

December 9, 2009

MINUTES**THE STATE MEDICAL BOARD OF OHIO****December 9, 2009**

Dalsukh Madia, 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: Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Marchelle L. Suppan, D.P.M.; Nandlal Varyani, M.D.; William Ogg; W. Frank Hairston; Susan E. Stephens, M.D.; Darshan Mahajan, M.D., J. Craig Strafford, M.D., and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Jack C. Amato, M.D., Vice-President.

Also present were: Richard A. Whitehouse, Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, Angela S. McNair, Marcie P. Pastrick, Cheryl D. Pokorny, Sheldon Safko and Daniel S. Zinsmaster, Enforcement Attorneys; Melinda Osgood, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Kay Rieve, Administrative Officer; Benton Taylor, QIP Secretary; Barbara Jacobs, Senior Executive Staff Attorney; and Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

DR. SUPPAN MOVED TO APPROVE THE MINUTES OF NOVEMBER 12, 2009. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

EXECUTIVE SESSION

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

VOTE:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Strafford	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

December 9, 2009

Dr. Madia - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Revised Code, the Board went into executive session, with Mr. Whitehouse, Ms. Debolt, and the Assistant Attorneys General in attendance. Dr. Amato joined the meeting during the executive session.

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

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 Order 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 of Law and Proposed Orders, and any objections filed in the matters of: Milton Lee Brindley, M.D.; Refaat Hegazi, M.D.; Christine C. McKain, M.D.; Ana Aleyda Rychwalski, M.D.; Steven Douglas Stowell, M.D.; and Robert T. McKinney, M.T. A roll call was taken:

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

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
	Dr. Varyani	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye

December 9, 2009

Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- 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. Rychwalski and Dr. Hegazi, as those cases are not disciplinary in nature and concern only the doctors' 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 shall be scanned and maintained in the exhibits section of this Journal.

MILTON LEE BRINDLEY, M.D.

Dr. Madia directed the Board's attention to the matter of Milton Lee Brindley, M.D. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF MILTON LEE BRINDLEY, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Varyani stated that Dr. Brindley has been practicing medicine in Kentucky. In June 2007 he surrendered his DEA license after an investigation by that agency indicated that he was prescribing controlled substances without medical reason and for a prolonged time. Dr. Varyani stated that the Board tried to get the records from the DEA, and were successful in obtaining them in November of 2008. Review of those records by the Board showed that Dr. Brindley prescribed anorectics, benzodiazapines, and narcotics for patients for prolonged periods of time without looking into the appropriate rules put forth by the Board, as well as not recording weight. In two instances, prescriptions were written for family members for a period of at least one year, without a record of their weight charts.

Dr. Varyani continued that a federal grand jury in Kentucky indicted Dr. Brindley, but added that he does not know the results of that. He noted that Dr. Brindley's Kentucky license has been restricted by the Kentucky Board for an indefinite period of time.

December 9, 2009

Dr. Varyani advised that the Proposed Order suspends Dr. Brindley's Ohio license for an indefinite period of time and imposes terms for reinstatement. Dr. Varyani spoke in support of that Order.

Dr. Mahajan stated that there was some question about sexual misconduct.

Dr. Varyani stated that there was mention of that, but because he is already under a Kentucky Board Order of indefinite restriction of license, and because this Proposed Order restricts his license in Ohio and sets reinstatement terms, he feels pretty safe with the Proposed Order. He didn't want to go into that. Dr. Varyani stated that there was also a question of monies involved.

Dr. Steinbergh stated that this is a bootstrap action. She added that Dr. Brindley did, in fact, agree to the Kentucky Order to resolve the issue of the federal court resolution. He did this with the Kentucky Board with the understanding and knowledge that the criminal charges are in the federal court at this time. The Kentucky action restricts him from prescribing. Dr. Steinbergh stated that she agrees with the Proposed Order, which suspends Dr. Brindley's Ohio license and places a number of conditions for return of his license. Dr. Steinbergh stated that she feels that this does protect the citizens of Ohio and allows that, should he resolve these issues in Kentucky and get his license back, and if he ever wishes to resume practice in Ohio, the Ohio Board can appropriately monitor him.

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

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

The motion carried.

REFAAT HEGAZI, M.D.

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

DR. VARYANI MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF REFAAT HEGAZI,

December 9, 2009

M.D. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Suppan at this time reviewed Dr. Hegazi's educational history, as related in the Hearing Examiner's Summary of Evidence. Dr. Suppan stated that the Hearing Examiner's recommendation is to grant Dr. Hegazi a license.

Dr. Varyani stated that he doesn't see any record of Dr. Hegazi's having gotten his ECFMG or having passed the USMLE. He stated that without those, he will have a hard time approving this Proposed Order.

Ms. Debolt stated that the only thing that Dr. Hegazi was lacking was 24 months of U.S.-approved training through the second-year level.

Ms. Rieve stated that Dr. Hegazi has passed the ECFMG and the USMLE.

Mr. Wilcox stated that that information is contained in Dr. Hegazi's application, which was part of the hearing record.

Dr. Varyani stated that this information should have been provided to the Board.

Dr. Madia suggested that it should have been made clear at the hearing.

Dr. Varyani stated that he still questions granting Dr. Hegazi a license without his having 24 months of training through the second-year level. He stated that he understands that Dr. Hegazi is basically going to be doing research, but once he has a license, he can do anything he likes.

