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MINUTES**THE STATE MEDICAL BOARD OF OHIO****November 12, 2009**

Dalsukh Madia, M.D., President, called the meeting to order at 8:00 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: Jack C. Amato, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; W. Frank Hairston; Darshan Mahajan, M.D. and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Marchelle L. Suppan, D.P.M. The following did not attend the meeting: Nandlal Varyani, M.D.; William Ogg; and Susan E. Stephens, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Sara Vollmer, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, Angela S. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Sheldon Safko and Daniel S. Zinsmaster, Enforcement Attorneys; Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Michael K. Miller, Public Policy & Government Affairs Officer; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore, Disciplinary Information Assistant.

EXECUTIVE SESSION

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

VOTE:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- 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.

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MINUTES REVIEW

DR. STEINBERGH MOVED TO APPROVE THE MINUTES OF OCTOBER 14, 2009.

MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Madia 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. Madia 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 asked to consider the Probationary Requests of James Vincent Furicchia, M.D., and Kymberly Jacobs, M.T. separately.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON OCTOBER 13 AND 15, 2009, WITH: PAULA CLARK ADKINS, M.D.; MARK L. ALLEN, M.D.; MARK D. BALDWIN, D.O.; MARK E. BLAIR, M.D.; DANIEL H. BRUMFIELD, M.D.; AIMEE V. CHAPPELOW, M.D.; RICHARD G. DAY, M.D.; LYNNE A. EATON, M.D.; MATTHEW H. EVENHOUSE, M.D.; DANN WILLIAM GANZHORN, M.D.; PAUL H. GOODMAN, D.O.; MARJORIE M. HAAS, M.D.; JONATHAN L. HAIMES, M.D.; HUSAM E. HAMED, M.D.; RAVI DUTT MADAN, M.D.; FLORENCE B. MATYAS, M.D.; BRUCE JEFFREY MERKIN, M.D.; SHAILEN R. PATEL, M.D.; STEVEN THOMAS REED, M.D.; ROBERT S. REEVES, JR., M.D.; MARK ALLEN RENZ, M.D.; STEPHEN J. ROLFE, M.D.; JON P. RYAN, D.O. SUSAN GAIL SWEDA, M.D.; BRETT E. TOWARD, M.D.; GARY W. WALTZ, M.D.; SCOTT R. WELDEN, M.D.; AND RICHARD ALLAN ZINNI, D.O.

DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS:

- **TO GRANT PAUL LEWIS BLANCHARD, M.D.'S REQUESTS TO INCREASE HIS WORKLOAD TO 40 HOURS A WEEK, AND TO APPROVE BASHAR BRIJAWI, M.D. TO SERVE AS MONITORING PHYSICIAN, WITH TEN CHARTS PER MONTH;**
- **TO GRANT RANDALL JAY BOLAR, M.D.'S REQUEST FOR APPROVAL OF AN ETHICS COURSE TAILORED FOR THE DOCTOR BY DONNA HOMENKO, PHD;**
- **TO GRANT ANDREW J. CASTELLANOS, M.D.'S REQUESTS FOR APPROVAL OF A PROFESSIONAL ETHICS COURSE TAILORED FOR THE DOCTOR BY DONNA HOMENKO, PHD., AND APPROVAL OF A PERSONAL ETHICS COURSE, *PRIM-E, PROFESSIONAL RENEWAL IN MEDICAL ETHICS*, OFFERED BY UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY;**

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- TO GRANT PATRICK R. DENNISON, D.O.'S REQUEST FOR A REDUCTION IN PERSONAL APPEARANCES TO EVERY SIX MONTHS;
- TO GRANT DEBORAH LYNNE FRANKOWSKI, M.D.'S REQUESTS FOR APPROVAL OF BOTH ROBERT M. ANTHENELLI, M.D., AND SHANNON C. MILLER, M.D., TO SERVE AS HER NEW MONITORING PHYSICIANS;
- TO GRANT BRIAN F. GRIFFIN, M.D.'S REQUESTS FOR: APPROVAL OF THE VIDEO COURSE *ELECTRODIAGNOSIS AND CLINICAL NEUROPHYSIOLOGY*, OFFERED BY NORTHWESTERN UNIVERSITY, FEINBERG SCHOOL OF MEDICINE AND THE REHABILITATION INSTITUTE OF CHICAGO TO COMPLY WITH THE EDX STUDIES REQUIREMENT; AND APPROVAL OF HIS AMERICAN BOARD OF PHYSICAL MEDICINE AND REHABILITATION CERTIFICATION IN LIEU OF HAVING TO TAKE THE PAIN MEDICINE COURSE;
- TO GRANT SRIPRIYA DOSS KOLAKALUR, M.D.'S REQUESTS TO: WAIVE PERSONAL APPEARANCES UNTIL FINAL APPEARANCE, AND TO DISCONTINUE CHART REVIEW REQUIREMENT;
- TO GRANT ZUHAYR T. MADHUN, M.D.'S REQUEST FOR APPROVAL OF AN ETHICS COURSE TAILORED FOR THE DOCTOR BY DONNA F. HOMENKO, PHD., REQUIRED FOR REINSTATEMENT;
- TO GRANT NYKOLAI VASIL PIDHORODECKYJ, M.D.'S REQUEST FOR APPROVAL OF BRADLEY P. WINKHART, M.D., TO SERVE AS HIS NEW MONITORING PHYSICIAN;
- TO GRANT DAVID A. RATH, M.D.'S REQUEST FOR ELIMINATION OF HIS PRACTICE PLAN REQUIREMENT;
- TO GRANT CAROL A. THIERRY, A.A.'S REQUEST FOR APPROVAL OF THE ETHICS COURSE, *INTENSIVE COURSE IN MEDICAL ETHICS, BOUNDARIES, AND PROFESSIONALISM*, OFFERED BY CASE WESTERN RESERVE UNIVERSITY; AND
- TO GRANT TOBY JAMES TIPPIE, P.A.'S REQUEST FOR APPROVAL OF JAMES M. NIEMAN, M.D., TO SERVE AS HIS NEW REPORTING PHYSICIAN.

DR. STEINBERGH FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A," THE P.A. APPLICANTS LISTED IN EXHIBIT "B," THE ACUPUNCTURISTS LISTED IN EXHIBIT "C," THE RADIOLOGIST ASSISTANTS LISTED IN EXHIBIT "D" AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE LIMITED BRANCH SCHOOLS LISTED IN EXHIBIT "E." MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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ROLL CALL:

Mr. Albert	- aye
Dr. Talmage	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Dr. Suppan joined the meeting at this time.

