

March 12, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Nandlal Varyani, M.D., President, called the meeting to order at 1:00 p.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; R. Gregory Browning, Ph.D.; Jack C. Amato, M.D.; Andrew F. Robbins, Jr., M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: Marchelle L. Suppan, D.P.M.; W. Frank Hairston; and Deepak Kumar, M.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, David P. Katko, Angela M. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Daniel S. Zinsmaster, and Lynn Zondorak, Enforcement Attorneys; 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; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore, Disciplinary Information Assistant; and students of Ohio University College of Osteopathic Medicine.

MINUTES REVIEW

DR. TALMAGE MOVED TO APPROVE THE MINUTES OF FEBRUARY 13-14, 2008.
MR. BROWNING SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

EXECUTIVE SESSION

MR. BROWNING MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO

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CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION. DR. AMATO SECONDED THE MOTION. A vote was taken

VOTE:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Madia	- aye
Mr. Browning	- 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; and R. Gregory Porter, Hearing Examiner.

REPORTS AND RECOMMENDATIONS, REMAND IN THE MATTER OF ROBERT STANLEY COLEMAN, JR., M.D., AND THE PROPOSED FINDINGS AND PROPOSED ORDERS IN THE MATTERS OF LON A. CASTLE, M.D., AND MILISSA LEE TARRANT.

Dr. Varyani 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 Findings of Fact, Conclusions of Law and Proposed Orders; and any objections filed in the matters of Choong Hong Kim, M.D., and Robert Alan Knox, D.P.M.; the Remand in the Matter of Robert Stanley Coleman, Jr., M.D.; and the Proposed Findings and Proposed Orders in the matters of Lon A. Castle, M.D. and Milissa Lee Tarrant. A roll call was taken:

ROLL CALL:

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

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

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

Dr. Varyani 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations, Remand Findings, Conclusions and Order, and Proposed Findings, Orders and Journal Entries shall be maintained in the exhibits section of this Journal.

REPORTS AND RECOMMENDATIONS

CHOONG HONG KIM, M.D.

Dr. Varyani directed the Board's attention to the matter of Choong Hong Kim, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

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

At this time, it was noted that Dr. Kim had not yet arrived. Dr. Varyani tabled this matter to allow more time for Dr. Kim's arrival. When the matter was brought off the table later in the meeting, all Board members were still present.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF CHOONG HONG KIM, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Egner stated that she is certainly in agreement with the Proposed Order of permanent revocation. She stated that there are many times when there is a question about the victim's credibility, but in this case there is no question at all. Dr. Egner indicated that the incident in question occurred, and it was totally inappropriate. She stated that Dr. Kim put this poor patient and health care worker in a horrible position.

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Her actions were extremely appropriate. She immediately advised the nursing home supervisor and went to the police. Dr. Egner stated that she gives this patient a lot of credit.

Dr. Egner continued that Dr. Kim's explanations are outrageously absurd. She added that this is not the first time that there were allegations of this kind against him. Dr. Egner stated that a permanent revocation is absolutely necessary for the protection of the citizens of this state.

Dr. Steinbergh stated that this was a case of gross sexual imposition by a physician on a nurse in a nursing home. She added that she also found Dr. Kim's explanations to be inappropriate. Dr. Steinbergh stated that Dr. Kim's actions were abhorrent.

Mr. Browning agreed with Dr. Egner and Dr. Steinbergh.

Dr. Amato also agreed. Referring to one of Dr. Egner's statements, Dr. Amato stated that he didn't recall a prior event from the record.

Dr. Egner stated that Dr. Kim testified that there had been allegations of sexual abuse/harassment at a medical facility in which he had privileges.

Ms. Pfeiffer cautioned Board members, asking that they focus only on the incidents for which the Board charged Dr. Kim.

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. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ROBERT ALAN KNOX, D.P.M.

Dr. Varyani directed the Board's attention to the matter of Robert Alan Knox, D.P.M. 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 ROBERT

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ALAN KNOX, D.P.M. DR. MADIA SECONDED THE MOTION.

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

Dr. Egner stated that she is in favor of the Report and Recommendation. She stated that part of her reasoning is that the court also seems to reflect that this was not as serious as other felonies the Board has seen. What the Board knows is that Dr. Knox wrote the prescription for Vicodin for a patient without an examination. Dr. Egner noted that the Board does not have evidence that this was a repetitive problem. She also noted that the court gave Dr. Knox a \$100 assessment, a \$5,000 fine and three years of probation. Dr. Egner stated that she feels that the Proposed Order of stayed revocation, suspension for a year and probation for five years seems consistent with that.

Dr. Steinbergh stated that she agrees with Dr. Egner's statements, but she felt that she would be more lenient in this case. She suggested suspending the license for six months and reducing the probation to two years. She added that she felt that five years was a bit lengthy. Dr. Steinbergh stated that she agrees with all the terms of probation. She commented that Dr. Knox is not impaired, and she doesn't think that he'll ever do this again.

Dr. Egner stated that she doesn't have an objection to Dr. Steinbergh's suggestion.

Dr. Varyani stated that Dr. Knox also requested that the Board make the Proposed Order retroactive to April 2007.

Dr. Steinbergh stated that she wouldn't agree with that. She believes that the Order should go into effect when notification of the Order is mailed.

DR. STEINBERGH MOVED TO AMEND THE SUSPENSION PERIOD IN THE PROPOSED ORDER TO SIX MONTHS, AND THE PROBATIONARY PERIOD TO TWO YEARS. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER

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OF ROBERT ALAN KNOX, D.P.M. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REMAND IN THE MATTER OF ROBERT STANLEY COLEMAN, JR., M.D.

Dr. Varyani directed the Board's attention to the matter of Robert Stanley Coleman, Jr. He advised that this matter was initially considered by the Board at its meeting of January 11, 2006. Dr. Coleman appealed the Board's order. The 10th District Court of Appeals affirmed in part and reversed in part the January 2006 Board Order suspending the doctor's license. The matter was remanded to the Board for reconsideration of an appropriate sanction in light of the Court's decision.

Dr. Varyani advised that a request to address the Board has been timely filed by Dr. Coleman's attorney. Five minutes will be allowed for that address.

Kevin P. Byers, Dr. Coleman's attorney, addressed the Board on behalf of Dr. Coleman. Mr. Byers stated that, by his calculations, probably a third of the nine Board members present today were not on the Board when Dr. Coleman first came before the Board, so he thinks a brief thumbnail sketch of procedural history might be helpful, particularly for those members.

Mr. Byers stated that this was a case where Dr. Coleman was charged with fraud, deception and misrepresentation against the Ohio Board when he renewed his application because, prior to his renewal, he had suffered a license denial in the state of North Carolina. Mr. Byers stated that what is really critical is that the Section 4731.22(A) and (B)(5) charges, the fraud, deception and misrepresentation charges, are precisely what the unanimous Board of Appeals reversed on. Mr. Byers stated that, for the Board members who remember this case, this is like asking them to unring the bell; but, by law, those issues, or any aspect of Dr. Coleman's renewal, cannot be considered. What is before the Board today is another (B)(5) allegation, which the Court upheld, saying that Dr. Coleman was less than accurate, or, actually committed fraud, deception or misrepresentation when he applied for a North Carolina license in 2001. Linked to that is a (B)(22) violation, which is the bootstrap, that gives this Board clear authority to do something to Dr. Coleman's license just because of the North Carolina denial. Those are the two issues before the Board at this point.

Mr. Byers advised that Dr. Coleman initially suffered a minimum 180-day suspension with some pre-

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requisites to reinstatement from this Board. Mr. Byers stated that, looking at this case on a very basic level, the Board might conclude that half the case is gone, there were four allegations and now there are two, and it should halve the suspension. Mr. Byers stated that there are two logical reasons that shouldn't be done. First, the (B)(5) allegation relative to Dr. Coleman's North Carolina application is premised upon the very same information the Board had when it licensed Dr. Coleman in 1999. Dr. Coleman applied for a license in 1998, he said he had withdrawn from medical school because he left in a "snit" when he got suspended. Dr. Coleman thought it was a withdrawal and that's what he told the Board. The Board then inquired, as it typically does when there's some blemish in the residency training period, and received a letter from the training program that said that Dr. Coleman had been suspended, though he never served the suspension because he left. Dr. Coleman didn't even formally withdraw, he just left. Mr. Byers stated that this Board had that information. To use that information against Dr. Coleman because that was the basis for a (B)(5) in the state of North Carolina seems like double punishment. Mr. Byers again stated that this Board had the information and decided to license Dr. Coleman. He added that Dr. Coleman said the same thing to Georgia and got a license, later he said the same thing to North Carolina and didn't get a license, and that's what caused this problem. That's relative to the (B)(5) in the state of North Carolina.

Mr. Byers continued that he can't argue about the (B)(22) in North Carolina. There is an action this Board can use to take discipline in Ohio against Dr. Coleman's Ohio license, but he hopes that this Board will bear in mind that Dr. Coleman has paid the price for that. North Carolina dealt with it; they flat-out denied Dr. Coleman a license. Dr. Coleman didn't appeal or contest that decision, thinking that it was just a denial, and he just went on about his business. He was actually back in Ohio, practicing, at that point. That has been dealt with effectively by the North Carolina Board.

Mr. Byers stated that it is important that the Board also bear in mind that the 10th District Court of Appeals has the authority, on a partial reversal, to go ahead and uphold the sanction, and it has done it in past cases. The Court didn't do that in this case. He stated that he thinks that the Court expects a meaningful reconsideration, and that's why they sent it back to the Board to exercise its discretion. Mr. Byers stated that Dr. Coleman can only hope that the Board looks at the totality of the circumstances, realizes that Dr. Coleman has an otherwise unblemished career. Dr. Coleman serves as an emergency department physician and has done so since he was licensed in 1999. Mr. Byers stated that he believes that the Board will have fulfilled its duty if it takes a lesser action. He added that he would respectfully submit that a reprimand or a reprimand with a period of probation would sufficiently protect the public and put the public on notice that Dr. Coleman had some blemish in his history.

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

Mr. Wilcox stated that he would agree with what Mr. Byers said, procedurally, as to how this case has made its way through the system and then come back. The Board originally levied a stayed permanent revocation, with a minimum 180 day suspension. That Order was stayed by the Court. Dr. Coleman has never served any of that suspension. The Board is still left with two of the four penalties: the (B)(5) and the (B)(22). Mr. Wilcox stated that this Board can penalize one of its licensees for lying to another Board. He added that he thinks that that is appropriate. In this case, it would be appropriate to, perhaps, split the penalty. Mr. Wilcox stated that his recommendation would be for 90 days.

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DR. STEINBERGH MOVED TO RECONSIDER THE MATTER OF ROBERT STANLEY COLEMAN, JR., M.D., ON REMAND FROM THE 10TH DISTRICT COURT OF APPEALS. MR. BROWNING SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Steinbergh stated that she appreciates the arguments made by Dr. Coleman, but there are certain facts that can't be changed. Dr. Coleman initially applied for a license in North Carolina. He inappropriately filled out the FCVS application, and they took that, investigated, and found that he had fraudulently applied for licensure. The North Carolina Board subsequently denied Dr. Coleman's license, so this Board knows that he has a denial of a license. Part of the Board's previous action was based on that denial.

Dr. Steinbergh noted that the 10th District Court of Appeals decision says that the Board's consideration on whether or not Dr. Coleman had fraudulently applied in Ohio was not to be considered. Dr. Steinbergh stated that she may disagree with that Court's ruling. Noting the Board's deliberations of January 11, 2006, she indicated that she felt at that time that Dr. Coleman had fraudulently applied in Ohio. Nevertheless, the Board is directed to not consider that piece and to consider the North Carolina action.