Dr. Mahajan stated that he can see Dr. Varyani's concerns, but added that at the same time there are physicians who are in strictly administrative offices and the Board renews their licenses because they keep up with their C.M.E. requirements.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- abstain
	Dr. Talmage	- nay
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- nay
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- nay

December 9, 2009

Dr. Madia - nay

The motion carried.

CHRISTINE C. MCKAIN, M.D.

Dr. Madia directed the Board's attention to the matter of Christine C. McKain, M.D. 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. McKain. Five minutes would be allowed for that address.

Dr. McKain was accompanied by her attorney, Elizabeth Y. Collis, Esq. Ms. Collis stated that she filed objections to the Report and Recommendation, and she added that there is one issue she would like to address today.

Ms. Collis stated that in the Report and Recommendation, Mr. Porter raised questions regarding Dr. McKain's veracity and character. Specifically, Mr. Porter alleged that Dr. McKain was not truthful to the Board at the hearing when she stated that she and Patient 1 had not had a pre-arranged plan to split the medications that he had prescribed for her before the time that he prescribed them. She stated that Mr. Porter based his conclusion on a review of an e-mail from Dr. McKain to Patient 1. Ms. Collis advised that, contrary to Mr. Porter's conclusion, the e-mail does not provide evidence that there was a plan to split the pills at the time the prescription was written, and it does not show that Dr. McKain changed her story when she testified to the Board. Specifically, the e-mail states: "Thanks for the Rx's. I got them yesterday." Then later in the e-mail it says, "I'm working on Friday, and if you stop by, I'll have meds for you." Ms. Collis stated that this is not evidence that they had a plan to split the drugs when the prescription was written. It only means that on October 24, the day after Patient 1 had prescribed to Dr. McKain, and the day after she had picked up those pills, that she had arranged to share the medications.

Ms. Collis stated that Dr. McKain has made mistakes in this case, which she admitted to at the hearing and she will discuss and admit to, again, today; but she never lied to this Board. She fully and voluntarily participated with the police during their investigation, and she completed a written statement, which she stood by throughout the entire hearing. Her story has never changed.

Ms. Collis urged the Board to look at all the evidence in this case, and to impose a sanction that is consistent with similar cases that have been before this Board. She stated that the evidence in this case does not support a revocation.

Dr. McKain thanked the Board for allowing her to speak today. She apologized to the Board for reading her statement, and added that there is a lot at stake and she has a tendency to ramble.

Dr. McKain stated that this is not where she thought she would be. She stated that she can assure the Board

December 9, 2009

that she will never again make the mistakes that she has made, the mistakes that brought her here. Dr. McKain stated that she's always admitted her mistakes, and she asked that the Board to submit its own judgment as to her truthfulness.

Dr. McKain stated that 2007 was a hard year for her, both personally and professionally. Aside from caring for her disabled daughter, she asked her husband for a divorce, and lived with him, nevertheless, for the duration of the year. She expended a lot of emotional effort that year, trying to shield her daughter from the tension and conflict in the breakdown of her marriage. At the same time, she was medical director of the emergency department at Pike Community Hospital. As a professional woman, and someone fairly new to the community, she had very little support at the hospital, and she found the social and political atmosphere very challenging. Dr. McKain stated that she's telling the Board this, not to excuse her conduct, but to give the Board a context as to how she, someone who has always aspired to be a physician and to deliver quality care to her patients, could make such mistakes. Dr. McKain stated that she would like to have an excuse for what she did, but she doesn't.

Dr. McKain stated that she and Patient 1 were friends and professional colleagues. Neither of them had a regular treating physician. Patient 1 asked her to prescribe medication for neck pain and insomnia. After taking a history from him regarding his symptoms and prior treatment, she checked the Ohio Automated Rx Reporting System (OARRS) website to ensure that he was not receiving medications from anyone else. She did call prescriptions in for him on four occasions. As an emergency physician, you're often called upon to accept the oral history of patients in the absence of anything that may contradict it. Dr. McKain stated that she knows that she should not have written a prescription without a full physical examination or the creation of a formal medical record.

Dr. McKain continued that Patient 1 also prescribed medications to her for sinus infections and back pain. Twice she shared some of the medications with him. Dr. McKain stated that they had not agreed upon sharing them before the prescriptions were written, but, either way, she was wrong to have given some of her pills.

Dr. Madia advised Dr. McKain that she has one minute to complete her statement.

Dr. McKain stated that in this case her character and credibility have been called into question by the Hearing Examiner. She stated that she's made mistakes, but she never lied to this Board and she fully cooperated with the investigation. These are mistakes for which she has paid dearly, and at this point, her career, her livelihood and her ability to care for her daughter are now in the Board's hands. Dr. McKain stated that she would happily accept a short suspension, a requirement for additional C.M.E., or even to teach the residents at her hospital the importance of physical exams, writing of prescriptions and maintenance of medical records. Dr. McKain asked the Board to not take away her ability to serve her patients and her community as a physician.

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

Ms. Pfeiffer stated that she did. She reminded the Board of its duty to maintain patient confidentiality. She stated that since the Board deliberates in open session, it has a duty to maintain patient confidentiality. She

December 9, 2009

noted that Patient 1 is a licensed physician in Ohio, practicing at the same hospital as Dr. McKain, and she cautioned the Board against saying that physician's name in its deliberations.