Dr. Steinbergh stated that, in the case of James Vincent Furicchia, M.D., Dr. Furicchia has asked for approval of Stefan Schultz, M.D., to serve as his new monitoring physician. She stated that they are both ophthalmologists. Dr. Steinbergh stated that she wanted to point out, because it wasn't in the agenda, that Dr. Furicchia has moved to Saudi Arabia, and that Dr. Schultz is in Saudi Arabia. She noted that Dr. Schultz is not licensed in Ohio.

DR. STEINBERGH MOVED TO GRANT JAMES VINCENT FURICCHIA, M.D.'S REQUEST FOR APPROVAL OF STEFAN SCHOLTZ, M.D., TO SERVE AS HIS NEW MONITORING PHYSICIAN. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Steinbergh stated that the other case she wanted to briefly discuss was the case of Kymberly Jacobs, M.T. She stated that Ms. Jacobs is a massage therapist who had been convicted in Butler County Court for the misuse of credit cards, a first degree misdemeanor involving moral turpitude and making false, fraudulent, deceptive or misleading statements in securing her massage license. The action requested is to approve an on-line personal ethics course offered by the American Massage Therapy Association.

Dr. Steinbergh stated that, in general, she opposes on-line ethics courses, only because she believes that there ought to be inter-personal discussion in the area of ethics. Dr. Steinbergh added that, on the other hand, she thinks that this is a course that could potentially be approved. She stated that she wants to make certain that Board members are aware that Ms. Jacobs would still need to write an appropriate report. She stated that she would suggest that, when Mr. Albert meets with her after she submits her report, he have a significant discussion with her about the course, to be certain that the Board knows that she has, in fact, learned something, and that that course meant something to her.

DR. STEINBERGH MOVED TO GRANT KYMBERLY JACOBS, M.T.'S REQUEST FOR APPROVAL OF THE ONLINE PERSONAL ETHICS COURSE, *SELF-EVALUATION FOR AN ETHICAL PRACTICE*, OFFERED BY THE AMERICAN MASSAGE THERAPY ASSOCIATION. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

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REINSTATEMENT REQUESTS

ERICKA L. DAVIS, P.A.

Dr. Steinbergh stated that Ms. Davis' certificate to practice as a P.A. was suspended by Board Order of October 14, 2009. Ms. Davis has been in compliance with the terms of that Order, and has requested reinstatement of her certificate.

DR. STEINBERGH MOVED TO APPROVE MS. DAVIS' REQUEST FOR REINSTATEMENT OF HER CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT, SUBJECT TO THE PROBATIONARY TERMS AND CONDITIONS AS OUTLINED IN THE BOARD ORDER OF OCTOBER 14, 2009, FOR A MINIMUM OF FIVE YEARS. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia announced that the Board would now consider the Reports and Recommendations and the Proposed Findings and Proposed Orders appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of: Samden D. Lhatoo, M.D.; Jason Rick McNeal; William Michael Napoli, D.O.; Kristine Marie Blazey, M.T.; Joshua Nathan Sype, M.T.; and Michael J. Vjecha, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matter of Dr. Lhatoo, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Madia reminded all parties that no oral motions may be made during these proceedings.

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

SAMDEN D. LHATOO, M.D.

Dr. Madia directed the Board's attention to the matter of Dr. Lhatoo. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

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

Dr. Lhatoo was accompanied by his attorney, Timothy M. Burke, Esq.

Mr. Burke stated that he's proud to be here in support of the Hearing Examiner's recommendation in this case. He stated that he believes that the evidence clearly established that there was good cause for the fact that Dr. Lhatoo did not complete the USMLE sequence in ten years, and, as the Hearing Examiner said, the evidence concerning Dr. Lhatoo's medical education, his professional accomplishments, overwhelmingly support a conclusion that his training is equivalent to the 24 months of postgraduate education required by Ohio law. Mr. Burke stated that both Dr. Hans Lüders, who is perhaps the world's leading expert in epilepsy, who recruited Dr. Lhatoo, and Dr. Anthony J. Furlan, who directs the University Hospital's Neurological Institute, testified to the outstanding medical expertise and training of Dr. Lhatoo. Mr. Burke stated that Dr. Lhatoo's work is literally changing people's lives.

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Mr. Burke stated that he would like to complete his comments with part of the testimony that Dr. Furlan gave before the Hearing Examiner. He summed up his testimony with these words:

To be able to recruit this kind of talent to our state is sort of reverse brain drain. . . . And to be able to say at Case in Cleveland we have people like Dr. Lüders, like Dr. Lhatoo, I think that's to all of our benefit.

* * * * *

And he would be an asset not only to our university but to the state of Ohio. And that's why we would ask the Board to, again, grant him his Ohio licensure so we can recruit him and bring him on and move forward.

At this time, Dr. Lhatoo addressed the Board. He stated that he's extremely grateful to the Ohio State Medical Board, to the panel, to the Hearing Examiner and the Assistant Attorney General for considering his case and for allowing his appearance before the Board today.

Dr. Lhatoo stated that he works in an area that is extremely specialized, and he does so because he believes he can make a difference to the lives of people who, otherwise, lead very difficult, everyday lives, living with a very complex and difficult epilepsy. Dr. Lhatoo stated that he believes that this is an opportunity for him to come to Ohio and to contribute to building a world-class facility that will not only provide excellent care, but will, perhaps, enervate and make new inroads into the understanding of the field in which he works. Dr. Lhatoo stated that he will be extremely grateful for the positive discretion of the Board. He assured the Board that it would not regret its decision.

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

Mr. Wilcox stated that he did not.

DR. MAHAJAN MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF SAMDEN D. LHATOO, M.D. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Suppan reviewed the history of Dr. Lhatoo's postgraduate medical education in internal medicine, beginning in 1991 in India, and concluding in 1995 in the United Kingdom, where he obtained membership in the Royal College of Physicians. She noted that Dr. Lhatoo then did training in neurology from 1995 until 2001. She stated that, calculating all of his postgraduate studies, he completed five years of study in internal medicine and six years in neurology, for a total of eleven years of postgraduate medical education.

Dr. Suppan continued that in 2002, Dr. Lhatoo got his specialist certification in neurology in the UK, which would be equivalent to Board certification in the United States. In 2002 to 2006, he did an additional year

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of study in terms of being a research fellow at the Cleveland Clinic. Dr. Suppan added that Dr. Lhatoo has published extensively in journals worldwide.

Dr. Suppan stated that Dr. Lhatoo would like to come to Cleveland, Ohio, to continue his work on the study and treatment of epilepsy with his colleague at the Cleveland Clinic. She noted that there are numerous letters of support for Dr. Lhatoo's candidacy for licensure.