Dr. Steinbergh stated that Dr. Coleman had been suspended from an osteopathic medical school, and he walked away from that. There had been questions about his cheating on a virology examination. In order to be potentially readmitted to that school, they gave Dr. Coleman a suspension. Also, he had to admit that he had cheated on the examination. Dr. Steinbergh stated that, for this Board, that was a real concern. The Board's discussion led to the Order it entered, which was that Dr. Coleman would be suspended for an indefinite period of time, but not less than 180 days, and probationary terms.

Dr. Steinbergh stated that, not considering the parts of the case dealing with application to Ohio, she still feels that, because of his denial in North Carolina and the fraudulent application there, the Board does need to take action.

DR. STEINBERGH MOVED TO ENTER THE FOLLOWING ORDER AND EFFECTIVE DATE IN THE MATTER OF ROBERT STANLEY COLEMAN, JR., M.D.:

It is hereby ORDERED that:

- A. **REPRIMAND AND SUSPENSION**: Robert S. Coleman, Jr., M.D., is REPRIMANDED, and his certificate to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than sixty (60) days.
- B. The Board shall not consider reinstatement or restoration of Dr. Coleman's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration**: Dr. Coleman shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Professional/Personal Ethics Course**: At the time he submits his application

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for reinstatement or restoration, Dr. Coleman shall provide acceptable documentation of successful completion of a course or courses dealing with professional and personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Coleman submits the documentation of successful completion of the course or courses dealing with professional and personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Coleman has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION**: Upon reinstatement or restoration, Dr. Coleman's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law**: Dr. Coleman shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
2. **Declarations of Compliance**: Dr. Coleman shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances**: Dr. Coleman shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

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4. **Absence from Ohio:** Dr. Coleman shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 5. **Violation of Terms of Probation:** If Dr. Coleman violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Coleman's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Coleman shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Coleman shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Coleman shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Coleman shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Coleman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

EFFECTIVE DATE OF ORDER: This Order shall become effective thirty days from the date of mailing of the notification of approval by the Board.

DR. ROBBINS SECONDED THE MOTION.

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

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There was no further discussion of this matter.

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

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

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

LON A. CASTLE, M.D.

Dr. Varyani directed the Board's attention to the matter of Lon A. Castle, M.D. He advised that by letter of June 14, 2007, the Board notified Lon A. Castle, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio, based on the following allegations: that Dr. Castle, when randomly selected for an audit of his continuing medical education [CME], failed to respond to the Board's initial audit notice, and that, when he eventually responded, he was not able to document that he had in fact earned the required number of Category 1 CME hours during the 2003-2005 period; that Dr. Castle had certified, in his 2005 licensure-renewal application, that he had completed the required CME for the 2003-2005 period, including at least 40 hours of Category 1 C.M.E.; that Dr. Castle's conduct in certifying to the Board that he had completed the required CME when, in fact, he had not, constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine or surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certification of registration issued by the board," as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(5); and that Dr. Castle's "failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same * * * constitutes 'violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate, any provisions of this chapter or any rule promulgated by this board'" as that language is used in R.C. 4731.22(B)(20), with respect to Dr. Castle's violation of R.C. 4731.281 and Rules 4731-10-02, 4731-10-05, and 4731-10-08.

Dr. Varyani advised that the notice was mailed to Dr. Castle's address of record and proper service was documented. A hearing request was received from Dr. Castle, but it was not received in a timely manner. More than thirty days have elapsed since the mailing of the notice. The matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and a Proposed Order, and is now before the Board for final disposition.

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DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS AS SET FORTH IN THE JUNE 14, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF LON A. CASTLE, M.D., AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. MADIA SECONDED THE MOTION.

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

Dr. Steinbergh stated that this was a C.M.E. issue. The record is very clear. Dr. Castle failed to meet his C.M.E. responsibilities for the 2003-2005 period. The Proposed Order reprimands Dr. Castle and imposes a \$1,000 fine. Dr. Steinbergh noted that this is the minimum penalty for this disciplinary action.

Dr. Robbins agreed with Dr. Steinbergh. He added that he personally did not like Dr. Castle's response to this matter, noting that Dr. Castle felt that he did meet the Board's requirements. Dr. Robbins stated that he will go along with Dr. Steinbergh's motion, but was leaning toward a more severe sanction because of Dr. Castle's response.

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

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

The motion carried.

MILISSA LEE TARRANT

Dr. Varyani directed the Board's attention to the matter of Milissa Lee Tarrant. He advised that by letter of August 9, 2007, the Board issued a notice of opportunity for hearing to Ms. Tarrant, notifying her that the Board proposed to deny her March 2007 application for a certificate to practice massage therapy in Ohio or to impose discipline, based on allegations including the following: that Ms. Tarrant had been convicted of a felony and misdemeanors involving moral turpitude, that she had failed to disclose her criminal convictions on her application, that she had made false statements to a Board investigator, and that she had represented herself as a massotherapist when she had never been licensed to practice massotherapy in Ohio.

Dr. Varyani advised that no hearing request has been received from Ms. Tarrant and more than thirty days have elapsed since the mailing of the notice. The matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and a Proposed Order, and is now before the Board for final disposition.

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DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 9, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MILISSA LEE TARRANT AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. ROBBINS SECONDED THE MOTION.

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

Dr. Egner stated that Ms. Tarrant is a graduate of a massage therapy school and has a quite colorful history with seven misdemeanor convictions and a felony theft conviction. Dr. Egner stated that she tries to be open minded in the sense that massage therapy schools probably draw a more diverse student base than other professional schools, and the Board needs to look at them a little differently. Dr. Egner stated that if this was Ms. Tarrant's attempt at turning her life around, that's laudable; however, Ms. Tarrant's using business cards saying that she's already a massage therapist and lying on her 2005 and 2007 applications are really what throws her into permanent denial.

Dr. Egner stated that the school bears some responsibility. The school should have counseled Ms. Tarrant as to whether this was even going to end up being a profession in which she'd ever be able to be engaged. Dr. Egner stated that she sometimes feels that the schools are taking advantage of these people.

Dr. Egner noted that Ms. Tarrant's not requesting a hearing to state her side of this makes it difficult, but she agrees with permanent denial. Dr. Egner added that her decision is not so much because of Ms. Tarrant's history with the law, but because of her history with the Board.

Dr. Robbins agreed that it's Ms. Tarrant's history with the Board that concerns him and why he supports permanent denial. He added that he is also glad that Dr. Egner said what she did about the schools. Dr. Robbins stated that he felt that Ms. Tarrant's school let her down quite a bit. He added that if the school didn't know Ms. Tarrant's history, it should have known. If it did know her past history when it came time for her to apply, and if the school cared enough about her, they should have helped her, helped counsel her so that she's not in the position she's in now. Dr. Robbins commented that there have been other similar instances. Dr. Robbins stated that he feels that the school treated Ms. Tarrant poorly, but he added that he agrees with the Proposed Order.

Dr. Steinbergh stated that the Limited Branch & Alternative Medicine Committee should discuss this and generate letters of concern to the schools. Dr. Varyani agreed and asked that the Committee address this issue.

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

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

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

The motion carried.

FINDINGS, ORDERS & JOURNAL ENTRIES

For administrative reasons, the matters of Timothy William Drury, II, M.D. and Kevin Michael Lourwood, M.T., were withdrawn from the agenda just prior to the beginning of the Board meeting.

DAVID E. DETZEL, M.T.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Mr. Detzel on January 2, 2008, and documentation of service was received. Mr. Detzel did not request a hearing and more than 30 days have elapsed since the mailing of the notice. The matter is therefore before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE JANUARY 2, 2008 NOTICE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MR. DETZEL'S REQUEST FOR RESTORATION OF HIS CERTIFICATE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HIS PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF JANUARY 2, 2008. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

CAMILLE JONES, M.D.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Dr. Jones on January 15, 2008, and documentation of service was received. Dr. Jones did not request a hearing and more than 30 days have elapsed since the mailing of the notice. The matter is therefore before the Board for final

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disposition.

DR. EGNER MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE JANUARY 15, 2008 NOTICE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. JONES' REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO HER PASSING THE SPEX OR BOARD RECERTIFICATION EXAMINATION WITHIN SIX MONTHS OF JANUARY 15, 2008. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

WILLIAM NORRIS KAY, M.D.

Dr. Varyani noted that, by letter of November 14, 2007, the Board issued a Notice of Opportunity for Hearing to Dr. Kay, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Kay's last known address in Ilwaco, Washington. This mailing was returned to the Board offices by the United States Postal Service. Thereafter, the Board caused a legal notice to be published in the Chinook (Washington) Observer on December 27, 2007, January 3, 2008, and January 9, 2008. A copy of the proof of publication was mailed to Dr. Kay on January 15, 2008, along with a letter advising Dr. Kay that service was deemed completed on January 9, 2008, completing the requirements of Section 119.07, Ohio Revised Code. Dr. Kay did not request a hearing, and more than thirty days have elapsed since the mailing of the notice. The matter is before the Board for final consideration.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE NOVEMBER 14, 2007 NOTICE AND TO ENTER AN ORDER OF REVOCATION, EFFECTIVE IMMEDIATELY.

Dr. Steinbergh referred the Board to the November 14, 2007 citation letter, which alleged:

On or about August 2, 2007, the Oregon Board of Medical Examiners [Oregon Board] issued a Default Final Order revoking your Oregon medical license, based in part on your failure to report an adverse action taken by Lower Umpqua Hospital [Hospital], located

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in Reedsport, Oregon, to wit: termination of your employment contract with the Hospital on or about December 3, 2004; your disruptive behavior at the Hospital; and your failure to undergo and complete an Oregon Board's Order for [Psychiatric] Evaluation. A copy of the Oregon Board Default Final Order is attached hereto and incorporated herein.

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

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

The motion carried.

TRAVIS S. RIEMER, M.T.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Mr. Riemer on January 15, 2008, and documentation of service was received. Mr. Riemer did not request a hearing and more than 30 days have elapsed since the mailing of the notice. The matter is therefore before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE JANUARY 15, 2008 NOTICE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MR. RIEMER'S REQUEST FOR RESTORATION OF HIS CERTIFICATE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HIS PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF JANUARY 15, 2008. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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JUDY ELLEN SCHWARTZ, M.D.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Dr. Schwartz on January 15, 2008, and documentation of service was received. Dr. Schwartz did not request a hearing and more than 30 days have elapsed since the mailing of the notice. The matter is therefore before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE JANUARY 15, 2008, NOTICE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. SCHWARTZ' REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO HER PASSING THE SPEX OR BOARD RECERTIFICATION EXAMINATION WITHIN SIX MONTHS OF JANUARY 15, 2008. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

BLYTHE HARRIET SNOW, D.O.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Dr. Snow on September 12, 2007, and documentation of service was received. Dr. Snow did not request a hearing, and more than 30 days have elapsed since the mailing of the Notice. The matter is before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE SEPTEMBER 12, 2007 NOTICE TO DR. SNOW AND TO ENTER THE PROPOSED ORDER, EFFECTIVE IMMEDIATELY. DR. MADIA SECONDED THE MOTION.

Dr. Steinbergh stated that the Proposed Order denies Dr. Snow's application for a certificate to practice osteopathic medicine and surgery. She advised that conditions for future application include demonstration of ability to appropriately practice.

Dr. Steinbergh reviewed the allegations made in the Board's September 12, 2007 Notice for Opportunity for Hearing.

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

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

The motion carried.

ANNA LOUISE WINDERS

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Ms. Winders on October 10, 2007, and documentation of service was received. Ms. Winders did not request a hearing, and more than 30 days have elapsed since the mailing of the Notice. The matter is before the Board for final disposition.

DR. MADIA MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS CONTAINED IN THE OCTOBER 10, 2007 NOTICE TO MS. WINDERS AND TO ENTER THE PROPOSED ORDER, EFFECTIVE IMMEDIATELY. DR. MADIA SECONDED THE MOTION. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that the Proposed Order denies Ms. Winders' application for a license to practice massage therapy, and places conditions on any future application. The Order is based on the allegations contained in the October 10, 2007 Notice of Opportunity for Hearing.