Ms. Pfeiffer stated that she wants to focus on Ms. Collis' and Dr. McKain's comments regarding Dr. McKain's integrity and character. Ms. Pfeiffer stated that everything that took place factually took place in the year 2007. Dr. McKain's first prescription for Patient 1, a surgeon at the hospital, for Hydrocodone, was called to the pharmacy in July 2007. In October 2007, Patient 1, the surgeon, called in a prescription for Hydrocodone for Dr. McKain, who, prior to that time, had not been receiving any controlled substances. Ms. Pfeiffer stated that what's interesting, though, is that in April 2007, Dr. McKain was receiving some prescriptions from another physician at the hospital. Ms. Pfeiffer stated that Patient 1, the surgeon, came from another state to the hospital where Dr. McKain worked in January 2000. While it was good that Dr. McKain conducted the OARRS report, the OARRS report tracks when pharmacies fill prescriptions for controlled substances in Ohio. Ms. Pfeiffer asked who knows what, if anything, Patient 1 was getting in Illinois. Dr. McKain filled the prescription Patient 1 wrote for her. The next day Dr. McKain sent the e-mail earlier mentioned by Ms. Collis. Ms. Pfeiffer reminded the Board that both physicians worked in the same hospital, Dr. McKain in the ER and Patient 1 at times worked in the ER and was the hospital surgeon. Ms. Pfeiffer read the following message sent by Dr. McKain to Patient 1:

Tried to page you today, but then I remembered that Alice said you misplaced it. Have you found it?

Thanks for the Rx's - I got them yesterday. Unfortunately our ER schedules don't overlap until the 31st . . . I'm working day shift in the ER on Friday (7a - 8p), so if you can stop by and I'll have the meds for you. * * * As far as the meds are concerned, I thought I should pass along some info so you could generate a chart - that way we're both protected. Like you, I've got no one else to ask for such things.

Ms. Pfeiffer stated that this e-mail was written on the day after Dr. McKain filled the prescription. Ms. Pfeiffer stated that if that e-mail to Patient 1 is not indicative of a pre-arranged intent to fill the script and share it, she doesn't know what is.

Ms. Pfeiffer stated that the Board has seen many cases involving prescribing. This case involves three different scripts: two called in by Patient 1 for Dr. McKain, and one that Dr. McKain called in for Patient 1. Ms. Pfeiffer stated that this is probably not the most aggravated, serious case, in and of itself. However, based on Dr. McKain's demeanor, and the Hearing Examiner hit on it, she was awkward and uncomfortable in some of the questioning, and she lied to the Board about the pre-arranged scenario to split and share the Hydrocodone. She claims she gave ten to twelve of a 30-count prescription to Patient 1. That's close to splitting. She also said that she only needed a few, she only needed them occasionally, she only took half of a pill. Ms. Pfeiffer stated that she had a script on October 23, and she gets one December 5, six weeks later, and less than 30 days later, on January 3, she gets another script for Hydrocodone from another physician. Ms. Pfeiffer asked why, if she only needs it sporadically, she is getting a prescription almost every thirty days.

Ms. Pfeiffer stated that she thinks that Hearing Examiner Porter hit the nail on the head. She referred to the

December 9, 2009

following from his Report and Recommendation:

Dr. McKain basically admitted to the violations alleged in the Notice of Opportunity for Hearing. Nevertheless, in an effort to minimize the seriousness of those violations, she gave dishonest answers to certain questions during hearing, while under oath. Such dishonesty is evidence of a deficiency in character as well as poor judgment. In addition to addressing the significant prescribing violations committed by Dr. McKain, the Hearing Examiner and the Board must now consider whether Dr. McKain's prescribing violations stemmed in part from defects in her character and judgment that would have an adverse effect on her medical practice in the future. In a situation where a Respondent lacks basic integrity, the Board has no effective means of monitoring compliance

Ms. Pfeiffer stated that she would submit to the Board that Dr. McKain lied to this Board under oath, and she asked that the Board take that into consideration in its deliberations.

Mr. Hairston reviewed the Board's charges against Dr. McKain contained in the Board's February 11, 2009 citation letter, including that she failed to maintain the minimum standards of care in the selection or administration of drugs and failed to conform to minimum standards of care in her medical practice by prescribing a controlled substance to one patient without maintaining patient records. Mr. Hairston noted that the Hearing Examiner recommends a permanent revocation of Dr. McKain's license to practice medicine and surgery.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF CHRISTINE C. MCKAIN, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Steinbergh stated that she agrees with the Hearing Examiner's Findings of Fact on the multiple violations, which include a felony of the fourth degree. She stated that she won't go through all of them, but will focus her discussion on what Dr. McKain did and the question of honesty in this case.

Dr. Steinbergh stated that the Board doesn't sit in the hearing room. One of the things Board members do is rely on the hearing examiners. She stated that this doesn't mean that the Board members agree with the Hearing Examiners all the time, but they do have great confidence in the Hearing Examiners' ability to assess for the Board what goes on in the hearing room. Dr. Steinbergh stated that she's always found Mr. Porter to be extremely objective and astute in his assessment of the Board's licensees. She stated that she believes that he is a Hearing Examiner with a great deal of integrity.

Dr. Steinbergh stated that Dr. McKain declined to answer the Board's first set of interrogatories by invoking her Fifth Amendment rights. Dr. Steinbergh commented that that, in itself, does not lead her to have a great deal of confidence in Dr. McKain's honesty during the hearing process. She stated that she felt that there definitely was a scheme between the two physicians in this case, both of whom are subject to discipline by this Board.