Dr. Suppan stated that she hopes that that covers the issue of equivalency of his training. She stated that, in terms of "good cause," she referred to the timeline for Dr. Lhatoo's completion of the three steps, and stated that part of the issue would be whether or not the Board would determine that there was good cause. She stated that the Proposed Order is to grant Dr. Lhatoo a license.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

JASON RICK MCNEAL

Dr. Madia directed the Board's attention to the matter of Jason Rick McNeal. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

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

Mr. McNeal apologized to the Board for not taking more care when filling out his application. He stated that he had no intention to hide anything, he just rushed through completing the application. Mr. McNeal stated that he looks forward to being a massage therapist in Ohio.

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

Mr. Wilcox stated that he did not. He stated that he agrees with the Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF JASON RICK MCNEAL. MR. HAIRSTON SECONDED THE MOTION.

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

Mr. Hairston stated that the evidence is clear that Mr. McNeal made many significant mistakes in his past; however, the evidence is equally clear that he has since made a huge effort to improve his life. He attended Miami-Jacobs Career College on a full-time basis, while also working full time, and he did well in both endeavors. He also found time for worthwhile extracurricular activities. He transformed himself from an angry person to someone with well-defined goals and a plan for reaching them. Moreover, evidence indicates that he will be a very good massage therapist. Mr. Hairston stated that Mr. McNeal has demonstrated that he is worthy of an unrestricted certificate to practice massage therapy. A certificate to practice massage therapy in Ohio should be granted, provided that he otherwise meets all statutory and regulatory requirements.

Dr. Steinbergh stated that she agrees with the Proposed Order that the Board grant Mr. McNeal a license. She asked Mr. McNeal to become a teacher and mentor to others, letting them know how important it is to be complete in filling out applications. She stated that this application is not something the Board takes lightly. The Board has to assure the public in the State of Ohio that its licensees are going to be appropriate. She stated that, although he has made many mistakes in his life, she thinks that the Board is in agreement that he's moving on.

Dr. Madia agreed with Dr. Steinbergh.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

WILLIAM MICHAEL NAPOLI, D.O.

Dr. Madia directed the Board's attention to the matter of William Michael Napoli, D.O. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

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

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Dr. Napoli was accompanied by his attorney, Mark R. Devan, Esq.

Mr. Devan stated that there are a few matters that are undisputed in this case that he wishes to point out to the Board. First, Dr. Napoli was neither an owner, nor did he have a management role at Professional Pain Management of Ohio (PPMO). He did not set up the protocols for patient exams or prescribing. He was not in charge of billing at PPMO. Additionally, he was not paid per patient at PPMO, nor did he profit based on the number of patients that he examined and treated. Mr. Devan stated that Dr. Napoli relied on Dr. DeHaas for guidance in pain management, Dr. DeHaas having held himself out as holding a specialty in pain management. Dr. Napoli was told by legal counsel that it was legitimate and lawful to accept referrals from chiropractors, legal counsel having been mistaken in his understanding of what is considered a referring physician.

Mr. Devan stated that Dr. Napoli made suggestions on improving the practice, including changes to the protocol for examinations, patient charting, record keeping and urine screening. Dr. Napoli was the physician at the clinic who suggested the use of and accessed KASPER for patients who came from out of state. Mr. Devan stated that this was buttressed by additional witnesses at the hearing itself. Mr. Devan stated that, hence, they disagree with the Hearing Examiner's conclusion that the prescribing by Dr. Napoli was for other than legitimate purposes.

Mr. Devan advised that Dr. Napoli, over this very brief period of time, saw how these medications would help patients who suffered with intractable pain, and, having suffered from chronic prostatitis without any relief, prescribed for himself. The result was that he was convicted in federal court by way of a plea of guilty. He acknowledged his responsibility for this and he accepted responsibility, and he has nearly completed his probation without any violations whatsoever. Mr. Devan stated that Dr. Napoli has always had clean drug screens, with no indication of any drug abuse on his behalf since 2006, when he was confronted by the investigating authorities.

Mr. Devan asked the Board to consider the severity of the sanction recommended and to ameliorate that by way of another sanction. He noted that Dr. Napoli hasn't practiced since December 2003. His family has suffered immeasurably. He has been without work many times, although he is working now. But he has not practiced and he is not in the field of medicine. He stated that Dr. Napoli's family has sacrificed tremendously for him to become a physician. He was a successful physician without a blotch or blemish on his record for all those years. Mr. Devan stated that these brief transgressions that have brought Dr. Napoli before the Board should be taken into consideration. He asked that the Board consider this in terms of his benefit to the community and to himself as a physician. Mr. Devan stated that if Dr. Napoli is reinstated or allowed to be reinstated, on whatever conditions the Board imposes, it would benefit everyone. Mr. Devan advised that Dr. Napoli is a good and kind man and it's time for him to return to his practice.

Mr. Devan at this time stated that he would yield to Dr. Napoli.

Dr. Madia advised that Dr. Napoli has one more minute to address the Board.

Dr. Napoli stated that Mr. Devan did an eloquent job of saying everything. He thanked the Board for

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allowing him to speak.

Dr. Napoli stated that he will do anything the Board asks him to do in order to get back to practicing medicine again. He stated that he needs to practice medicine; it's his life and everything he's done. It's what he wants to do with the rest of his life. Dr. Napoli asked that the Board consider that information, consider the fact that he is a good physician who may have been caught in things with which he had nothing, necessarily, to do. Dr. Napoli stated that he wants to practice his craft again, stating that he's good at what he does. He asked that the Board not hold these transgressions against him. He again stated that he will do whatever the Board asks him to do in order to get back up to speed. He stated that he will be happy to answer any questions Board members may have.

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

Mr. Wilcox stated that this case was Barbara Pfeiffer's case, but he did speak with her briefly about it. He stated that Ms. Pfeiffer wanted to relay that she does support the conclusions and the recommendations of the Hearing Examiner in this matter.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF WILLIAM MICHAEL NAPOLI, D.O. DR. SUPPAN SECONDED THE MOTION.

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

Dr. Amato stated that in medical school one thing that is taught is "physician, do no harm." He stated that he can recall in pharmacology, in the discussion of pain medication, being taught that no patient ever died of pain. He commented that he's not saying that physicians shouldn't treat pain. Dr. Amato stated that if you go on ODH's website, you can see that death from prescription drugs is climbing in the State of Ohio. Even in rural Columbiana County, there were over 50 deaths from prescription drugs last year.

Dr. Amato stated that he does not accept that "it was in the protocol," "I didn't own the business." He stated that that strikes him as a "Nuremberg" defense. He stated that all physicians, whether in practice for themselves or working for a big or small corporate entity, are still trained to practice good medicine. If physicians disagree with the protocol, they have the option to go somewhere else to be employed. Dr. Amato noted that Dr. Napoli didn't exercise that option.

Dr. Amato referred to the transcript, noting that people were coming, not just from Ohio, but from Kentucky and West Virginia. He noted the volume of patients and the amount of medications being dispensed, and asked whether this was a *McDonalds* for pain pills. He asked whether anything else was ever done there.

