WORK'S APPLICATION FOR A CERTIFICATE OF GOOD STANDING. DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried..

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

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Thereupon at 5:45 p.m. the September 12, 2007 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on September 12, 2007, as approved on November 14, 2007.



Deepak Kumar, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