Dr. Steinbergh stated that, in regards to patient protection, she felt that there was no evidence that there were any other patients involved. Dr. Steinbergh stated that she feels that the Board can effectively discipline this physician without a permanent revocation. She stated that she has developed an alternative order for the Board's consideration. Copies of that alternative order were distributed for Board members' review.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF CHRISTINE C. MCKAIN, M.D., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Christine C. McKain, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. McKain's certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. McKain's certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. McKain shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Controlled Substances Prescribing Course(s):** At the time she submits her application for reinstatement or restoration, Dr. McKain shall provide acceptable documentation of successful completion of a course or courses dealing with the prescribing of controlled substances. 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 course(s) 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. McKain submits the documentation of successful completion of the course(s) dealing with the prescribing of controlled substances, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

3. **Medical Records Course(s):** At the time she submits her application for reinstatement or restoration, Dr. McKain shall provide acceptable documentation

December 9, 2009

of satisfactory completion of a course or courses on maintaining adequate and appropriate medical records. 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 course(s) 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. McKain submits the documentation of successful completion of the course(s) on maintaining adequate and appropriate medical records, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

4. **Professional Ethics Course(s)**: At the time she submits her application for reinstatement or restoration, Dr. McKain shall provide acceptable documentation of successful completion of a course or courses dealing with professional 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 course(s) 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. McKain submits the documentation of successful completion of the course(s) dealing with professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

5. **Personal Ethics Course(s)**: At the time she submits her application for reinstatement or restoration, Dr. McKain shall provide acceptable documentation of successful completion of a course or courses dealing with 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 course(s) 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. McKain submits the documentation of successful completion of the course(s) dealing with personal ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

December 9, 2009

6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. McKain 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 her fitness to resume practice.
- C. **PROBATION:** Upon reinstatement or restoration, Dr. McKain's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Dr. McKain shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Controlled Substances Log, Including Disposal:** Dr. McKain shall keep a log of all controlled substances she prescribes, administers, or personally furnishes. Moreover, Dr. McKain shall dispose of all excess or unused controlled substances properly, and shall assure that such disposal is witnessed and countersigned by a person who is permitted under State law to administer controlled substances and who is employed by or has privileges in the hospital(s) or institution(s) in which Dr. McKain is practicing. The witness shall sign the controlled substance log indicating that Dr. McKain has properly disposed of any excess or unused controlled substance.

The controlled substance log shall be submitted in a format approved by the Board 30 days prior to Dr. McKain's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. McKain shall make her patient records with regard to such prescribing, administering or furnishing available for review by an agent of the Board upon request.
 3. **Declarations of Compliance:** Dr. McKain 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 Dr. McKain's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 4. **Personal Appearances:** Dr. McKain shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. McKain's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances

December 9, 2009

shall be scheduled based on the appearance date as originally scheduled.

5. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. McKain is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. McKain's certificate will be fully restored.
- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. McKain violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. McKain shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. McKain shall promptly provide a copy of this Order to all employers or entities with which she contracts to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. McKain receives from the Board written notification of the successful completion of her probation.

In the event that Dr. McKain provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. McKain receives from the Board written notification of the successful completion of her probation.
 2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. McKain shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently

December 9, 2009

holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. McKain shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. McKain receives from the Board written notification of the successful completion of her probation.

3. **Required Documentation of the Reporting Required by Paragraph F:**

Dr. McKain shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

DR. AMATO SECONDED THE MOTION.

Dr. Varyani stated that he agrees with the amendment. The only thing he has to say is that both physicians knew what they were doing. He stated that he was convinced that they were sharing the drugs, and he agrees that there was a plan to share those drugs. Dr. Varyani added that Dr. McKain was aware of the Board's controlled substances rules. That's why the e-mail asks Patient 1 to create a chart for her, as she would be creating a patient chart for him. Dr. Varyani stated that that tells him that Dr. McKain was aware of the rules and was wantonly abandoning the rules by sharing those drugs. Dr. McKain makes it look like the Board and the DEA make rules for no rhyme or reason. Physicians can go ahead and abuse them the way they like, and then they come to the Board and ask that the Board please not spoil their lives. Dr. Varyani stated that the Board really isn't doing that, it's just following the law. He agrees with Dr. Steinbergh that the Board shouldn't take Dr. McKain's life away, and he will vote for the motion.

Dr. Stephens chastised Dr. McKain, adding that she needs to thank her lucky stars for this proposed alternative order. Dr. Stephens stated that Dr. McKain is a physician who has standards to which she must adhere. Dr. Stephens stated that she believes that Dr. McKain was in on it with this other physician, she believes that there was a relationship between the two physicians. She cautioned Dr. McKain to walk the straightest path possible in the future, and added that Dr. McKain had better give back to the community much more than it's given back to her.

December 9, 2009

Mr. Hairston stated that he's not a physician, and in his life, you don't get breaks like this. He stated that he's a marketing director by trade, and he'd be in jail for some of the things he sees doctors do every month for the past two years. He stated that it hurt him today when Dr. McKain started talking about being a woman with a daughter. He stated that she should have thought about that before. He added that the one thing that bothered him the most was the fact that she is a doctor who could have been with a patient while she was on drugs. Mr. Hairston stated that he will vote against the proposed amendment. He added that he hopes that Dr. McKain doesn't come back before the Board.