Dr. Amato stated that, for the wellbeing of the citizens of the State of Ohio, he 100% goes along with the Conclusions of Law and the Proposed Order.

Dr. Steinbergh stated that she agrees with the Findings of Fact, the Conclusions of Law and the Proposed

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Order. She stated that she thinks that Dr. Napoli was caught up in this money-making scheme. She stated that she couldn't find any mitigating circumstances that would allow her to defend this type of practice.

Dr. Steinbergh stated that Dr. Amato's comments are very true. All physicians are taught an appropriate way to practice medicine. If you get into something that doesn't feel comfortable, doesn't look right, you leave. You make that decision. Dr. Steinbergh stated that she saw this as a big money-making scheme, and added that there is no way that he couldn't be aware of everything going on. He didn't necessarily have to own the organization, you only have to spend one day prescribing for 50 to 70 plus cash-paying patients. They didn't get their prescriptions if they didn't pay the bill on-site. The person comes in, doesn't have the money, they hold the prescription for the following day, until the patient has the money. It was all about the money.

Dr. Steinbergh stated that she agrees with the Proposed Order of permanent revocation.

Dr. Madia stated that he agrees with Dr. Amato and Dr. Steinbergh, but added that he would go one step further. He stated that as a physician, knowing what was going on, it was Dr. Napoli's moral duty not only to disengage, but to report to somebody that this is going on. Dr. Madia stated that he agrees wholeheartedly with the Proposed Order.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia advised that in the following matters, the Board issued notices of opportunity for hearing, and documentation of service for each was received. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the notices. Each matter was reviewed by a hearing examiner, who prepared proposed findings and a proposed order, and is now before the Board for final disposition.

KRISTINE MARIE BLAZEY, L.M.T.

Dr. Madia directed the Board's attention to the matter of Kristine Marie Blazey, L.M.T. He at this time asked for a motion in this matter.

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DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 12, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF KRISTINE MARIE BLAZEY, L.M.T., HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Mahajan referred to the Board's 2007 Order, which was based on a finding that Ms. Blazey had been convicted of a misdemeanor involving moral turpitude. Ms. Blazey did not comply with the terms of that Order. He commented that it seems that she had a total disregard for any discipline. Dr. Mahajan spoke in support of the Proposed Order.

Dr. Steinbergh stated that she remembers Ms. Blazey. She stated that the Board tries to give such individuals a chance. She stated that this was another case of a massage therapist, whom the Board felt was going to, perhaps, turn her life around. Dr. Steinbergh stated that she agrees with the Proposed Order because Ms. Blazey has failed to meet the stipulations of the Board's Order.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

JOSHUA NATHAN SYPE, L.M.T.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE DECEMBER 10, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF JOSHUA. SYPE, L.M.T., HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Steinbergh stated that Mr. Sype was cited based on the alleged impairment of his ability to practice according to acceptable and prevailing standards of care due to his habitual and excessive use or abuse of drugs or alcohol. He was alleged, also, to have made a false, fraudulent, deceptive or misleading statement

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in securing or attempting to secure a massage therapy license. In 2008 he was scheduled to complete a 72-hour evaluation, and he did that. Mr. Sype went to Glenbeigh and was found to be dependent on alcohol and marijuana. Dr. Adelman concluded that Mr. Sype is, in fact, impaired.

Dr. Steinbergh stated that Mr. Sype successfully completed an outpatient aftercare program, following his inpatient treatment. Dr. Steinbergh stated that the certificate does not provide information to establish whether or not the COMPASS aftercare program included an aftercare contract that met the requirements of Rule 4731-16-01. Also, when renewing his certificate to practice massage therapy in or about August 2007, Mr. Sype failed to disclose that he had been convicted for possession of drug paraphernalia in 2006. She noted that he also had two convictions for OVI.

Dr. Steinbergh stated that she finds the Proposed Order to be appropriate. She stated that Mr. Sype did not request a hearing, and he does not appear to be interested in maintaining his licensure under the Board's terms. Dr. Steinbergh stated that the Proposed Order is for a non-permanent revocation, which would allow him, should he wish, to prove to the Board that he is no longer impaired. The Board can then, at that time, reconsider his license.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

MICHAEL J. VJECHA, M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JULY 8, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. VJECHA HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. SUPPAN SECONDED THE MOTION.

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

Dr. Suppan stated that this is a case where there is an inability to practice according to acceptable and prevailing standards due to impairment. She stated that in this case, the Board is dealing with a third relapse. Dr. Suppan reviewed Dr. Vjecha's history of treatments and relapses with the Board. Dr. Suppan stated that the Proposed Order is for revocation, and she will support that Order. She added that it's her

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understanding that if Dr. Vjecha can ever get his act together, there would be an opportunity to come back and request reconsideration.

Dr. Madia and Dr. Steinbergh also agreed with the Proposed Order.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

FINDINGS, ORDERS AND JOURNAL ENTRIES

Dr. Madia advised that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of service for each was received. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final disposition. He added that Dr. Talmage and Mr. Albert may participate in the discussion and vote, as these cases are not disciplinary in nature and concern only the individuals' qualifications for licensure.

SHARON ANNISA ALI, M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 16, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. ALP'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO, SUBJECT TO HER PASSING THE SPEX OR BOARD RECERTIFICATION EXAMINATION WITHIN SIX MONTHS OF SEPTEMBER 16, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

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The motion carried.

MICHAEL JOHN BICA, L.M.T.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 15, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MR. BICA'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 SEPTEMBER 16, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ULLA CARINA BRAEUTIGAM, M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 16, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. BRAEUTIGAM'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO, SUBJECT TO HER PASSING THE SPEX OR SPECIALTY BOARD RECERTIFICATION EXAMINATION WITHIN SIX MONTHS OF SEPTEMBER 16, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

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JOSEPH ANDREW STASIAK, L.M.T.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 15, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MR. STASIAK'S REQUEST FOR RESTORATION OF HIS LICENSE TO PRACTICE MASSAGE THERAPY IN OHIO, SUBJECT TO HIS PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF SEPTEMBER 16, 2009. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

JAMES ROBERT YOUNG, M.D.

Dr. Steinbergh stated that this is a bootstrap issue. She noted that on or about May 29, 2009, the Texas Medical Board issued a Mediated Agreed Order in the Matter of the License of Dr. Young, reprimanding him and assessing a fine of \$5,000. They based their action on the fact that Dr. Young had inappropriate behavior toward other physicians and the hospital staff, including striking a fellow physician in the head during an outburst that occurred while caring for a patient in the intensive care unit.