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

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

The motion carried.

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CITATIONS, LETTERS OF PROPOSED DENIAL & ORDERS OF IMMEDIATE & SUMMARY
SUSPENSION

EMAD S. ATALLA, 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. ATALLA.
DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

HEATHER VICTORIA DOWNEY, 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. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO
MS. DOWNEY. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

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LEO D'SOUZA, 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. MADIA MOVED TO SEND THE CITATION LETTER TO DR. D'SOUZA.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

BRIAN MATTHEW GEASE, 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. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO
MR. GEASE. MR. BROWNING SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

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LARY R. KORN, D.O. – CITATION LETTER

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

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

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

The motion carried.

LARSON FREDERICK LANGSCHWAGER, 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. MADIA MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO
DR. LANGSCHWAGER. MR. BROWNING SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

ROBERT M. MOORE, 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.

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

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

The motion carried.

WILLIAM MICHAEL NAPOLI, D.O. – CITATION LETTER

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

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

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

The motion carried.

JOHN FRED SYLVESTER, JR., 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.

**MR. BROWNING MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO
MR. SYLVESTER. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

SCOTT ROBERT WELDEN, 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.

**MR. BROWNING MOVED TO SEND THE CITATION LETTER TO DR. WELDEN.
DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

ROBERT LEE WOLFE, 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. WOLFE.
DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

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

STEPHEN AUGUST SCHEMENAUER, P.A. APPLICANT – WITHDRAWAL OF APPLICATION

DR. STEINBERGH MOVED TO RATIFY THE WITHDRAWAL OF MR. SCHEMENAUER'S APPLICATION TO PRACTICE AS A PHYSICIAN ASSISTANT. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ALISA A. GRUBB, A.A. – CONSENT AGREEMENT

MR. BROWNING MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH MS. GRUBB. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

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Dr. Robbins - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

PATRICK JOSEPH GALLAGHER, M.D. – PERMANENT SURRENDER/CONSENT TO
REVOCAION OF LICENSE

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

ROLL CALL:

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

The motion carried.

SUBRAMANYAN RAJAGOPAL, M.D. – PERMANENT WITHDRAWAL OF APPLICATION

DR. MADIA MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF DR. RAJAGOPAL'S APPLICATION TO PRACTICE MEDICINE AND SURGERY IN OHIO. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

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JOSEPH COOPER SIMONE, D.O. – CONSENT AGREEMENT

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

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

The motion carried.

MARGARET MARY OLSEN, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

PERSONAL APPEARANCES

WANDA B. KALENCKI, D.O.

Although scheduled, Dr. Kalencki did not appear before the Board due to her inability to adjust her work schedule.

BRUCE C. CORSER, M.D.

Dr. Corser made his initial appearance before the Board, pursuant to the terms of his December 12, 2007

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Consent Agreement.

In response to Board members' questions, Dr. Corser stated that he prescribed Ambien for his wife, and he didn't maintain a contemporaneous medical record. He stated that he had stopped prescribing the medication five months before the Board investigated him. Dr. Corser stated that he doesn't want to go into the rationale for why he did this; he knew it was inappropriate, but he did it anyway. He doesn't have any justification for doing that.

In response to further questions, Dr. Corser stated that he's board-certified in internal medicine, pulmonary diseases and sleep disorders. Dr. Corser stated that he just learned this week that Anthem has suspended his ability to participate in the network for three years because there is an encumbrance on his license. Likewise, Humana has suspended him for two years. This, in essence, forces him to look for some other line of work. Right now he's exploring options as to what he can do other than practicing medicine, or at least seeing patients that have insurance. He advised that he's talked with the Medical Director of Anthem and was told that there was no chance on getting on the panel for three years. He noted that he's on probation for three years, and Anthem will not even consider his application for reaccreditation until the probationary period has expired.

Mr. Albert stated that there has been some discussion with the Federation of State Medical Boards, and, hopefully, they're going to work on that.

Dr. Corser stated that, unfortunately, that doesn't help him out. He'll be looking for something else. He's also considering moving to Indiana, where Anthem has not been an issue. He has no problem with Anthem in Indiana. Dr. Corser stated that he's exploring different options right now.

Mr. Albert stated that his spin on that is that the Board and Anthem know more about Dr. Corser's problem than anyone.

Dr. Corser stated that he's never had any issues with any hospital or any insurance carrier up until this incident. Now it's pretty much terminated his career. Dr. Corser stated that Humana and Anthem comprise about 50% of the patients in the Cincinnati marketplace, so to be excluded from those carriers for two and three years, respectively, makes it economically impossible to carry on a practice.

DR. STEINBERGH MOVED TO CONTINUE DR. CORSER UNDER THE TERMS OF HIS DECEMBER 12, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

In response to further questions, Dr. Corser stated that he does understand the terms of his consent agreement.

Ms. Bickers advised that Dr. Corser's declaration of compliance has been received.

Mr. Browning stated that this physician is on probation for three years. He's not coming back before the Board until the end of his probationary period. He asked what is happening during the probationary period.

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Ms. Bickers stated that Dr. Corser will be submitting quarterly declarations of compliance, and quarterly statements from his monitoring physician. The monitoring physician will review Dr. Corser's patient charts and report to the Board quarterly on that review for at least the first year. The Board can consider modifying the Consent Agreement at that time.

Dr. Corser again stated that, in Cincinnati, being off Humana and Anthem for two or three years, it's not economically viable to carry on a practice. He does have a license in Indiana, with no action taken on that license. Dr. Corser stated that Anthem in Indiana is no problem.

Dr. Egner stated that this case reminds her of a situation the Board faced some years ago. She stated that what Dr. Corser did is not the worst thing. Dr. Corser wrote some prescriptions to a family member. Dr. Egner stated that all physicians are going to be faced with that. She cautioned students in the room that they shouldn't think that this situation will never come in their lives because it will. There will be a friend or relative who asks them to intervene. Although Dr. Corser has indicated that he knows what he did was wrong, certainly what he did doesn't deserve to have his medical practice disintegrate.

Dr. Robbins asked whether the Board can do anything with Humana or Anthem.

Dr. Egner stated that she just thinks that this is so unfair. This is exactly what happened with C.M.E. cases, when it was a disciplinary action and a person's practice got turned upside down because of it. Then the Board began imposing a reprimand and fine in those cases, so that it wasn't a reportable offense. Dr. Egner added that she's not suggesting that the Board do that here, but she feels that there has to be something the Board can do, or should be doing, to have insurance companies not have this much power over actions the Board takes. The Board is the entity that should be determining what the disciplinary action is.

Dr. Robbins agreed with Dr. Egner.

Mr. Browning stated that he thinks that all Board members would agree, but added that the economic realities of the day trump the Board's actions. The Board can't control business decisions, and this is a business decision. The only thing the Board can do is change the probationary period, based on evidence that he's complying. The Board could shorten it by some meaningful amount. Mr. Browning stated that the Board didn't really mean this to be an economic sanction. He stated that he thinks that the Board needs to find a balance between protecting the public, holding doctors accountable accordingly, and, at the same time, providing access to medical care in the State of Ohio. Mr. Browning stated that if the Board believes what Dr. Corser is saying, the Board has reduced access to Dr. Corser's services in a way that he doesn't think the Board had intended. He stated that it's a balancing act, but he thinks that the Board should consider rebalancing it, based on evidence of compliance.

Mr. Albert commented that a lot of times insurance companies use situations like this to "cull the herd."

Dr. Steinbergh stated that, although she may not agree with it, she understands that the insurance companies make economic decisions with concern to protecting themselves if something should occur with a patient and Dr. Corser was under stipulations with the Board. Dr. Steinbergh stated that Dr. Corser prescribed Ambien for his wife, using her maiden name, and he also prescribed Xanax and other non-

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controlled substances in her married name. He did not maintain appropriate medical records. When the time came that the Medical Board investigated him, he presented to the investigator a medical chart which he stated that he had maintained for his wife; in fact, he later conceded to the investigator that he had created it in preparation for the meeting with the investigator. Dr. Steinbergh stated that this is a decision that was inappropriate, and she thinks that Dr. Corser would admit to that. Dr. Steinbergh stated that this case is not just quite as simple as saying that he prescribed a few Ambien tablets for his wife. There were further actions to attempt to cover up what he had done.

Dr. Steinbergh stated that she agrees with Mr. Browning that the Board takes its responsibilities seriously, that its intention is not to economically deprive, but to ensure that physicians maintain a standard of medical care of which the State of Ohio can be proud. Sometimes, unfortunately, there are adverse consequences. Dr. Steinbergh added that the Board feels that, once a suspension has been lifted, a physician should be able to practice medicine, even though the Board feels that it needs to monitor. These were unfortunate consequences.

Mr. Browning stated that this is not the first case like this that the Board has had, and it will not be the last. Mr. Browning stated that the Board has, in various ways, tried to strike a balance the right way, recognizing the economic realities that take over for physicians. Mr. Browning stated that, based on evidence of appropriate practice, the Board ought to be open to consider reducing the probationary period. He stated that he's not suggesting that the Board has to do that today, he just feels that the doctor should be able to earn that, and not have a three-year time out. That's just forcing him out of the state.

Dr. Steinbergh stated that she believes that Dr. Corser does have the right, after one year, to ask for a change in terms in his consent agreement through the Secretary and Supervising Member.

Dr. Corser stated that he believes that the consensus is that he doesn't have that right.

Ms. Bickers stated that the Board would have to agree to a new consent agreement, shortening the length of the probationary period.

Dr. Egner stated that when a physician makes an initial appearance, and the Board doesn't see the need to even have him make another appearance for the entire period of his probation, it seems that the probationary period of three years is onerous. It's not an issue of travel problems being the problem. Dr. Egner stated that she agrees with the consent agreement policy, but the reality is that there are times that the Board will approve a consent agreement and, because the Board members don't have all the details, will agree to some things to which, as the Board learns more, it probably wouldn't agree. Dr. Egner stated that this is a case where she thinks that the Board would have questioned the need for three years' probation.

Dr. Talmage stated that the Federation is also convening a summit to talk with specialty boards, professional associations and insurance companies and to make them more aware of what a probationary term really means. He stated that it's his opinion that a physician on probation is probably safer than anybody else, because they're being supervised. The unsupervised physician or practitioner may, in fact, be doing wrong things and they're under no supervision. Although this won't be of assistance today, he

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believes that over the next 12 to 24 months, this will change, because the Federation intends to change it.

Dr. Varyani stated that, in Dr. Corser's statement, he did state that he knew what he was doing wrong, but he did it anyway.

Dr. Corser stated that that's correct. He stated that a brief justification is that he is a sleep disorder specialist. He specializes in insomnia treatment. His wife had seen two physicians previously who had prescribed inappropriate medication. She had asked him if he could help her and he relented and prescribed Ambien. Dr. Corser stated that he knew it was wrong, and he apologized to the Board. He stated that he's paying for it with his career.

Dr. Varyani indicated that he's sorry for the problems Dr. Corser is experiencing with the third-party payers; but, the fact of the matter is that he knew that he was doing something wrong but didn't realize the consequences. Dr. Varyani stated that in this day and age, probation has consequences beyond Boards' imaginations. He wants Dr. Corser to take home the fact that the Board cares for him and feels sorry for him; however, if it found out that Dr. Corser was doing something that he knew was wrong, he, personally, would probably agree to this sanction again. Dr. Varyani stated that there is a very good reason why the Board has the rule prohibiting family prescribing. Because of emotional attachments, physicians should not treat family members. Dr. Varyani stated that he feels sorry for Dr. Corser, but under similar circumstances, he would still do the same.