Dr. Amato stated that he is split between Dr. Varyani and Mr. Hairston. He stated that he has no doubt that Dr. McKain is as guilty as sin in all of this, but he will vote for Dr. Steinbergh's alternative order because he doesn't feel that Dr. McKain is a risk to other citizens in the state. Dr. Amato stated that he believes that Dr. McKain and this other physician had something going in sharing of the medications, but at present she's not shown him that she's a risk to other citizens of the state, as long as she does what Mr. Hairston said and doesn't take medications and try to practice medicine. Dr. Amato stated that he will vote for the proposed alternative order, but he cautioned Dr. McKain against coming back before this Board after violating any of the probationary terms.

Dr. Steinbergh stated that she does want to make some additional comments. She stated that, first of all, there was no appropriate patient/physician relationship here. There was no development of a medical record, they never took responsibility for each other's medical care. This was strictly a prescribing piece. Dr. Steinbergh stated that there's nothing that says that Dr. McKain could not have been a treating physician to this patient, and vice versa. They're stepping outside of their specialties, but, nevertheless, what is before the Board is a physician who had no physician/patient relationship. There was never any medical record prepared. They were sharing controlled substances, and this was all very inappropriate.

Dr. Madia advised Dr. McKain that she was getting a lucky break today. He stated that he would have appreciated it more had she come before the Board and admitted that she wasn't truthful to the Hearing Examiner.

Dr. Talmage left the meeting during the previous discussion.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- nay
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

December 9, 2009

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF CHRISTINE C. MCKAIN, M.D. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- nay
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ANA ALEYDA RYCHWALSKI, M.D.

Dr. Madia directed the Board's attention to the matter of Ana Aleyda Rychwalski, M.D. 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. Rychwalski. Five minutes would be allowed for that address.

Dr. Rychwalski was accompanied by her attorney, Eric J. Plinke, Esq. Mr. Plinke advised that this is a non-disciplinary case. He added that it has to be close to the last of the old seven-year USMLE Step 3 cases that the Board will hear. Under the old rule, the Hearing Examiner has made the correct legal conclusion that, based on Dr. Rychwalski's years of postgraduate medical education training, she meets the good cause requirement. In the objections, the sole focus was on the discretionary matter that the Hearing Examiner has put into the Proposed Order, which involves the SPEX. This comes into play solely by the fact that it has been greater than two years since Dr. Rychwalski completed a residency and hadn't had any clinical activity at the time she submitted her application.

Mr. Plinke stated that this is a discretionary matter. He stated that he thinks that if the Board looks at the record that the Hearing Examiner has fully laid out in the Report and Recommendation, he believes that the Board can and should exercise its discretion not to impose the SPEX. She did have the ECFMG Clinical

December 9, 2009

Skills Assessment. She has completed all three steps of the USMLE. He noted that, if you look at her historically, she completed medical school in 1991, did a first series of internal medicine and ophthalmology residencies through 1995; she practiced clinically in Mexico; she came to the United States and did a fellowship; she took the ECFMG clinical skills; repeated her internal medicine residency and her ophthalmology residency in the United States. Mr. Plinke stated that this isn't someone who has been inactive in medicine. He added that even since the time that she completed her residency in ophthalmology at the University of Louisville, she has been, on a daily basis, involved in medical research and other activities that the Hearing Examiner set forth in the Report and Recommendation. Mr. Plinke stated that, based on that, and based on the Hearing Examiner's determination that she is current in her medical knowledge, he would request that in this case the Board not impose a SPEX requirement.

Dr. Rychwalski thanked the Board for its time. She stated that she's very glad to be here today. She stated that her interest in ophthalmology started about 20 years ago, since she completed medical school. Everything she's done – research, seeing patients and surgery – has been in ophthalmology over the last 20 years. Dr. Rychwalski stated that she's very glad that she finished her ophthalmology residency a couple of years ago. She was able to take some time off to begin her own family. During that time she enjoyed spending that precious time with her family, but also maintaining her clinical activity by being involved in grand rounds and seeing patients during the grand rounds. She also maintained the research in which she's been interested during the last ten years. She stated that she did a fellowship in cornea, and she did some research in 1998. That augmented her knowledge and curiosity, and she maintained her research up until today.

Dr. Rychwalski stated that she is eager to get back to the practice of ophthalmology here in the State of Ohio. She has family here, and they love the state. Her husband has a great practice as a pediatric ophthalmologist. Dr. Rychwalski stated that she is ready to practice tomorrow. She stated that she really believes that the people from Ohio will benefit from her expertise. She stated that she loves what she does, and she respectfully requests that the Board grant her a license to practice in the State of Ohio.

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

Ms. Unver stated that there are two components to this licensure case, the first being that Dr. Rychwalski did not pass all three steps of the USMLE within a seven-year time period, and the second being that Dr. Rychwalski has not engaged in the practice of medicine as an active practitioner for more than two years. Ms. Unver stated that Dr. Rychwalski completed medical school in Mexico in 1991, and she completed an ophthalmology residency there in 1995. She also practiced privately in Mexico. Ms. Unver stated that Dr. Rychwalski immigrated to the United States in 1996 and completed a two-year ophthalmology fellowship, followed by a one-year internal medicine internship and an ophthalmology residency.