Dr. Steinbergh stated that Dr. Young did complete a number of courses, and he recognized that his behavior was inappropriate. He concluded an anger management course offered by the University of California in San Diego. He was assessed by psychiatrists, and it was made certain that he did not have a substance abuse disorder. Dr. Steinbergh added that Dr. Young cooperated in the Board's investigation. Dr. Steinbergh stated that she feels that a reprimand for this bootstrap action is appropriate.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE SEPTEMBER 9, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, REPRIMANDING DR. YOUNG. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

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Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF AUTOMATIC AND IMMEDIATE SUSPENSION

MARK EDWARD BLANKENBURG, M.D. - NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

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

DR. STEINBERGH MOVED TO SEND THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. BLANKENBURG. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ROSS E. LEVATTER, 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. LEVATTER. DR. SUPPAN SECONDED THE MOTION. A vote was taken:

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

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Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- 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.

JOSEPH RICHARD FREEMAN, D.O. – STEP II CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

MARK D. BALDWIN, D.O – STEP II CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye

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Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

MATTHEW HENRY EVENHOUSE, M.D. – STEP II CONSENT AGREEMENT

MR. HAIRSTON MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. EVENHOUSE. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

DORSEY LEE GILLIAM, M.D. – SURRENDER / REVOCATION OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. MADIA MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF DR. GILLIAM'S LICENSE TO PRACTICE MEDICINE AND SURGERY, AND TO ENTER AN ORDER OF PERMANENT REVOCATION IN THE MATTER. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MATTHEW D. KELLEMS, M.D. – STEP I CONSENT AGREEMENT

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

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ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

JAMES I. OKOH, M.D. – CONSENT AGREEMENT

MR. HAIRSTON MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. OKOH. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

RANDALL GREGORY WHITLOCK, JR., P.A. – STEP II CONSENT AGREEMENT ADDENDUM

MR. HAIRSTON MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT ADDENDUM WITH MR. WHITLOCK. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

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RICHARD MARK WEIL, M.D. – STEP II CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

LICENSUREFABIAN BREAU, M.D.

Ms. Rieve advised that Dr. Fabian Breau has applied for restoration of his license in Ohio. He has indicated that he has not been engaged in the clinical practice of medicine since December 2003.

Dr. Breau graduated from Howard University School of Medicine in 1968. He was Associate Professor in the Department of Urology at the University of Cincinnati from July 1975 until December 2003.

Dr. Breau applied for an Emeritus license, but now would like to do volunteer or part-time work. He has inactive licenses in Ohio and Maryland. Dr. Breau indicates he was American Board-certified in Urology in 1977.

DR. STEINBERGH MOVED TO APPROVE DR. BREAU'S REQUEST FOR RESTORATION OF HIS OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION EXAMINATION. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

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The motion carried.

SHARON MEROPOL, M.D.

Ms. Rieve advised that Dr. Meropol applied for licensure in Ohio and indicated in her application that she has not been engaged in the clinical practice of medicine since September 2004. Dr. Meropol graduated from Vanderbilt University in May 1985. She has requested endorsement of her National Board of Medical Examiners diplomate status. Dr. Meropol completed training in Pediatrics at Rainbow Babies and Children's Hospital in Cleveland from June 1985 until June 1988. Dr. Meropol then entered a Pediatric Fellowship at Thomas Jefferson University in Philadelphia from July 1990 until December 1991. Dr. Meropol was an Instructor in Pediatrics at Thomas Jefferson from January 1992 until June 1992, and then was Assistant Professor at SUNY at Buffalo from July 1992 until April 1998. Dr. Meropol then moved to Philadelphia and served as Clinical Assistant Professor at The Children's Hospital of Philadelphia from October 1998 until August 2004. Dr. Meropol currently is working as Post-doctoral fellow in Biostatistics and Epidemiology at the University of Pennsylvania School of Medicine.

Ms. Rieve advised that Dr. Meropol holds licenses in New York and Pennsylvania. Dr. Meropol does report she passed the American Board of Pediatrics Certification Examination in June 1989.

DR. STEINBERGH MOVED TO APPROVE DR. MEROPOL'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION EXAMINATION. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

CLAUDE DOTSON, L.M.T.

Ms. Rieve advised that Mr. Dotson has applied for restoration of his massage therapy license in Ohio. He has indicated on his application for restoration that he has not practiced Massage Therapy since August 2007.

DR. STEINBERGH MOVED TO APPROVE MR. DOTSON'S REQUEST FOR RESTORATION OF HIS OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION. DR. AMATO

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SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

PROPOSED AMENDMENTS TO JOINT REGULATORY STATEMENT

Ms. Debolt stated that in 2003, the Pharmacy Board, Nursing Board, and Medical Board issued the “Joint Regulatory Statement” to clarify Pharmacy Board Rule 4729-5-01, Ohio Administrative Code, which permits reliance on protocols for the initiation or adjustment of medications in only three situations. The Joint Regulatory Statement was issued in response to questions from the licensees of all three boards concerning the ability of unauthorized individuals to initiate or adjust medications pursuant to a protocol or standing order. Ms. Debolt reviewed the proposed changes with the Board.

Dr. Steinbergh stated that the statement should also address P.A. prescribing.

Dr. Suppan indicated that she has questions about this statement. She suggested tabling the matter to allow Board members to have more time to study the proposal. She further suggested that the issue be assigned to the Prescribing Committee, who could invite representatives of the Pharmacy Board to attend the meeting.

Dr. Madia agreed and asked that the Prescribing Committee review the proposed changes for recommendation to the Board.

APPOINTMENT TO ADVISORY GROUP ON DIALYSIS

Dr. Steinbergh referred the Board to Ms. Schmidt’s memorandum of November 3, 2009, concerning a Medical Board recommendation for appointment to the Nursing Board’s Advisory Group on Dialysis. Dr. Steinbergh noted that Anil Agarwal, M.D., the Board’s current appointee is no longer eligible to serve on the Group. The Nursing Board has asked that the Medical Board approve Ganesh Baburao Shidham, M.D. to serve.

DR. STEINBERGH MOVED TO RECOMMEND THE APPOINTMENT OF GANESH BABURAO SHIDHAM, M.D., TO THE OHIO BOARD OF NURSING’S ADVISORY GROUP ON DIALYSIS. DR. MAHAJAN SECONDED THE MOTION. All members voted aye. The motion carried.

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PROPOSED BOARD MEETING DATES FOR 2011

DR. STEINBERGH MOVED TO APPROVE THE FOLLOWING BOARD MEETING DATES FOR 2011:

January 12-13	July 13-14
February 09-10	August 10-11
March 09-10	September 14-15
April 13-14	October 12-13
May 11-12	November 09-10
June 08-09	December 14-15

DR. MAHAJAN SECONDED THE MOTION. All members voted aye. The motion carried.