DR. MADIA SECONDED DR. STEINBERGH'S MOTION. A vote was taken:

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

The motion carried.

DR. AMATO MOVED TO PUT THIS CASE BACK ON THE AGENDA FOR THE BOARD'S APRIL 2008 MEETING. The motion died for lack of a second.

Following Dr. Corser's leaving the meeting, the Board continued its conversation on how to resolve what it felt was a bad outcome of the consent agreement. Dr. Steinbergh suggested that the matter be referred to the Consent Agreement Committee for discussion. Ms. Bickers indicated that she would like input from the enforcement attorneys. Mr. Browning noted that this is a policy issue, and added that the Board rarely has this kind of discussion about consent agreements. Ms. Anderson advised that the three-year minimum suspension was the minimum sanction under the Board's disciplinary guidelines for this offense.

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Dr. Varyani reviewed the options the Board members had: 1. Table the matter until April for the purpose of taking action; and 2. Send the matter to committee to discuss modifying probation.

Dr. Steinbergh suggested tabling the matter until April to seek legal advice. She also asked that the topic be placed on the agendas of the Consent Agreement Committee and the Disciplinary Policy and Guidelines Committee.

Dr. Talmage left the meeting during the previous discussion.

DR. AMATO MOVED TO TABLE THIS CASE, AND TO ASK FOR LEGAL ADVICE AS TO WHETHER OR NOT THE BOARD CAN MOVE FORWARD TO REASSESS OR CHANGE THE TERMS OF THIS CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE MOTION.

A vote was taken:

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

The motion carried.

ELIZABETH A. DORIOTT, D.O.

Dr. Doriott made her initial appearance before the Board, pursuant to the terms of her July 11, 2007 Consent Agreement.

In response to Board members' questions, Dr. Doriott stated that she is doing well. She has not continued in her family practice.

Dr. Egner asked whether Dr. Doriott has ever gone through an evaluation.

Dr. Doriott stated that she did go through a three-day evaluation and was found unimpaired. She's never had a drug or alcohol problem. She was evaluated psychologically, physiologically, up and down, questioned eight hours a day through comprehensive rehab, and she does not have a drug or alcohol problem. She again stated that she has never had a drug or alcohol problem.

Dr. Egner stated that she gathers from what Dr. Doriott is saying is that she feels that a lot has been imposed on her when she really hasn't had a problem.

Dr. Doriott stated that she has not had a problem. She added that she feels like this is an interesting case.

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She never had a hearing, nor testimony, nor drug test.

Dr. Egner stated that that's because she has been uncooperative.

Dr. Doriott disagreed, stating that she would absolutely never be uncooperative.

Dr. Egner asked what the difference is between being "uncooperative" and refusing to answer interrogatories and go to the evaluation.

Dr. Doriott stated that she always wanted to answer the interrogatories and she always wanted to go to the evaluation. She stated that she would honestly go to any evaluation at any place at any time. She explained that she was told by counsel not to do it at Shepherd Hill because Shepherd Hill is 100% from Board and medical personnel. According to the Medical Director, 100% that come in there are deemed impaired. Dr. Doriott stated that she was willing to go to anywhere in the country or on the Board's list, but was told that she could only go to Shepherd Hill.

Dr. Steinbergh asked whether Dr. Doriott didn't at some point admit that she would not answer the Board's interrogatories.

Dr. Doriott stated that she was told by counsel to say that she would always answer interrogatories, but she couldn't answer them then. She always wanted to answer them.

Dr. Steinbergh stated that she never did answer them.

Dr. Doriott stated that she did.

Dr. Steinbergh stated that Dr. Doriott admitted that she would not answer the interrogatories. She refused to do so.

Dr. Doriott again stated that she only refused to answer the interrogatories on advice of counsel because she's never seen a complaint against her written from this Board.

Dr. Steinbergh commented that Dr. Doriott also had a pending criminal matter.

Dr. Doriott agreed, stating that there's a lot of history to this case. She's not trying to get out of anything. She's very grateful to be before the Board.

Dr. Steinbergh asked Dr. Doriott what she is doing at this time, and whether she understands her consent agreement.

Dr. Doriott stated that she has a special needs child. She's raising her children. Dr. Doriott stated that she's also from Cincinnati, and her husband is also a physician. Dr. Doriott stated that she finds it impossible since the return of her license in December 2007 to get a job because of circumstances similar to those of Dr. Corser. She can't get back on insurance panels. She stated that she had 3,000 patients.

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She, too, has to do something else. Dr. Doriott stated that she does understand the terms of her consent agreement.

DR. STEINBERGH MOVED TO CONTINUE DR. DORIOTT UNDER THE TERMS OF HER JULY 11, 2007 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. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Egner asked whether Dr. Doriott regrets her decision to wait so long to comply with the Board's decision.

Dr. Doriott stated that that was not her decision, adding that she wanted to comply at every point. She stated that she was not allowed to comply. Due to the license suspension, she couldn't go to an evaluation for two and a half years.

ROBERT L. HUBLEY, D.O.

Dr. Hubley made his initial appearance before the Board, pursuant to the terms of his January 9, 2008 Step II Consent Agreement.

In response to Board members' questions, Dr. Hubley stated that he is currently in a family practice residency program at South Pointe Hospital in Warrensville Hts., Ohio. Since resuming his training on February 1, 2008, things are going well for him. He stated that he was an anesthesia resident in Illinois and went through treatment for chemical impairment. His actual sobriety date is March 18, 2004. He came to Ohio for family medicine training, and the Board said that he needed to be re-evaluated. He was re-evaluated and went back to treatment.

Dr. Hubley stated that during the year and a half that his Ohio license was suspended, things were really tough. He commented that he obviously hurt a lot of people, including his family, and he's just grateful to be back to work and have the opportunity. Dr. Hubley stated that things are going well, and that he's working his program well.

Dr. Steinbergh asked whether Dr. Hubley has any questions about his consent agreement. He stated that he

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does not.

DR. STEINBERGH MOVED TO CONTINUE DR. HUBLEY UNDER THE TERMS OF HIS JANUARY 9, 2008 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE, AND TO APPROVE AARON BILLOWITZ, M.D., TO SERVE AS DR. HUBLEY'S TREATING PSYCHIATRIST. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DAVID W. MASSIE, M.D.

Dr. Massie made his initial appearance before the Board, pursuant to the terms of his November 15, 2007 Step I Consent Agreement.

In response to Board members' questions, Dr. Massie stated that he is doing well, adding that it's good to be here. He acknowledged that his license is currently under suspension. He stated that in August 2007, he admitted himself on his own volition into treatment at the Cleveland Clinic. Two weeks into the program, he had what some doctors at the Clinic believed to be either a small stroke or TIA from arrhythmia he had had. He left the Chemical Dependence program after two weeks. He then went back to the Clinic in December and completed 28 contiguous days in January 2008.

Dr. Massie advised that, overall, he's been very impressed with the program. He stated that, as a boarded psychiatrist, he's worked in the 12-step program since he was an orderly and since working with his father in the 1970s. Dr. Massie stated that you get nowhere feeling sorry for yourself. He added that he went through an acute phase of self-pity, losing his father who was his hero and with whom he practiced since 1986. Dr. Massie at this time informed the Board about medical problems being experienced by his fiancée, the mother of his three children, his own mother and himself.

Dr. Massie stated that he can't believe what he did to himself and to those who love him. He has had no interaction with authorities or DUIs or problems of this nature; but when he lost his father, he believes he just quit. Dr. Massie advised that he's happy to say that today his physical health is better, his mental health is improving, and he believes that he's working a pretty good program, except for the fact that he has missed meetings for some procedures he's undergoing, including a catheter that is to be placed in his pulmonary veins on April 4. Dr. Massie stated that it has been a very humbling experience to be on the

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other side of that desk, as well as a learning experience. Dr. Massie stated that he really misses the practice of medicine. He added that he does receive counseling through the Church. He also realizes that his father is in a better place. Therapy has been very helpful, independent of the A.A. He commented that it has been difficult because every other patient would have stories about working with his father. Dr. Massie advised that he does have his family's support, although he did hurt them very much with this problem.

DR. STEINBERGH MOVED TO CONTINUE DR. MASSIE UNDER THE TERMS OF HIS NOVEMBER 15, 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. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ROGER ALAN MILLER, M.D.

Dr. Miller made his initial appearance before the Board, pursuant to the terms of his December 12, 2007 Consent Agreement.

In response to Board members' questions, Dr. Miller stated that he is doing reasonably well. He's continuing in counseling, which he started immediately after his arrest. He changed psychologists in January and has been seeing his new psychologist regularly since that time.

Dr. Miller stated that he's an employed physician at the OSU Health Center. He was placed on administrative leave the day after the arrest. He was brought back in a non-clinical role in August, and he remains in that role. Dr. Miller stated that he has not been permitted to see patients. He explained that the University wanted to see what the outcome of the Board's decision was, whether or not a consent agreement would be reached, and what the restrictions would be within that consent agreement. Since the consent agreement was ratified, there has been some difficulty with malpractice coverage through the University. Dr. Miller stated that he's waiting now to hear back from another board that will make its decision, hopefully, this month.

In response to further questions, Dr. Miller stated that he was evaluated at the Center for Marital and Sexual Health in Cleveland, and he's been seen by Dr. James Gephardt, and by Leslie H. Kern, Ph.D., in Columbus. Dr. Miller stated that the program in Cleveland was comprehensive, involving personality testing. He met with two different practitioners, had a third do the evaluation of the testing, and a fourth

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who joined in the deliberations about their report to the Medical Board. Dr. Miller stated that he has not seen that report, but they shared some parts of their thinking before they sent it to the Board. Their feeling was that he should be permitted to see patients. He stated that he was very appreciative of that, adding that this was an incident of horrible judgment on his part. It was not only disgraceful to his family, his wife, and his colleagues at work, but to him. It has been the biggest setback in his career. However, having gone through discussions with the psychologists, both the ones mandated by the Board and his own, he is coming to realize what this means for him and that what he did was based on a lot of other issues that he should have been addressing before this ever happened. He added that he wishes that he had addressed them before.

Dr. Steinbergh stated that she gets the sense that Dr. Miller does appreciate the concerns of his employer.

Dr. Miller stated that he does, absolutely. He added that he's served in an administrative role in the facility for a number of years, and he has been involved with other physicians and their Medical Board actions, so he should have known what his consequences would be.

Dr. Miller indicated that he did not have any questions about his consent agreement. He added that he very much appreciates the work of the investigations department and the compliance departments at the Board. He stated that he's been trying to be as compliant in this process as he possibly can, knowing that that's what he has to do. They have been very responsive to him by e-mail and everything else to answer his questions and keep him updated.

DR. STEINBERGH MOVED TO CONTINUE DR. MILLER UNDER THE TERMS OF HIS DECEMBER 12, 2007 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. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

BRETON LEE MORGAN, M.D.

Dr. Morgan made his initial appearance before the Board, pursuant to the terms of his December 12, 2007 Step I Consent Agreement.

In response to Board members' questions, Dr. Morgan stated that he is doing well. Currently, his license is under suspension. His drug of choice is hydrocodone. Dr. Morgan stated that his journey started March 8,

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2006. He had been struggling post lumbar surgery, taking his prescribed hydrocodone. He went through a terrible divorce in 2004 and crossed the line into ingesting samples from his office. He would also ask for medication from people who were close to him, whom he knew took pain medication. Dr. Morgan stated that the D.E.A. began investigating him, based on an anonymous letter from a colleague. Finally, following legal counsel, he went to Talbot Recovery Center in Atlanta for fourteen weeks. He came out in June 2006. He continued in his program and attending meetings, and he worked with the Federal Government on his case. It eventually lead to a decision in November 2006 that he would plead guilty to one count of obtaining hydrocodone by fraud, in that when he signed for the samples, he knew that he would be taking some of them. Dr. Morgan stated that his West Virginia medical license was returned on a probationary status. Upon the hearing, at which he pled guilty, his license there was automatically revoked, pursuant to West Virginia law. He was sentenced in March 2007 to 30 days in federal prison camp in Kentucky. He had 90 days of home confinement and no probation. He was released from federal oversight on July 23, 2007. Dr. Morgan stated that he continued to struggle to get his West Virginia license straightened out, and finally got his license back in November 2007 with the caveat that he pass the SPEX.