Ms. Unver stated that Dr. Rychwalski passed the USMLE Step 1 on her fourth attempt in 1999. She passed Step 2 on her second attempt in 2000. Ms. Unver stated that Dr. Rychwalski's failure to meet the Board's seven-year requirement, stems from her inability to pass Step 3 of the USMLE. It took her seven times to pass that exam, with her first attempt starting in 2003. Dr. Rychwalski exceeded the seven-year requirement by 19 months.

December 9, 2009

Ms. Unver stated that the Report and Recommendation sums up Dr. Rychwalski's medical background in a chart on page ten. A review of the chart illustrates that Dr. Rychwalski finished her ophthalmology residency at the PGY-4 level in June 2006. Her application was filed with this Board more than two years later, in December 2008, and while she has stayed active in her medical knowledge through course work and meetings, she has not actively practiced medicine since her residency ended in 2006.

Ms. Unver stated that Dr. Rychwalski's objections to the Report and Recommendation argue that she shouldn't have to take the SPEX before being granted a license. Ms. Unver stated that she agrees that Dr. Rychwalski has a passion and commitment to the field that would be beneficial; however, she also submits that passion and commitment alone do not equate to ability and knowledge. She advised that, given the history of Dr. Rychwalski's USMLE testing and lack of recent clinical experience, if the Board determines that Dr. Rychwalski meets the "good cause" exception to the seven-year requirement, it is not unreasonable for the Board to require her to pass the SPEX prior to being granted a license.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ANA ALEYDA RYCHWALSKI, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Amato stated that this case seems to be fairly straightforward. He stated that he disagrees with Ms. Unver in that Step I was not passed on the fourth attempt, but on the fifth attempt. There were four failures of Step I and then a pass. Dr. Amato stated that the Board revised its rules to basically eliminate the seven-year rule, extending it out to ten years. This case does not apply to the new rule because there are more than three failures on Steps 1 and 3. He noted that she passed Step 3 in 2008, which tends to say that she's probably current, but she didn't actually practice in the last two years. Dr. Amato stated that he's kind of for granting a license, but with the SPEX, just to make sure that the data shows that more than three failures is where there are potential problems. There were more than three failures on two separate aspects of the USMLE.

Dr. Varyani stated that, thinking around the same line, the ten-year rule is provided that they don't fail any part more than three times. Therefore she strikes out there. He added that the fact of the matter is that she hasn't practiced clinical medicine for over two years. Dr. Varyani stated that he doesn't know where this is going, adding that he thought that this was a slam/dunk, but now he doesn't think so.

Ms. Debolt advised that this application was filed under the old rule. The old rule must be applied. The seven-year rule did not talk about any limitations on the passing. She stated that the new rule is not beneficial to Dr. Rychwalski, but the old rule applies.

Dr. Steinbergh agreed that the old rule applies in this case. She stated that she thinks that Mr. Porter has gone to great lengths to outline for the Board the different steps to licensure in Ohio. In this case he needed to do that. He gave Dr. Rychwalski every opportunity to meet the standards. Dr. Steinbergh stated that she agrees with the Proposed Order that requires the SPEX, but added that sometimes the Board requires the

December 9, 2009

SPEX or board certification. In this case, she understands that Dr. Rychwalski is board qualified but cannot sit for her boards until she's practiced clinically for two years. She has a license in Pennsylvania, but has not practiced medicine for more than two years.

Dr. Steinbergh stated that Ohio has guidelines, and those guidelines say that if a physician hasn't practiced medicine for two years, the physician has to pass the SPEX. That's one way for the Board to examine clinical competence, and it's one way the Board has decided it can examine those physicians who have been out of clinical practice for two years. Dr. Steinbergh stated that she agrees with the Proposed Order, and added that she would be willing to accept the specialty board certification examination, as well.

Ms. Debolt advised that she understands that Dr. Rychwalski is scheduled to take that examination in March.

DR. STEINBERGH MOVED TO AMEND MR. PORTER'S PROPOSED ORDER TO READ AS FOLLOWS:

It is hereby ORDERED that:

The application of Ana Aleyda Rychwalski, M.D., for a certificate to practice allopathic medicine and surgery in the State of Ohio is GRANTED, provided that she takes and passes the Special Purpose Examination (SPEX) or Specialty Board Certification Examination, and otherwise meets all statutory and regulatory requirements.

Failure to successfully complete the SPEX or Specialty Board Certification Examination within six months of the effective date of this Order shall be considered abandonment of the application of Dr. Rychwalski for a certificate to practice medicine and surgery in Ohio.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

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

ROLL CALL:	Mr. Albert	- nay
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

December 9, 2009

Dr. Madia - aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF ANA ALEYDA RYCHWALSKI, M.D. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- nay
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

STEVEN DOUGLAS STOWELL, M.D.

Dr. Madia directed the Board's attention to the matter of Steven Douglas Stowell, M.D. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

DR. MAHAJAN MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF STEVEN DOUGLAS STOWELL, M.D. DR. STEPHENS SECONDED THE MOTION.

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

Dr. Stephens stated that the Proposed Order in this matter is to permanently revoke Dr. Stowell's license. She stated that she agrees with this Proposed Order. Dr. Stephens stated that Dr. Stowell, in Pennsylvania, issued over 70 prescriptions of narcotics to his wife over a period of seven months. He prescribed sometimes as many as 500 pills a month. Sometimes his wife would pick up the prescription and sometimes he would pick up the prescription for his wife. Dr. Stephens stated that Dr. Stowell is a radiologist, and wasn't really treating his wife's pain, but he was actually feeding her addiction. Dr. Stephens stated that Dr. Stowell would also have conversations with various pharmacists when he would pick up the prescriptions, and they would interrogate him as to why he was writing the prescriptions, and

December 9, 2009

they would inform him that it was wrong for him to do so. Dr. Stephens stated that Dr. Stowell really did know what he was doing.