ADMINISTRATIVE REPORT

Mr. Whitehouse introduced Sara Vollmer to the Board. He advised that Ms. Vollmer would replace Ms. Thompson, who will be retiring from Board service at the end of the following week, as Assistant Executive Director of Licensure and Renewal.

Mr. Whitehouse advised that Ms. Anderson recently had the opportunity to participate in a mini-internship program sponsored by the Academy of Medicine of Cleveland/Northern Ohio held October 19-21 in Cleveland. He asked Ms. Anderson to report on that program.

Ms. Anderson advised that she was invited by the Academy to take part in its mini-internship. She stated that it's a program where they take leaders from the community and pair them with doctors and have them shadow physicians for two days. She stated that some of her fellow interns included a judge from the Cuyahoga Common Pleas Court, a *Plain Dealer* health reporter, a health policy executive from the Department of Insurance, the Mayor of Bay Village, and several other community leaders with an interest in health care and the health care system.

Ms. Anderson stated that she had the opportunity to shadow four different physicians and have four very different experiences. Of those she shadowed on the first day, one physician was participating in a medical ethics course at the Cleveland Clinic and one physician was doing nursing home visits. The next day she was able to witness a knee replacement surgery and a spine surgery, both of which were really interesting. She also shadowed an ophthalmologist during office visits.

Ms. Anderson stated that the program was really excellent. She stated that she can't say enough about how helpful it was to see physicians actually in practice. She stated that she appreciated seeing such a variety. She saw physicians at the Cleveland Clinic and solo practitioners, surgeons and family practice.

Ms. Anderson stated that at the end, participants meet for a question and answer session. She stated that she felt that everyone who participated really benefitted from the program. She stated that she's hoping that the Board will be able to send at least one person in 2010.

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Mr. Albert stated that he went to about a dozen such programs around the state in years past. He stated that he wasn't aware that these programs still existed. He stated that he would like the enforcement attorneys to be able to do this. He suggested that the OSMA might be able to set those up.

Dr. Talmage stated that the individual academies set these up now. He suggested contacting the nearest large metropolitan area for those who would like to participate. He added that the OSMA could possibly provide information on which academies are still setting the mini-internships up.

Mr. Whitehouse stated that representatives of Case Western Reserve expressed their interest to Ms. Anderson in the Board's Partners in Professionalism Project.

Michael K. Miller, Public Policy and Government Affairs Officer, joined the meeting at this time.

LEGISLATIVE REPORT

Mr. Miller reviewed his written report, a copy of which shall be maintained in the exhibits section of this journal. He reviewed the following pieces of legislation:

- H.B. 314 – Pronouncement of Death Mr. Miller stated that this bill will allow nurses to pronounce death, although it doesn't allow for nurses to sign death certificates. Mr. Miller stated that this legislation was introduced the previous year and didn't go very far. He advised that the Nursing Board is monitoring this legislation.

Dr. Steinbergh stated that she feels it is the physician's responsibility to pronounce death, adding that she believes most patients expect it of their physicians. She agreed to nurses serving as competent observers to relay information to the physician who will then pronounce death.

Dr. Talmage stated that there are two issues that concern him and those include the question of who signs the death certificate, and who orders an autopsy if one is indicated.

- Sub. H.B. 215 – Dental Board Mr. Miller stated that this bill passed the House Health Committee, but has not had a vote before the full House. He stated that he believes that there may be some belief that the legislation passed through Committee too quickly, and that problems with the legislation may be fixed by amendments on the House floor, or in the Senate. Mr. Miller stated that the Medical Board did not give testimony on this legislation, but did speak to its sponsors about Board concerns. He added that he's met with the Chair of the Senate Health Committee to express Board's concerns.
- Sub. H.B. 206 – Advanced Practice Nurse Prescribing of Schedule II Drugs Mr. Miller stated that this bill came out of the House Health Committee and is awaiting floor vote. At this point in time, the P.A.s are attempting to be added to the bill to get Schedule II authority. He stated that he's met with the P.A. Association, as well as the Chair of the Senate Health Committee to express the Board's concerns about that change.

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- H.B. 267 – Prescription Program Mr. Miller stated that the bill has had two hearings now, and law enforcement has come in support of the bill. He advised that OSMA, Wright State and a couple pharmacies have testified against the legislation, raising some concerns. Mr. Miller stated that at this point, he doesn't know where the legislation is going to go. He commented that all the legislation that has gone through the House Health Committee has done so pretty quickly, with very little discussion.
- Sub. H.B. 198 – Medical Home Demonstration Project Mr. Miller stated that the latest version of the legislation includes the Medical Board on the Patient Centered Medical Home Education Advisory Group. Additionally, the Ohio advanced practice nurses have sought to be included in the Pilot Project as advanced practice nurses have apparently been included in other states. Thus far, the nurses have not been included in the bill.

PROBATIONARY APPEARANCES

WILLIAM DENNY ROBERTSON, M.D.

Dr. Robertson appeared before the Board pursuant to his request for release from the terms of his November 12, 2004 Step II Consent Agreement.

Ms. Bickers reviewed Dr. Robertson's history with the Board.

In response to Board Members' questions, Dr. Robertson stated that he's doing very well, and is ready to be released from probation. He stated that he has his family support in place, and will continue with Caduceus meetings and his Monday night men's group meetings. He stated that he works at Akron City Hospital where he's been a preceptor for 35 years. He also will continue his volunteer work at the Medina Health Ministry Clinic.

DR. SUPPAN MOVED TO RELEASE DR. ROBERTSON FROM THE TERMS OF HIS NOVEMBER 12, 2004 STEP II CONSENT AGREEMENT. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

DAVID M. BARRERE, M.D.

Dr. Barrere made his initial appearance before the Board, pursuant to the terms of the Board's Order of June 10, 2009.

Ms. Bickers reviewed Dr. Barrere's history with the Board.

In response to Board members' questions, Dr. Barrere stated that in 2005, as a requirement of his Kentucky consent agreement which he entered into in 2005, he attended a course at Vanderbilt University on maintaining proper boundaries. After that course, he changed a lot of things in his office to distance himself from his employees, rather than trying to be their friend beyond being their employer. He stated

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that he has talked with other physicians about the issues and boundaries. He stated that the head of the OB/GYN Department at Christ Hospital, Dr. Elbert Nelson, has been someone with whom he's been able to talk on several occasions about how to handle particular situations. He stated that Dr. Nelson is almost like a mentor to him at this point in his life. He commented that Dr. Nelson is a very well-thought of physician in the community, and it has helped him a lot to get counsel from Dr. Nelson. Dr. Barrere stated that he hasn't formally counseled anyone else, but most of his colleagues are familiar with what he's had to go through, and he's talked very candidly to them about how he opened the door to a problem and a problem walked through.

Dr. Talmage encouraged Dr. Barrere to do that or more. He stated that he thinks you learn more by teaching than by the learning process.