Dr. Morgan stated that at that point he had an inactive Ohio license, and he decided to get all of his situations straightened out, even though he doesn't use his Ohio license. He approached the Board to reactivate. That triggered the suspension in Ohio, which then triggered West Virginia saying he couldn't practice there because his Ohio license was suspended. He already had an office, a lease, and a contract worked out.

Dr. Morgan stated that he would tell the medical students present that they will be tested. They will go through trials and tribulations. The medical profession is a difficult profession, and physicians are constantly in fear of medical malpractice, which tends to impair them. They then face high rates of divorce, suicide, drug abuse, and alcohol abuse. Dr. Morgan stated that he's hit all of those except the suicide. He's been through the mill for the last two years, but he feels fantastic now. He has residential custody of three children. He attends his meetings and does everything that he's required to do in both states. He's working now to return to practice in West Virginia. He stated that the West Virginia Legislature became aware of his case and legislation was recently passed and was signed by the Governor that would allow physicians whose licenses are suspended in other states to continue to practice in West Virginia. He stated that he's very thankful for that opportunity. Dr. Morgan stated that, although he doesn't use his Ohio license, he will continue to serve Ohio's suspension in order to correct things that he had done has a result of his drug use. Dr. Morgan stated that, although divorced, he and his ex-wife have a good relationship. One of the good experiences to come from this is that he spends more time with his children than he was ever able to spend in the past.

Mr. Albert stated that this is a good lesson for the medical students present.

DR. STEINBERGH MOVED TO CONTINUE DR. MORGAN UNDER THE TERMS OF HIS DECEMBER 12, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

ROBERT R. SUMMERS, D.O.

Dr. Summers made his initial appearance before the Board, pursuant to the terms of the Board's Order of December 12, 2007.

Dr. Steinbergh reviewed Dr. Summers' history of chemical dependency and relapse.

In response to Board member questions, Dr. Summers stated that his recovery is going very well. He's attending meetings, has a new sponsor and is working the twelve steps. He was also diagnosed with depression in Cleveland when he was evaluated, and he was started on an antidepressant. He's undergoing treatment with Lurley J. Archambeau, M.D., in Toledo. His license is considered encumbered for the next seven years. Dr. Summers stated that he did get back to work; the Clinic in which he worked in Defiance rehired him. Now they are going through the process the Board has heard about all day. His license is considered to be encumbered. Anthem and Medical Mutual will allow him to participate in their traditional plans, but not their managed care plans, based on the feeling that his license is encumbered. Dr. Summers stated that, unlike the other physicians, he's fighting this with Anthem. He's asking to meet with the Anthem Credentialing Committee to review what happened. He stated that when he went back to work before, he was given a waiver. They wouldn't put him in their book as credentialed, but they paid him. Now they're saying that they won't do that. Even Buckeye Medicaid is saying that. He doesn't know if he'll get anywhere, but you can see some of their patients. Dr. Summers stated that that will certainly have an impact on his practice. He'll be the only physician of 31 who will have to work out of network, and that will be tough on the patients.

Dr. Steinbergh stated that the most important thing is that he gets healthy. If he's not, he can't practice.

Mr. Albert asked Dr. Summers to tell the students about his relapse.

Dr. Summers stated that it was, essentially, very poor judgment on his part. He went through a Board hearing instead of a consent agreement this time. Dr. Summers stated that he injured his finger, and instead of filling a prescription, he self-administered some Ultram from office samples. He stated that this was absolutely against the terms of his consent agreement. It showed up in a drug screen because he continued to be monitored. That set off an investigation into what happened, and resulted in a subsequent hearing. His license was suspended, and he served that suspension. He returned to work at the end of February. Dr. Summers stated that he doesn't think that he really gave credit to the despair that he was feeling. He

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stated that he had just been divorced, his wife and daughter live about six hours away. He stated that his judgment was impaired. Even though he was in recovery, he was not participating. He was depressed and he couldn't see its impact on him. He wouldn't admit it. He worked too many hours, he didn't take care of himself, and he thinks, subsequently, that he made a very poor decision that day, and for several days.

In response to further questions, Dr. Summers stated that at the time of the relapse, he was appearing at office conferences every six months. The relapse took place between the conferences. He stated that Mr. Albert has been very gracious and helpful, and that there was nothing else he could have done.

DR. STEINBERGH MOVED TO CONTINUE DR. SUMMERS UNDER THE TERMS OF THE BOARD'S ORDER OF DECEMBER 12, 2007, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

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

The motion carried.

KIMBERLY M. TELMANIK, P.A.

Ms. Telmanik made her initial appearance before the Board, pursuant to the terms of her December 12, 2007 Step I Consent Agreement.

In response to Board members' questions, Ms. Telmanik advised that her addiction to Tramadol began in November 2005. She completed a 28-day treatment program at that time. She's halfway done with her two years of aftercare. Ms. Telmanik stated that she was required to undergo drug testing every two weeks for three years, but that was cut to nine months since all of her screens came back clean. She's still in treatment and is not working. She attends her meetings and undergoes drug tests. She again stated that she's not working at all, although her boss wants her to come back in some other capacity, but she's been reluctant. She stated that she doesn't want to be put into a position where she would do something she shouldn't. She would rather not work. Ms. Telmanik added that it has been hard because she doesn't have health insurance. She could have stayed with her previous workplace, doing administrative work, and have insurance, but she didn't think that it was a good idea. She added that you never know when you'll be asked to do something you shouldn't. She'd rather serve out her consent agreement and, if her boss wants her back when she's finished, that's fine.

In response to further questions, Ms. Telmanik stated that she is under treatment for her depression, and she

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takes 20 mg of Prozac every day.

DR. STEINBERGH MOVED TO CONTINUE MS. TELMANIK UNDER THE TERMS OF HER DECEMBER 12, 2007 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION. A vote was taken:

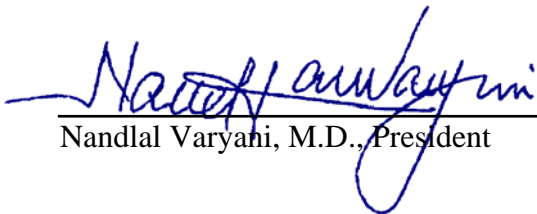
ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

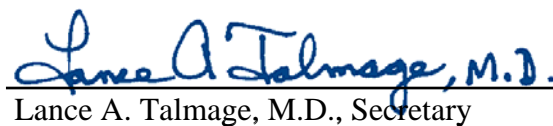
DR. STEINBERGH MOVED TO ADJOURN. DR. ROBBINS SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 4:36 p.m. the March 12, 2008 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 March 12, 2008, as approved on April 9, 2008.

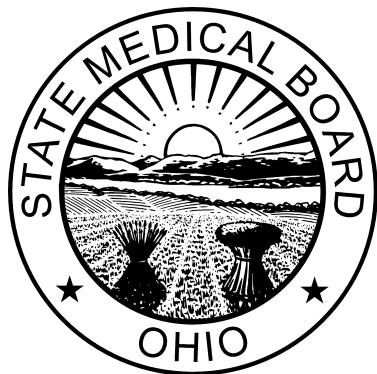


Nandlal Varyani, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)



March 13, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

March 13, 2008

Nandlal Varyani, M.D., President, called the meeting to order at 8:10 a.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; R. Gregory Browning, Ph.D.; Jack C. Amato, M.D.; Andrew F. Robbins, Jr., M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: Marchelle L. Suppan, D.P.M.; W. Frank Hairston; and Deepak Kumar, M.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; Barbara J. Pfeiffer 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; and Kay L. Rieve, Administrative Officer.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Varyani 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. Varyani 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.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON FEBRUARY 11-12, 2008, WITH: MOHAMMAD A. ADAS, M.D.; STEVEN R. ALLEN, SR., M.D.; DAVID B. AXELSON, M.D.; CHARLES B. BERTANI, D.O.; KEVIN W. BOWERS, D.O.; ROBERT L. BRANDT, JR., M.D.; PATRICK BRIAN CESTONE, JR., M.D.; PAUL CLAASSEN, D.O.; STEVEN W. CRAWFORD, M.D.; AMANUEL AMBAYE DANIACHEW, M.D.; RICHARD R. DELAFLOR, M.D.; MILES E. DRAKE, JR., M.D.; MARY JO FOOTE, P.A.; PETER FRAGATOS, M.D.; JAMES VINCENT FURICCHIA, M.D.; GEORGE V. HASSINK, M.D.; WILLIAM WAYNE HOLLIFIELD, M.D.; JORDAN E. HOPKINS, M.D.; WILLIAM L. HOPPES, M.D.; ADAM S. MARTIN, M.D.; KEVIN DALE MCKEE, D.O.; LOUISE DELYTE MORRIS, P.A.; PHILLIP THIELE NORTH, M.D.; PAUL E. PANCOAST, M.D.; JOHN H. ROCKWOOD, P.A.; AND GREGORY S. ZINNI, M.D. DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY'S AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR

BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **TO GRANT CELESTE D. BREWER-EDWARDS, P.A.’S REQUEST FOR APPROVAL OF GREGORY B. COLLINS, M.D., TO SERVE AS HER SUPERVISING PHYSICIAN;**
- **TO GRANT DANIEL H. BRUMFIELD, M.D.’S REQUEST FOR APPROVAL OF CRYSTAL F. AMOS, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH TEN CHARTS REVIEWED PER MONTH; AND TO APPROVE U. RAO VELLANKI, M.D., TO SERVE AS DR. BRUMFIELD’S TREATING PSYCHIATRIST;**
- **TO GRANT GREGORY B. CAMP, M.D.’S REQUEST FOR APPROVAL OF RANO THOMAS MATHEW, M.D., TO SERVE AS HIS SUPERVISING PHYSICIAN;**
- **TO GRANT PAUL E. DUNCAN, M.D.’S REQUEST FOR APPROVAL OF JUAN CARLOS PENHOS, M.D. AS HIS NEW MONITORING PHYSICIAN;**
- **TO GRANT ANTHONY GRAY, M.D.’S REQUEST FOR APPROVAL OF DAVID W. STREEM, M.D., TO SERVE AS BOTH HIS SUPERVISING PHYSICIAN AND TREATING PSYCHIATRIST;**
- **TO GRANT WILLIAM CLARK HARLAN, D.O.’S REQUEST FOR APPROVAL OF ROBERT A. GIRMANN, M.D. TO SERVE AS HIS MONITORING PHYSICIAN, WITH TEN CHARTS REVIEWED PER MONTH, AND APPROVAL OF WHEATON B. WOOD, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO GRANT BOBBY C. LENOX, JR., D.O.’S REQUEST FOR APPROVAL OF A NEW PRACTICE PLAN, AND APPROVAL OF JERALD KAY, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO GRANT NYKOLAI VASIL PIDHORODECKYJ, M.D.’S REQUEST TO APPROVE JOHN A. KASPER, JR., M.D., TO SERVE AS HIS NEW SUPERVISING PHYSICIAN;**
- **TO GRANT STEPHEN R. PORTER, M.D.’S REQUESTS TO: APPROVE JAMES W. THOMSON, D.O., TO SERVE AS HIS NEW SUPERVISING PHYSICIAN; TO ELIMINATE THE REQUIREMENT TO MAINTAIN AN ADVOCACY CONTRACT WITH THE OHIO PHYSICIANS EFFECTIVENESS PROGRAM; AND TO APPROVE JEROME J. KELLY, M.D. TO SERVE AS HIS NEW TREATING PSYCHIATRIST;**
- **TO GRANT JOSEPH ALOYSIUS RIDGEWAY, IV., M.D.’S REQUEST FOR APPROVAL OF BARBARA G. FEINBERG, LISW, IMFT, TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL.**

DR. STEINBERGH FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT

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UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A" AND THE P.A. APPLICANTS LISTED IN EXHIBIT "B." DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REPORTS OF ASSIGNED COMMITTEES

IMPAIRMENT COMMITTEE

Ms. Bickers advised that the Committee reviewed an application for renewal of a certificate of good standing from the Center for Chemical Addictions Treatment, and recommends approval.