Dr. Stephens stated that she agrees with the Hearing Examiner's Report and Recommendation.

Dr. Steinbergh also agreed with the Hearing Examiner's Proposed Order. She noted that the Pennsylvania Board automatically suspended Dr. Stowell's license for a minimum of ten years. She stated that the Ohio Proposed Order is for permanent revocation. Dr. Steinbergh stated that she suspects that Pennsylvania's intent is also that Dr. Stowell not return to practice there.

Dr. Suppan left the meeting during the previous discussion.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

Dr. Stephens cautioned the students in the room against writing prescriptions for individuals who are not patients. She added that you particularly don't write narcotics prescriptions for people who aren't your patients or who are your relatives, friends, loved ones, perspective loved ones, etc.

Dr. Suppan returned to the meeting at this time.

PROPOSED FINDINGS AND PROPOSED ORDERS

ROBERT T. MCKINNEY, M.T.

Dr. Madia directed the Board's attention to the Matter of Robert T. McKinney, M.T. He advised that the Board issued a notice of opportunity for hearing to Mr. McKinney, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the notice. This matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and Proposed Order, and is now before the Board for final disposition.

December 9, 2009

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE FEBRUARY 11, 2009 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MR. MCKINNEY 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 reviewed the Hearing Examiner's Proposed Findings. Dr. Mahajan stated that it appears that Mr. McKinney isn't interested in his massage therapy license. He added that he agrees with the Proposed Order of permanent revocation in this matter.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- 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.

JENNIFER CAPIZZI-GARAND, P.A.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE OCTOBER 12, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING MS. CAPIZZI-GARAND'S APPLICATION FOR A PROVISIONAL CERTIFICATE TO PRESCRIBE AS A PHYSICIAN ASSISTANT IN THE STATE OF OHIO. MR. HAIRSTON

December 9, 2009

SECONDED THE MOTION.

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

Dr. Steinbergh stated that Section 4730.46(B), Ohio Revised Code, requires that an applicant for a provisional certificate to prescribe as a P.A. must possess a masters degree or higher, or must have obtained at least ten years of clinical practice as a P.A. Dr. Steinbergh stated that Ms. Capizzi-Garand does not hold a masters or higher degree from a program accredited by the appropriate accrediting agency, as set forth in Section 4730.46(B)(1), nor has she provided documentation that she has obtained at least ten years of clinical practice as a P.A. Dr. Steinbergh stated that Ms. Capizzi-Garand does not qualify for a provisional certificate to prescribe.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

NANCY FAZEKAS GRUBB, M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE OCTOBER 12, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. GRUBB'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO, SUBJECT TO HER PASSING THE SPEX OR SPECIALTY BOARD RECERTIFICATION EXAM WITHIN SIX MONTHS OF OCTOBER 13, 2009. DR. VARYANI SECONDED THE MOTION.

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

Dr. Steinbergh advised that Dr. Grubb has not been engaged in the active practice of medicine for more than two years. The Licensure Committee reviewed the matter and recommended that the Board approve the reinstatement of her license to practice medicine and therapy, subject to her passing the SPEX or

December 9, 2009

specialty board recertification examination.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

ASHA K. JAYASWAMY, M.D.

DR. SUPPAN MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 6, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. JAYASWAMY'S APPLICATION FOR A CERTIFICATE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Varyani stated that Dr. Jayaswamy took USMLE Step 1 in 1995 but did not pass Step 3 until March 2003, on her sixth attempt. Dr. Varyani stated that he agrees with the Proposed Order to deny Dr. Jayaswamy's application.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

December 9, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

MATTHEW R. MARTIN, P.A.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE OCTOBER 5, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING MR. MARTIN'S APPLICATION FOR A PROVISIONAL CERTIFICATE TO PRESCRIBE AS A PHYSICIAN ASSISTANT IN THE STATE OF OHIO. DR. VARYANI SECONDED THE MOTION.

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

Dr. Steinbergh stated that the Board should deny Mr. Martin's application for the same reasons as it earlier denied Ms. Capizzi-Garand's.

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

ROLL CALL:

Mr. Albert	- aye
Dr. Varyani	- aye
Dr. Suppan	- aye
Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MARTIN PATRICK NEE, JR., M.D.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE OCTOBER 12, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. NEE'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO, SUBJECT TO HIS PASSING THE SPEX OR SPECIALTY BOARD

December 9, 2009

RECERTIFICATION EXAM WITHIN SIX MONTHS OF OCTOBER 13 2009. DR. VARYANI SECONDED THE MOTION.

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

Dr. Varyani noted that Dr. Nee hasn't practiced clinical medicine for at least two years.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

BETTY KWON RUMSCHLAG, D.O.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE OCTOBER 5, 2009 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. RUMSCHLAG'S APPLICATION FOR A CERTIFICATE TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY IN OHIO. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Varyani advised that Dr. Rumschlag was unable to pass the three levels of the COMLEX-USA within a ten-year period with no more than three failures on any level. She is therefore ineligible for licensure.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye

December 9, 2009

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

The motion carried.

Dr. Talmage returned to the meeting at this time.