DR. TALMAGE MOVED TO CONTINUE DR. BARRERE UNDER THE TERMS OF THE BOARD'S ORDER OF JUNE 10, 2009 WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. TALMAGE FURTHER MOVED TO APPROVE CASE WESTERN UNIVERSITY'S INTENSIVE COURSE IN MEDICAL ETHICS, BOUNDARIES AND PROFESSIONALISM, AS FULFILLING THE REQUIREMENTS OF PARAGRAPH B.4. OF THE ORDER. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

In response to further questions, Dr. Barrere stated that the Vanderbilt course he took was a two-day course. He stated that he learned a lot from the course. He advised that the class sizes were small, so you had to be an active participant in the class. He found it to be very revealing as far as hearing other people's stories.

Mr. McGovern, Dr. Barrere's attorney, advised that Dr. Barrere would like to share some of the struggles he's had since being placed on probation.

At this time Ms. Debolt advised that it is inappropriate for Mr. McGovern to address the Board. She stated that there's no protocol that allows for a licensee's attorney to address the Board during a probationary appearance.

Dr. Barrere at this time related the difficulties he's had since he's been on probation. He advised that he is in a solo practice and doesn't have a partner to cover for him. Although he's gotten back to work, he's run into several barriers that have been prohibitive to his return to practice. Two area hospitals won't let him back on staff and have yet to give him a reason why. He stated that he believes the reason for this is that he's on probation. He's also run into a very severe financial problem in the fact that three of his insurance carriers will not allow him to be on their provider panels. He can't even see some of these patients out-of-network, unless they pay out of pocket for him. One insurance company, in particular, is Anthem, which accounts for almost one-third of his patients.

Dr. Barrere stated that he doesn't have a lot of money in the bank to continue on. His overhead costs are not going down. He hasn't heard yet about what will happen to his malpractice insurance premium as a result of his suspension and probationary period, but he has a feeling that that cost will go up as well. He

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stated that he doesn't know how long he can continue.

Mr. Albert stated that the problems Dr. Barrere is describing aren't unusual for physicians in Dr. Barrere's circumstances, but he stated that it is possible for him to work his way out of it. He stated that when he makes his first appearance, that can be addressed more.

Dr. Barrere stated that one area in which he's hit a wall is in board recertification. As long as he has a restricted license, he's not able to become recertified.

Dr. Talmage stated that the A.B.M.S. has agreed that continuing maintenance recertification will now be allowed when on probation. As far as insurance concerns, that is an issue that the Board is trying to deal with through the Federation on a national level. He stated that if Dr. Barrere submits information relating to his insurance company, his boards, and his hospitals to Ms. Bickers, the Board will write a letter in his support. Dr. Talmage commented that physicians who are on probation, are safer than physicians who may be offending and not on probation. He stated that such letters don't always work, but they do help.

Dr. Barrere asked whether he can make a motion for release from probation upon completion of his ethics course.

Dr. Madia stated that he could not.

Dr. Amato asked how successful the Board's letters are.

Dr. Talmage stated that the Board has had minor successes. He stated that the Federation is aware of the problems and is working with a number of summit meetings to work out problems.

Dr. Amato stated that he is concerned that the unintended consequences of probation could be loss of a physician's practice and bankruptcy.

FRANKLIN D. DEMINT, D.O.

Dr. DeMint made his initial appearance before the Board, pursuant to the terms of his August 12, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. DeMint's history with the Board.

In response to Board members' questions, Dr. DeMint stated that he's completed his 28-day in-patient treatment program at Center for Chemical Addictions Treatment (CCAT) in Cincinnati. He's recently switched to Cornerstone in Dublin, Ohio, for aftercare. He attends A.A. and N.A. meetings three times a week. He stated that he attends more A.A. than N.A. meetings because there are more people who attend, and the meetings are more active. He works with his sponsor on his steps, and he is staying clean.

Dr. DeMint stated that he is currently working at a tile warehouse, in order to make some money.

Dr. DeMint stated that he has a sobriety date of August 2, 2009.

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In response to further questions, Dr. DeMint stated that he hasn't been to a Caduceus meeting. He stated that he hasn't been able to find any meeting sites near where he is.

Dr. Steinbergh suggested that he may have to come to Columbus for meetings, adding that she feels they would help him.

In response to further questions, Dr. DeMint stated that his wife is very supportive. She attended the classes for family members at CCAT, while he was there. He stated that she was his office manager, but has found herself another job. He stated that his stepson, the stepson's girlfriend and their daughter is living at home with him, and they're very supportive. He has cousins and aunts in the area, and they've all been very supportive of him.

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

Dr. Suppan commended Dr. DeMint for going out and finding a job outside of medicine during the period of his suspension.

DR. STEINBERGH MOVED TO CONTINUE DR. DEMINT UNDER THE TERMS OF HIS AUGUST 12, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

MICHAEL A. LISTON, L.M.T.

Mr. Liston made his initial appearance before the Board, pursuant to the terms of the Board's Order of July 8, 2009.

Ms. Bickers reviewed Mr. Liston's history with the Board.

In response to Board members' questions, Mr. Liston stated that he is doing well. Things are getting better for him. He advised that he doesn't have any questions about the terms of his consent agreement.

DR. MAHAJAN MOVED TO CONTINUE MR. LISTON UNDER THE TERMS OF THE BOARD'S ORDER OF JULY 8, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

In response to further questions, Mr. Liston stated that he did a professional ethics course in school. He hasn't set up a personal ethics course yet.

Ms. Bickers explained that Mr. Liston will submit documentation and the syllabus of the course he attended that was part of his massage training, and that will be presented to the Board for approval.

Dr. Steinbergh stressed how important the ethics courses are for the Board and for Mr. Liston. She stated

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that the Board doesn't take this lightly.

MR. HAIRSTON SECONDED DR. MAHAJAN'S MOTION. All members voted aye. The motion carried.

JASON D. MCCOMB, L.M.T.

Although scheduled to make his initial appearance before the Board, pursuant to the terms of the Board's Order of July 8, 2009, Mr. McComb did not appear.

TIMOTHY A. SCROGGINS, M.D.

Dr. Scroggins made his initial appearance before the Board, pursuant to the terms of his August 12, 2009 Consent Agreement.

Ms. Bickers reviewed Dr. Scroggins' history with the Board.

In response to Board members' questions, Dr. Scroggins stated that he's doing okay. The medications he takes are Adderall, Citalopram, Lisinopril, and Plavix. He sees his psychiatrist once a month. He has also been through hypnotherapy sessions, which were very successful in the past. He is not in any support group at this time. Dr. Scroggins stated that he feels okay with the therapist. He works 40 to 60 hours a week, and he is coping with the long hours fine.