MR. BROWNING MOVED TO RENEW THE CENTER FOR CHEMICAL ADDICTIONS TREATMENT'S CERTIFICATE OF GOOD STANDING. DR. TALMAGE SECONDED THE MOTION. All members voted aye. The motion carried.

LICENSURE COMMITTEE

Mark Costaldi, M.D.

Dr. Robbins advised that Dr. Costaldi, a May 2006 graduate of St. Louis University School of Medicine, has applied for a waiver to take USMLE Step 3. Dr. Costaldi passed Step 1 on his first attempt in June 2000 with a score of 78 and Step 2 on his first attempt in December 2005 with a score of 81. Dr. Costaldi has never attempted Step 3. He is presently in his second year of an Anatomic and Clinical Pathology residency at University Hospitals Case Medical Center in Cleveland. Following Dr. Costaldi's second year of medical school, he entered a post-sophomore pathology fellowship program at St. Louis University Hospital. After completing that program in June 2001, he entered the university's combined M.D., Ph.D. program, majoring in Biochemistry and Molecular Biology. Although Dr. Costaldi did not complete the doctoral program as originally planned, he obtained a Master of Science degree in Biochemistry and Molecular Biology in January 2004. Dr. Costaldi's decision to forego a Ph.D. was not due to any academic issues; he based his decision on the additional time it would take to complete his Ph.D. after his mentor lost

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funding. Dr. Costaldi decided to accept a master's degree and focused on graduating from medical school. In January 2004 he returned to medical school and received his M.D. degree in May 2006.

Dr. Robbins advised that the Committee recommends approving the limited exception of the seven-year rule as outlined in 4731-6-14(C)(3), OAC.

DR. STEINBERGH MOVED TO APPROVE THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14(C)(3), AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Narinder Dabhia, MD

Dr. Robbins advised that Dr. Dabhia, an August 2003 graduate of the University of Louisville School of Medicine, has applied for a waiver to take USMLE Step 3. Dr. Dabhia passed Step 1 on his first attempt in June 1999 with a score of 88 and Step 2 on his first attempt in March 2001 with a score of 83. Dr. Dabhia has never attempted Step 3. He exceeds the seven-year limit by 21 months. Dr. Dabhia is presently the Chief Resident in the Internal Medicine Residency Program at The Christ Hospital in Cincinnati, where he has completed two and a half years of training. Dr. Dabhia is scheduled to complete the program in June 2008 and has been offered a position in Outpatient Primary Care at Christ Hospital. In his letter to the Board, Dr. Dabhia stated that he "took time away from medicine so I could attend to family issues at home; issues that were more important than work." When asked by Board staff to provide details of this explanation so that the Board could better understand the reasons for the interruption, Dr. Dabhia stated that he came to Kentucky at the age of 2 and that his family has lived in the northern Kentucky/greater Cincinnati area ever since. After graduation, he decided to forego his medical career so that he could be close to his father who had (and still has) some medical problems. Dr. Dabhia requested a waiver so that he can quickly obtain his Ohio medical license and remain close to his family.

Dr. Robbins stated that the Committee recommends denying Dr. Dabhia's request.

DR. ROBBINS MOVED TO DENY DR. DABHIA'S REQUEST FOR A "GOOD CAUSE"

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WAIVER TO TAKE STEP 3 OF THE U.S.M.L.E. DR. MADIA SECONDED THE MOTION.

Dr. Steinbergh stated that Dr. Dabhia's concern about his father's illness and his desire to take time off seems legitimate. She stated that she understands that the Board doesn't have the details of the illness, but Dr. Dabhia's explanation of his having to forego his medical career to support his father appears to be legitimate.

Ms. Rieve stated that the Board staff requested that Dr. Dabhia provide more information, but he didn't respond to that request and didn't present any details about his father's illness. She indicated that he seemed to skirt the issue.

A vote was taken:

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

The motion carried.

Kozhikode Menon, MD

Dr. Robbins advised that Dr. Menon has applied for licensure and has asked that the Board deem his training and experience in the United Kingdom, and his 12 months of clinical fellowship in the United States to be equivalent to the 24 months of graduate medical education through the second-year level so that he may be granted a license. Dr. Menon graduated from Coimbatore Medical College in Coimbatore, India in October 1988. He completed training and practiced in India from August 1988 until July 1992, and then immigrated to the United Kingdom. He then practiced in Scotland from August 1992 until July 1998. Dr. Menon immigrated to the U.S. in June 1998, and began a Fellowship in Hepatology at the Mayo Clinic from June 1998 until July 1999. Dr. Menon entered a Research Fellowship in Gastroenterology and Hepatology at the Mayo Clinic from July 1999 until October 2000. Dr. Menon continued to practice at the Mayo Clinic until July 2007, and is now at the Avera McKennan Hospital in Sioux Falls, South Dakota, as Medical Director of Liver Transplantation. Dr. Menon holds current medical licenses in Minnesota and South Dakota. He has not reported board certification through the American Board of Medical Specialties, but he reports he is board-certified in Internal Medicine in India, and board-certified in Internal Medicine and Gastroenterology in the United Kingdom.

Dr. Robbins advised that the Committee recommends approval.

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DR. STEINBERGH MOVED TO DEEM DR. MENON'S TRAINING AND EXPERIENCE IN THE UNITED KINGDOM, AND HIS 12 MONTHS OF CLINICAL FELLOWSHIP IN THE UNITED STATES TO BE EQUIVALENT TO THE 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND YEAR LEVEL, REQUIRED FOR LICENSURE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mohammad Pazooki, MD

Dr. Robbins advised that Dr. Pazookie has requested a waiver of the seven-year rule. He is over the seven-year time limit by three months. He passed Step 1 and Step 2 on the first attempt with scores of 86 and 79, and Step 3 on the second attempt with a score of 85. Dr. Pazooki reported to the Board that he was over the seven-year time limit because his Visa was not issued, and he pursued medical education in France. Dr. Pazooki graduated from Tehran University in Tehran, Iran, in April 1995. He practiced in various hospitals in Tehran from May 1995 until January 2002, when he immigrated to Paris, France. He was a student in Molecular and Human Cytogenetics at Cochin Hospital from March 2002 until April 2004. He then immigrated to Canada, where he taught Biology at Advance Canadian Education Academy in Richmond Hill, Ontario, from September 2004 until June 2005. He immigrated to the United States and began training in Internal Medicine at Meridia Hospital in Cleveland from July 2005 until the present time. Dr. Pazooki currently holds an Ohio Training Certificate.

DR. ROBBINS MOVED TO RECOMMEND APPROVAL OF THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN RULE 4731-6-14(C)(3) AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER TO GRANT HIM A LICENSE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

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

The motion carried.

Elias Tessema, MD

Dr. Robbins advised that Dr. Tessema has applied for licensure and is over the seven-year time limit by 32 months. He passed Step 1 and Step 2 on the first attempt with scores of 82 and 82, Step 3 on the second attempt with a score of 81. Dr. Tessema sent a letter of explanation claiming he went over the seven-year limit for the USMLE because he was training in Michigan which did not have a seven-year rule, and he was unaware of Ohio's rule until he applied here. Dr. Tessema graduated from Gonder College of Medical Sciences in Gonder, Ethiopia, in July 1990. He practiced in various hospitals in Ethiopia from January 1990 until August 1999, when he immigrated to the United States. He took his USMLE and worked as a Physician Assistant in Washington, D.C., until he began training in Pediatrics at Henry Ford Hospital in Detroit, Michigan, in July 2002. The program at Henry Ford closed in October 2002, and Dr. Tessema transferred to the Pediatric program at Wayne State University in Detroit from October 2002 until June 2005. Dr. Tessema then continued with a Pediatric Neonatology fellowship at Wayne State from July 2005 until the present time. Dr. Tessema holds a Michigan license, and was board-certified by the American Board of Pediatrics in November 2005.

Dr. Robbins stated that the Committee recommends denial of Dr. Tessema's request for a waiver.

DR. STEINBERGH MOVED TO DENY DR. TESSEMA'S REQUEST FOR A "GOOD CAUSE" WAIVER OF THE SEVEN-YEAR RULE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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Jenny L. Knotts, LMT; Helene L. Roussi, LMT; Carrie R. Chadwick, LMT; and David A. Jacobs, Jr., LMT

Dr. Robbins advised that the above-captioned have applied for restoration of their licenses to practice massage therapy in Ohio. All have not practiced since 2005. Dr. Robbins stated that the Committee recommends approval, subject to their passing the Limited Branch Portion of Ohio's massage therapy examination.

DR. STEINBERGH MOVED TO GRANT THE RESTORATION APPLICATIONS OF MS. KNOTTS, MS. ROUSSI, MS. CHADWICK AND MR. JACOBS, SUBJECT TO THEIR SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF OHIO'S MASSAGE THERAPY EXAMINATION. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PRESCRIBING & PAIN MANAGEMENT COMMITTEE

Mr. Miller advised that he has distributed comments received following the public hearing on the intractable pain rules. He has also distributed a letter from Dr. David Schwartz, regarding general comments about those rules.

Mr. Miller stated that there has been an initial meeting with OSU to discuss their concerns with the rules. Mr. Miller stated that staff will work on new language to address those concerns.

Dr. Talmage stated that it is his understanding, and Dr. Schwartz points out, that the pill counts and urine screens are egregious; but as he reads the rule, it says that those methods can be used if there is suspicion of diversion. They are not a requirement that each time a patient comes in they have a pill count or urine screen. Dr. Talmage stated that he thinks that there is massive misunderstanding by practitioners that gives them the excuse to not take care of these patients. If a patient gets 30 pills and 30 days, you don't need to do a pill count; you don't need to do a urine screen. It's fairly obvious that they're using their pills.

Dr. Talmage stated that the Board has published these rules, time and time again, reporting that the Board is not prosecuting anybody if they give reasonable prescriptions. Other than posting it in every doctor's office in the state, he doesn't know what more the Board can do. The suggestions made are what the Board

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already does. Dr. Talmage asked Mr. Miller whether the Board has received opinions from other people as to what it can do to rectify the situation.

Mr. Miller stated that it has not, but added that he does believe that the Board hears the same basic concerns from individuals. Dr. Schwartz' comments were in general, they weren't with respect to the rules put forward for public hearing. He stated that the Board should attempt to make the rules clearer, without changing their intent.

Dr. Talmage stated that the rules, in fact, address Dr. Schwartz' concerns.

Mr. Miller stated that he thinks that they do, in general, but there are an awful lot of people who do not understand the Board's intention when they read the rules.

Dr. Varyani stated that he has the same feeling. The other thing he was concerned about is that they want a new definition of intractable pain, as well. Dr. Varyani stated that he thinks that the rules are clear, and he agrees with them. He stated that he has personally given two talks on this. He stated that he doesn't know how much clearer the Board can be.