Dr. Scroggins asked whether Board members wanted to hear the story of why he was here. He stated that he had a heart attack and a cardiac stint. He's a smoker. He needed to stop smoking. He tried patches, gum, and hypnotherapy. For two years he'd been prescribing Chantix, which was helpful to his patients. Three months before the black box warning was issued on that medicine, he tried it himself. That threw him back into a major depressive episode. Dr. Scroggins stated that he had been fine for over ten years. He stated that, in answer to questions about how he's doing and support groups, he's doing just as well as he was doing five years ago, which was wonderful.

Dr. Suppan stated that the purpose of the Board's asking those questions is to see how he's doing.

Dr. Scroggins stated that he feels like he's being punished because he has depression. He apologized to the Board for that attitude.

Dr. Madia stated that the Board's job is to ensure public safety.

Dr. Scroggins stated that he understands, but asked why it has to be so punitive.

In response to Dr. Madia's questions, Dr. Scroggins stated that he last saw his psychiatrist the previous day and his psychiatrist doesn't understand why he's before the Board, either. Dr. Scroggins stated that he doesn't have a drug or alcohol problem. He was essentially forced by the hospital he was with to make a self-declaration to the Board, because the hospital said he has depression and that if he didn't call the

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Board, the hospital will remove his privileges and put it on the National Databank. He stated that he called the Board, thinking that the Board members were physicians and would understand about depression and that he would get a hearing. Instead he was blackmailed into signing a probationary statement without any proof or discussion about whether he was a danger to patients or others. He was told that if he didn't sign the probationary papers in five days he would be suspended.

Dr. Madia asked whether he understood the consent agreement when he signed it.

Dr. Scroggins stated that he did, absolutely, but he didn't really have a choice. You either sign it or are suspended, without any hearing or discussions.

Dr. Steinbergh stated that had he not signed the consent agreement, he may have had a summary suspension and have the right to hearing, at which time he could present his evidence.

Dr. Scroggins stated that if he accepted a suspension, he would have lost most everything. He was trying to avoid that. He was trying to keep his business alive and continue to help people.

Ms. Anderson at this time stated that Dr. Scroggins was represented by counsel during the negotiation of his consent agreement, which did not have any time out of practice. It was strictly a probationary consent agreement.

Dr. Talmage stated that Dr. Scroggins' hospital obviously felt that there was a problem. He asked why the hospital wanted him to report to the Board.

Dr. Scroggins stated that one day in seven years he failed to round on a patient within 24 hours. That was because he was at another hospital, in the ICU, with an unstable patient for several hours. When he left there it was late at night. He had a half hour to 45-minute drive to the second hospital, he had a migraine, he was falling asleep at the wheel, and he was unsafe to be out at that time. He called the hospital, checked on his patients and said he would see them later in the morning, that he was going to go home and get a few hours' sleep. He insisted that that, and the fact that he had suffered from depression in the past, were the only reasons the hospital required him to report. He stated that the hospital called their lawyers who advised them that he needed to self-report it or the hospital would have to remove his privileges. He stated that he made his biggest mistake at that point by not having an attorney at the time.

Dr. Madia stated that it's not in the Board's hands what hospitals decide to do. Once the matter has been reported to the Board, and he and his lawyer agree to a consent agreement, the Board expects him to abide by the consent agreement.

Dr. Scroggins stated that he will do so, and has done so.

DR. STEINBERGH MOVED TO CONTINUE DR. SCROGGINS UNDER THE TERMS OF HIS AUGUST 12, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MAHAJAN SECONDED THE MOTION.

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Dr. Madia stated that Dr. Scroggins needs to change his attitude. He stated that being angry at the Board and hospital staff doesn't help.

ALL MEMBERS VOTED AYE ON DR. STEINBERGH'S MOTION TO CONTINUE. The motion carried.

GREGORY M. THOMAS, M.D.

Dr. Thomas made his initial appearance before the Board, pursuant to the terms of his April 11, 2007 Consent Agreement.

Ms. Bickers reviewed Dr. Thomas' history with the Board.

In response to Board members' questions, Dr. Thomas stated that he's active in the local theatrical and musical community in Toledo. He plays on three different concert bands, including a veteran's band. He spends time at his church, stuffing envelopes, and he spends some time at St. Paul's homeless shelter, doing medical reviews on people and making sure that they're getting what they need. He also serves dinner there periodically.

Dr. Amato asked whether Dr. Thomas has returned to practice since his license was reinstated in August 2009.

Dr. Thomas stated that it's not like you just walk into a malpractice insurance company and it will welcome you. He has talked with some locum tenens people who said, "Well, you've been out for two years. We can't cover you." So he went back to his original insurance man and he's found two companies that have given him some quotes. He had a company, and when he signed his agreement with the Board, that company ducked out the back door and took advantage of their options. Dr. Thomas stated that he has never been sued, and he doesn't have a problem with alcohol or drug abuse. Dr. Thomas stated that the bottom line is that he allowed his patients to run away with him. He stated that he went from 2004 to 2007 without any complaints, at least of which he was aware. By that time he was board certified in pain medicine. He'll have to take the test again to be recertified.

Dr. Thomas stated that he did his urine tests on every pain patient he saw. He was seeing patients who had tried every treatment and operation there was, and they were still hurting and very dysfunctional. His goal was to get them to where they could get out of bed in the morning and drive a car, or whatever they needed to do. He picked up a lot of bad people along the way, and he kicked them out. He did urines periodically and he caught people diverting. At the time he had to leave practice, he thought he was doing a first-class job.

Dr. Thomas stated that he worked fourteen years at Toledo Hospital as the Chief of Physical Medicine, without a complaint, nothing in the Practitioner Databank, or personal lawsuits. He commented that when they invented OxyContin, he guesses he believed too much in the propaganda. He was too liberal with it, much to his chagrin, especially when he found out how many people were selling it.

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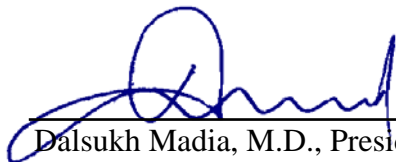
Dr. Thomas stated that by the time he was ready to leave the office, he was pretty burned out. He was happy to close the doors behind him and pursue other activities. He stated that at this point in time, he feels that if he gets his license back, he'd like to work for the V.A., with disabled veterans. He has to have an active license in a state. He commented that he's run into a lot of roadblocks. He's had a lot of doors closed in his face, and a lot of phone calls never returned. He added that he's also looking into teaching basic sciences at a university.


DR. AMATO MOVED TO CONTINUE DR. THOMAS UNDER THE TERMS OF HIS APRIL 11, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

DR. STEINBERGH MOVED TO AJOURN. DR. SUPPAN SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 11:21 a.m. the November 12, 2009 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on November 12, 2009, as approved on December 9, 2009.


Dalsukh Madia, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)