Dr. Steinbergh stated that, as a practicing physician, she sees this quite regularly, and it's not an easy discussion and it's not easy to manage these patients. If she sends a patient for a pain evaluation, she gets an evaluation, but the pain specialist wants the patient to come to her. She may be willing to prescribe for someone who is willing to be seen appropriately and managed appropriately. She added that it is very difficult to justify prescribing for a patient who has chronic benign pain and you can't demonstrate why the patient has pain. The pain specialist will do certain procedures, but they do not want to manage the prescriptions because they're overwhelmed by the number of people. Dr. Steinbergh stated that if she sends a patient to an orthopedist for a condition that will need surgery, the orthopedist doesn't want to prescribe, but will send the patient back to her for pain management. Dr. Steinbergh stated that she's not opposed to that, but she does feel that that physician has some responsibility to manage pain for the patient while the patient is under that doctor's care. Dr. Steinbergh stated that, in general, it's not so easy to think that you can just prescribe legitimately and monitor these patients. Once you begin to prescribe, you have the illegitimate people coming to your office, wanting to get medications also. She stated that it's a very difficult thing in the community. Dr. Steinbergh stated that it's one thing for the Board to understand how its pain rules are, and it's another thing for physicians to interpret them and to feel comfortable prescribing controlled substances for patients that they can't seem to manage.

Dr. Varyani stated that he is a pain therapist and he doesn't have too many patients whom he maintains because he doesn't have time for that. The reality of the matter is that it's not the information, you just don't want to deal with the documentation and the procedures when you put a patient on narcotics. Dr. Varyani stated that the information is there, but physicians don't want to deal with prescribing for chronic pain, because it involves a lot of steps. He stated that he doesn't think that there's anything wrong with the procedures, but he believes that most physicians don't deal with them. Dr. Varyani commented that he thinks that electronic medical records will help.

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LEGISLATIVE LIAISON AND RULES COMMITTEE

Mr. Miller at this time reviewed his written report.

Dr. Steinbergh noted that Mr. Miller's update on H.B. 73 indicates that the Ohio Pharmacists Association has offered an amendment that would allow the Pharmacy Board, in consultation with the Medical Board, to adopt rules that would allow pharmacists to administer any other immunization, vaccine or biological agent that is listed by rule to avoid the need for legislation each time an immunization is added to the current list. Dr. Steinbergh noted that pharmacists regularly administer influenza vaccines, but she would have a problem with pharmacists administering some vaccines. She stated that patients don't have the opportunity for wellness advice. She stated that she will educate patients on why the immunization is being administered and she will also make sure that there are no contraindications. She advised that there are some vaccines that cannot be administered within a certain period of time that another vaccine is administered. Dr. Steinbergh stated that she can almost guarantee that, if the patient goes to the pharmacist, she will not know what shot she had the year before and does not have an immunization record available for proper evaluation as to whether or not she ought to get that immunization. Dr. Steinbergh stated that she sees mass immunizations by pharmacists to be inappropriate because they simply don't have the medical history on the patient to know whether or not the patient should get the shot.

Dr. Talmage agreed with Dr. Steinbergh, saying the patient's medical history is necessary for these vaccines to be administered. Allowing pharmacists to do them is fraught with potential harm.

Mr. Miller stated that insurance companies will not reimburse physicians for one vaccine, but will reimburse pharmacists.

Dr. Talmage indicated that, with recent concerns about autism resulting from vaccinations, physician evaluation of the patient is necessary.

Dr. Varyani stated that he doesn't have any problem with pharmacists administering the flu vaccine.

Dr. Robbins suggested requiring that vaccinations performed by pharmacists be done in consultation with physicians. He stated that he doesn't have any problem with pharmacists giving the vaccine, but he doesn't want patients to be able to just walk into the pharmacy and ask for a vaccination they've heard about on television.

Mr. Miller indicated that the Board members' concerns could be covered by rule.

Dr. Talmage asked whether the rulemaking process would allow the Board sufficient input and checks and balances to oppose this if it's necessary.

Mr. Miller stated that, historically, with the kind of language that the Pharmacy Board wants to include, JCARR does not like it when the two parties do not agree on a rule. They want the boards to agree on something. He added that he can't say that that will always be the case. He stated that he will discuss

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requiring physician consultation to be added to the amendment.

Dr. Egner stated that she could envision a scenario where the physician will write a prescription for a vaccination to be administered by a pharmacist.

Dr. Robbins commented that he would think that the vast majority of patients who would get a prescription would just go ahead and get it done in the physician's office.

Dr. Varyani stated that the patient will question why he would need to go to a physician and pay the co-pay. It's a question of dollars and cents.

Dr. Robbins stated that, until the pharmacists have "M.D." after their names, that's just the way it is.

Dr. Varyani stated that he doesn't want the Board to be seen as being obstructive because of the consultation fee issue.

Dr. Steinbergh stated that the key is whether or not the Pharmacy Board and the Medical Board can come to terms and agree about those biologicals that can be administered by a pharmacist versus those that can be administered only with a prescription from a physician.

Continuing his review of the Legislative Report, Mr. Miller advised that Senator Cates is seeking Board comments related to proposed legislation to require students living in on-campus housing at institutions of higher education to be vaccinated for meningococcal meningitis and hepatitis B or obtain a waiver.

Dr. Steinbergh stated that she understands a requirement for vaccinations for meningococcal meningitis is appropriate, but not hepatitis B.

Dr. Talmage stated that, for about the last twelve years, childhood immunizations have included hepatitis B. The reservoir of hepatitis B is rapidly diminishing. He's not sure that that should be included. He agreed with Dr. Steinbergh that vaccination for meningococcal meningitis is logical.

Mr. Miller advised that Representative Fessler contacted the Board with respect to concerns about physicians failing to provide medical records to patients. Rep. Fessler noted that in some of the instances, physicians in question are individuals that no longer hold a license due to Board actions. She asked that the Board work towards developing some potential solutions to this matter that would address both currently licensed physicians and those who no longer hold a valid license.

Dr. Steinbergh stated that she thinks that this is a legitimate issue.

Dr. Egner stated that she understands that some of the things in the Committee's discussion about making this a misdemeanor the previous day are legitimate, but then the Board would need to create rules as to how long a physician keeps his or her medical records. If a physician hasn't seen a patient in fifteen years or a patient wants a medical record that's 20 years old, that's not in the physician's office anymore. Do you

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have to go find that? Dr. Egner stated that that's not necessarily an easy task. She added that there are ways to get the important parts of the record, such as op notes and pathology reports. Many times the medical record doesn't have as much important information in it as you think that it might. It seems a little outrageous to make that a misdemeanor.

Dr. Steinbergh stated that future Board Orders taking a license away could include direction on how long they need to keep their records.

Dr. Robbins stated that the issue then is where the records will be kept if the physician isn't practicing. Who's going to keep the records? Who's going to refer the records on to other physicians. Dr. Robbins stated that it's onerous to expect a physician to take someone's records because the Board tells them to.

Dr. Varyani stated that electronic medical records will hopefully solve this problem. He added that it would be absurd for the Medical Board to require a physician whose license has been revoked to maintain a repository of patient records. He stated that that's not going to happen unless the State or some agency has a repository.

Dr. Robbins stated that the ultimate answer is the electronic medical record (EMR).

Dr. Steinbergh stated that the truth of the matter is that most of these EMRs don't communicate with another system. You may have an EMR in a physician's office that is only in that physician's office and unable to communicate with another system. She added that hopefully that will be fixed in the future.

Mr. Whitehouse asked whether the Board is opposed to suggesting to Representative Fessler that she pursue this through making this a misdemeanor.

Board members indicated that they were.

Dr. Robbins commented that many physicians use holding back patient records as leverage for payment. If a patient hasn't paid his or her bill, the physician advises that he or she will not release the record until the patient pays the bill. Dr. Robbins stated that, while the Board can be empathetic about why they would do that, the Board has to clearly be against that. Release of medical records should be independent of any financial obligations that patients have.

Dr. Talmage stated that anytime you criminalize any part of medical practice, there is a slippery slope that organized medicine has been very reluctant to ever endorse. He stated that when you can judge the issues as purists or as a regulatory board, there is much more even administration. He added that to criminalize is not to the advantage of physicians, to this Board or to the State. Dr. Talmage stated that he would oppose this legislation.

Mr. Miller reported on S.B. 229/H.B. 398, the Radiology Assistants Legislation. He advised that he, Dr. Egner and Diann Thompson met with representatives from the Ohio State University Masters of Imaging program on February 22nd to discuss Senate Bill 229 and to gain information related to the OSU program

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in particular.

Dr. Egnor stated that she thought it was a very worthwhile trip. OSU has an excellent program. She added that the problem is that the legislation is not reflective of what they're doing at OSU. She stated that she does think that they made some headway in that they were able to talk with some significant people there and explained the Board's concerns and that it would be in OSU's best interest to have legislation that reflects their program. Representatives of their program will meet with legislators on these issues.

Dr. Robbins commented that it is troubling to him that this legislation is being driven by the physicians, and not by the radiology assistants. He stated that he would like a meeting with radiologists to hear them justify this.

Dr. Varyani asked Dr. Egnor to follow up with that suggestion. Dr. Egnor agreed to do so.

CONSENT AGREEMENT COMMITTEE

Dr. Varyani advised that only three group members attended the morning's meetings. He asked Ms. Marshall to address the Board concerning proposed revisions to the consent agreement.

Ms. Marshall stated that staff took proposed revisions to the Step I and Step II consent agreement boilerplates to the Committee. She stated that the revisions are based on life experience, things that staff has learned from court cases, and also to address the change of direction the Board has made from individual supervising physicians to going to a third party lab administrator.

DR. STEINBERGH MOVED TO APPROVE THE REVISIONS TO THE STEP I AND STEP II BOILERPLATES. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egnor	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

P. A. COMMITTEE

Dr. Talmage stated that the Committee reviewed a number of special services plans.

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Youngtown Orthopaedic Associates, Ltd.

Dr. Talmage advised that the Committee reviewed the above-captioned's request for its P.A.s to perform Greater Trochanter Bursa Hip Injections. He stated that the PAPC has recommended approval, based on the fact that the P.A.s would have two years of experience in orthopaedics and onsite supervision.

DR. TALMAGE MOVED TO APPROVE YOUNGTOWN ORTHOPAEDIC ASSOCIATES, LTD'S REQUEST FOR ITS P.A.S TO PERFORM GREATER TROCHANTER BURSA HIP INJECTION, 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 NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY. The motion died for lack of a second.

Dr. Egner asked whether this P.A. would be able to perform this procedure for another physician's office should he or she choose to leave this group.

Dr. Talmage stated that the new group would have to submit its plan and obtain Board approval first. Dr. Talmage stated that the physician will be performing the examination and ordering the procedure, which will be done 100% onsite.

Dr. Steinbergh stated that she is personally opposed to this, but if the PAPC believes that it is appropriate and that P.A.s are being appropriately trained, and if the physician is prescribing the procedure, the Board needs to move forward with it. She commented that these are difficult procedures and she does get concerned about patients' safety and so forth.

Dr. Robbins agreed, but added that he will vote in favor of it. Dr. Robbins stated that he hopes that the Board can educate patients. Every patient should ask who is doing the procedure and what that person's training is.

Mr. Browning stated that it is his sense that the level of acquiescence on the part of patients is sky high. Don't count on the patients to question. If someone walks in with a uniform on, in the right setting at the right time, they will let them do all kinds of things.

Dr. Talmage stated that the patient is told by the orthopaedist that the P.A. is doing the procedure. The patient assumes that the P.A. has been trained by and is supervised by the physician. He stated that these applications are being made by physicians to let their P.A.s do these things.

Mr. Browning stated that that's the point. This is driven by economics.

Dr. Steinbergh stated that the scenario of the orthopaedic physician seeing the patient, doing the diagnosis and saying the P.A. will do the injection is the best-case scenario. What concerns her is that the P.A. goes in and examines the patient, goes out and says to the doctor, "she has trochanteric bursitis and needs an injection," and the doctor says, "okay" and the P.A. goes in. The physician has said it's okay to do it, but

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those are two different scenarios. She stated that she prays that the orthopaedic surgeon will take this very seriously and examine that patient before allowing his or her P.A. to do the procedure.

Mr. Browning stated that his concern is that the Board is procedure-based as opposed to condition-based. There are undoubtedly procedures that the P.A. could do, but there's a sense of degree. If your problem is very serious on the spectrum, you probably don't want the P.A. doing it; it's tougher to do. The Board should not be allowing them to do it, but, in fact, that's exactly what the Board is doing. It's hoping for the best in terms of judgment at the office level and that the degree of severity is taken into consideration, and when it is very high, the doctor says that the P.A. shouldn't do it, he'll do it himself. That's what the Board is counting on. The Board doesn't have any limitations when it signs off on this stuff because it's procedure-based. The Board never puts any limits; it never says, "yes, you can do it unless it's a very difficult condition" because, of course, it's hard to define that. Mr. Browning stated that he thinks that the patients are in trouble when the Board approves this.

Dr. Varyani stated that the Committee really does worry about that. Unfortunately, the world is moving away from the Board's thinking and it must do certain things. The reality is that, because of expense, more and more of medicine is going to non-physicians. The Legislature is allowing more and more of this. Dr. Varyani stated that he feels that he is letting go up to a certain point.

Dr. Steinbergh stated that the Board has to rely on the physician to make the right decision.

Ms. Hacker stated that this particular group has already made the caveat that the physician is seeing the patient and making the judgment that the procedure should be done.

DR. AMATO MOVED TO APPROVE YOUNGTOWN ORTHOPAEDIC ASSOCIATES, LTD'S REQUEST FOR ITS P.A.S TO PERFORM GREATER TROCHANTER BURSA HIP INJECTIONS, 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 NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY, AND ONLY IN THE UNCOMPLICATED, UNCOMPROMISED PATIENTS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Crystal Clinic

Dr. Talmage advised that the PAPC reviewed this group's special services plan and recommends denial of all procedures.

DR. TALMAGE MOVED TO PROPOSE TO DENY CRYSTAL CLINIC'S SPECIAL SERVICES PLANS FOR ITS P.A.S TO PERFORM THE FOLLOWING PROCEDURES, ON THE BASIS THAT THERE IS 50% OFF-SITE SUPERVISION, AND THAT THE INJECTIONS REQUIRE COMPLEX MEDICAL DECISIONS THAT SHOULD BE MADE BY A PHYSICIAN: SUBACROMIAL BURSA SHOULDER INJECTIONS; GREATER TROCHANTER BURSA HIP INJECTIONS; MEDIAL OR LATERAL TENDON SHEATH ELBOW INJECTIONS; MORTON'S NEUROMA INJECTIONS; INTRAARTICULAR ANKLE INJECTIONS; AND INTRAARTICULAR BASAL JOINT INJECTIONS. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Cardinal Orthopaedic Institute

Dr. Talmage stated that the Committee tabled these special services plans.

DR. TALMAGE MOVED TO TABLE CARDINAL ORTHOPAEDIC INSTITUTE'S SPECIAL SERVICES PLANS. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

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Dr. Varyani - aye

The motion carried.

Advanced Dermatology & Dermatopathology, Inc.

DR. TALMAGE MOVED TO PROPOSE TO DENY THE ABOVE GROUP'S SPECIAL SERVICES PLAN FOR ITS P.A.S TO PERFORM APPLICATION OF LIGHT-BASED MEDICAL DEVICES FOR PURPOSES OTHER THAN HAIR REMOVAL ON THE BASIS THAT IT IS PROHIBITED BY RULE. DR. EGNER SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

DR. TALMAGE MOVED TO APPROVE THE GROUP'S REQUEST FOR ITS P.A.S TO PERFORM EXCISION OF BENIGN LESIONS AND SUPERFICIAL NON-MELANOMA SKIN CANCERS, IN AN OFFICE SETTING, UTILIZING 95% DIRECT AND 5% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY, SUBJECT TO CLARIFICATION THAT THE PHYSICIAN HAS MADE THE DETERMINATION THAT THE LESION NEEDS TO BE EXCISED, AND THAT REASONABLE ASSURANCE OF PATHOLOGY HAS BEEN DETERMINED PRIOR TO REMOVAL. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

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The motion carried.

Dr. Talmage stated that the Committee recommends tabling the other two plans, pending clarification of who is making the decisions, whether or not the patient will be seen by a physician pre- and post-procedure, and to explain the need for 95% direct supervision. If there is direct supervision, and the physician is in the room, why isn't he performing that procedure?

DR. TALMAGE MOVED TO TABLE THE GROUP'S SPECIAL SERVICES PLANS FOR ITS P.A.S TO PERFORM ELECTRODESSICATION AND/OR CURETTAGE OF SUPERFICIAL LESIONS AND CRYOTHERAPY OF SUPERFICIAL, BENIGN & PRECANCEROUS LESIONS. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Genito Urinary Surgeons, Inc.

Dr. Talmage advised that the PAPC recommends approval of this group's request that its P.A.s be able to perform Microwave Thermotherapy for prostate (BPH). The Committee members present had significant concerns and those concerns were expressed.

DR. TALMAGE MOVED TO APPROVE GENITO URINARY SURGEONS, INC.'S SPECIAL SERVICES PLAN FOR ITS P.A.S TO PERFORM MICROWAVE THERMOTHERAPY FOR PROSTATE (BPH), IN AN OFFICE SETTING, UTILIZING 100% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 4 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM NO LESS THAN 5 PROCEDURES TO DETERMINE COMPETENCY. The motion died for lack of a second.

Dr. Varyani stated that he does at least five of these procedures in the office a week. It is done by a urologist. It is very painful. Dr. Varyani stated that you have to do a cystoscopy in order to get to the prostate. If you go to the bladder, you're too far. If you're just out of the prostatic cavity a small distance, while you're looking through the endoscope, you have no idea where you are. If you burn the urethra, you have a bigger problem; and if you go in the bladder, it's a different problem. Dr. Varyani stated that he is shocked that a urologist would ask for a P.A. to do this.

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Dr. Madia agreed with Dr. Varyani, stating that, in the Smith Clinic, the urologist does it. He doesn't think that P.A.s should be doing the procedure.

Dr. Robbins asked what the Board approved for this P.A. in 2004.

Dr. Talmage stated that it's the same procedure. It's presented to the Board as a safe procedure.

Dr. Steinbergh asked what the PAPC discussion was like.

Ms. Rieve advised that the PAPC looked at the previous plan that had been approved and had no problem with it. They may not have first-hand experience with that procedure.

Dr. Robbins stated that the P.A. writes in her letter that she was approved to do a version of microwave thermotherapy after only observing five procedures and then performing an additional five under direct supervision.

Dr. Steinbergh suggested that someone from the group might be asked to attend the next P.A. meeting to have a conversation about the procedure itself and why they feel a P.A. would be appropriate to do it.

Dr. Robbins stated that the Board approved this three and a half years ago, and if it now denies approving the procedure, the Board needs to be on solid ground as to why it was approved then and denied now.

Dr. Madia stated that the difference is that three years ago the plan called for the procedure to be performed in a hospital setting, rather than an office setting. He stated that those are two different things.

Dr. Steinbergh stated that the Committee also had concerns about the medication that was being used and whether or not the patient was being given appropriate analgesia. She added that a letter from the P.A. states that the patient typically does not require any post-procedural pain medication. There was disagreement on the Committee about that.

Ms. Debolt stated that there may have been a little more oversight three years ago because, at that time, the P.A. could not see a new patient or an established patient with a new condition.

Dr. Steinbergh stated that it could also be that the Board made an error in approving this three years ago.

Dr. Talmage stated that, if the Board proposes to deny this plan, the physician group will have the right to request a hearing on the matter.

Dr. Steinbergh stated that the Board should table this plan and ask someone with direct knowledge of this procedure to discuss it.

Ms. Rieve asked whether the Board wants someone from this group to do that. The Board responded that

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they did not.

DR. STEINBERGH MOVED TO TABLE THIS PLAN. DR. ROBBINS SECONDED THE MOTION.

Dr. Egner stated that the complication rate is high in this procedure. She suggested that the Board invite a urologist with an objective view. She suggested inviting someone who does not have a P.A.

Dr. Steinbergh stated that she would be happy to arrange for someone to meet with the Committee in April.

Board members indicated agreement.

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

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

The motion carried.

PRESENTATION BY ROBERT FORSTER, MD, SENIOR CLINICAL ADVISOR FOR THE LITTLE CLINIC, LLC.

At this time, Dr. Forster made a PowerPoint presentation to the Board on Florida's experience with the Little Clinic, LLC, and took questions from Board members and their guests. A copy of that presentation shall be maintained in the exhibits section of this journal. No action was taken by the Board.

ADMINISTRATIVE REPORT

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

Mr. Whitehouse stated that he has talked with the Governor's office about timely appointments to fill vacancies on the Board, and reported that the Governor is very supportive of the Board's efforts as indicated by the fact that, despite the hiring control, they are permitting the Board to fill vacancies recently created in enforcement and investigations. In addition they are permitting the Board to create a new position in licensure under an existing FTE to handle criminal background checks. Finally, they are

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permitting us to upgrade two investigator positions to supervisor in order to bring the total number of investigative supervisors to three.

Mr. Whitehouse advised that Governor Strickland has appointed Marchelle Suppan, D.P.M., to fill the seat vacated by Dr. Buchan. Dr. Suppan will attend her first meeting in April.

Mr. Whitehouse advised that he and staff had met with representatives from DAS and Governor Strickland's Advantage Ohio initiative regarding their plan to create a pool of hearing examiners to be shared by Ohio boards and commissions.

Mr. Whitehouse advised the Board that portions of the April Board meeting will be videotaped in order to determine whether such recording might enable the Board's Partners in Professionalism program to be expanded to other medical schools or aid in other education or communication efforts.

Mr. Whitehouse informed the Board that Dr. Stan Sateren, Medical Director of the Ohio Physicians Health Program elected not to renew his contract with OPHP. He was asked, but declined, to serve on a selection committee for a successor. However, he did communicate that he, as well as the Secretary and Supervising Member, would be willing to meet to discuss the future of OPHP and our continued relationship.

Mr. Whitehouse advised Board members of the upcoming deadline for filing disclosure statements to the Ohio Ethics Commission. He asked members to complete this paperwork prior to the April 15th deadline and return it to Ms. Schmidt.

Mr. Whitehouse stated that any Board member who has not participated in the ethics training sessions required by the governor should be aware of upcoming sessions in Columbus and Akron on March 24th and May 6th respectively.

Mr. Whitehouse referred specifically to the reports filed by Ms. Anderson, Ms. Lowe, and Ms. Davidson, updating the Board members on the progress of their departments. He offered Board members the opportunity for questions or feedback to the reports that were distributed to board members. He then indicated that these reports would be made available to members on a regular basis for the Board's review.

EXECUTIVE SESSION

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

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

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

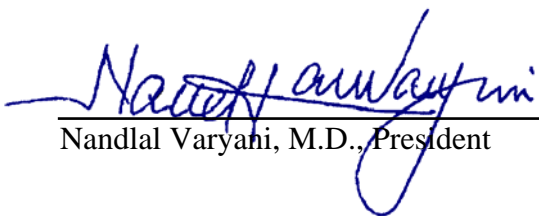
The motion carried.

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

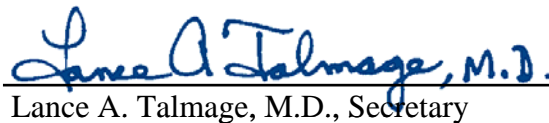
DR. VARYANI ADJOURNED THE MEETING FOLLOWING THE EXECUTIVE SESSION.

Thereupon at 11:50 a.m. on March 13, 2008, the March 12-13, 2008 meeting of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on March 12-13, 2008, as approved on April 9, 2008.



Nandlal Varyani, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