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

NARENDRA KUMAR AGRAWAL, M.D. - NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

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

MR. HAIRSTON MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. AGRAWAL. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

December 9, 2009

MILTON LEE BRINDLEY, M.D. - NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice Of Immediate 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 IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. BRINDLEY. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

CHARLES R. BUHSE, 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. BUHSE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye

December 9, 2009

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

CHRISTOPHER D. DIAZ, 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. DIAZ. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SARAH ANN LEWIS, 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. AMATO MOVED TO SEND THE CITATION LETTER TO DR. LEWIS. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye

December 9, 2009

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

PATRICK KELLEY MCGRUFF, 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. MCGRUFF. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RONALD L. PASTRICK, D.P.M. – 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. AMATO MOVED TO SEND THE CITATION LETTER TO DR. PASTRICK. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

December 9, 2009

Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

GIOVANNI A. PUPILLO, 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. AMATO MOVED TO SEND THE CITATION LETTER TO DR. PUPILLO. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ARTHUR G. QUADE, D.P.M. – 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.

December 9, 2009

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

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

The motion carried.

CHRISTOPHER ALLAN RICE, 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. RICE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

December 9, 2009

TONYA R. RUTLEDGE, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. RUTLEDGE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JOSEPH P. SITARIK, D.O. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

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

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF JOSEPH P. SITARIK, D.O., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye

December 9, 2009

Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MEHMET AKIF SUNGURLU, 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. SUNGURLU. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

HENRY J. TAYLOR, III, 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. HAIRSTON MOVED TO SEND THE CITATION LETTER TO DR. TAYLOR. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

December 9, 2009

Dr. Suppan	- aye
Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

DOUGLAS A. BRUNS, 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. BRUNS. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- 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.

December 9, 2009

KATHRYN W. SHERIDAN, L.M.T. – PERMANENT WITHDRAWAL OF RESTORATION APPLICATION, AND PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MASSAGE THERAPY

DR. STEINBERGH MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF MS SHERIDAN'S RESTORATION APPLICATION TO PRACTICE MASSAGE THERAPY IN OHIO, AND PERMANENT SURRENDER OF HER CERTIFICATE TO PRACTICE MASSAGE THERAPY. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

JOHN KEITH KREBS, M.D. – STEP II CONSENT AGREEMENT

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

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- abstain

December 9, 2009

The motion carried.

ERNEST H. FRIEDMAN, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE
MEDICINE AND SURGERY

**MR. HAIRSTON MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF
FRIEDMAN'S LICENSE TO PRACTICE MEDICINE AND SURGERY. DR. AMATO
SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Dr. Stephens left the room at this time?

DUNCAN S. STEARNS, M.D. – CONSENT AGREEMENT

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

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

December 9, 2009

The motion carried.

PAUL E. DUNCAN, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion carried.

PAUL HENRY GOODMAN, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion carried.

December 9, 2009

BARBARA G. O. MURRELL, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion carried.

Mr. Albert left the meeting at this time.

PROBATIONARY APPEARANCES

WILLIAM ARTHUR GARRINGER, M.D.

Dr. Garringer was making his initial appearance before the Board, pursuant to the terms of his September 9, 2009 Consent Agreement.

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

In response to Board members' questions, Dr. Garringer acknowledged that he left Shepherd Hill about six weeks ago. Since he left, things are going very well for him. He enrolled in his aftercare program. He attends A.A. meetings on a daily basis, sometimes attending two meetings a day. He also attends Caduceus meetings. Dr. Garringer stated that he receives excellent support from his family.

Dr. Garringer advised that, other than attending meetings, he does a lot of reading in preparation for taking his recertification examination. He also spends a lot of time with his children. He's taking over from his wife, since he has been absent for the last two or three years. Dr. Garringer stated that that was a tremendous burden on his wife, and he's taking care of transporting his children back and forth, and attending school activities. He stated that that fills his day quite a bit.

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

December 9, 2009

In response to Dr. Steinbergh's request, Dr. Garringer gave a brief history of his addiction for the benefit of the osteopathic medical students in the room.

DR. STEINBERGH MOVED TO CONTINUE DR. GARRINGER UNDER THE TERMS OF HIS SEPTEMBER 9, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

MATTHEW R. HARRIS, D.O.

Dr. Harris was making his initial appearance before the Board, pursuant to the terms of the Board's Order of August 12, 2009.

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

Dr. Talmage noted that Dr. Harris is specializing in addiction medicine; yet, 16 years after his initial treatment, he relapsed. He asked what happened.

Dr. Harris stated that he is currently working towards become a specialist in addictionology. He's a board certified family physician. Dr. Harris stated that he grew up in an alcoholic home, and advised that it's very much a genetic disease. Most of his family, unfortunately, is affected, and most of his family is in recovery.

Dr. Harris continued that, to answer Dr. Talmage's question as to what happened, he was very interested in the sciences, but you cannot go out and drink a lot and get good grades. He ended up changing his major as an undergraduate student to something relatively easy and had a good time. He proceeded to let his alcoholism take over. He commented that at the time he didn't know it was alcoholism. He finished undergraduate school and decided that he really didn't want to go into restaurant and hotel management. He thought it was not appropriate for him. Dr. Harris stated that he's an introverted personality. He likes the sciences. Dr. Harris stated that he managed to quit drinking, and he attended some A.A. meetings. He wasn't sure that he was an alcoholic, but he did quit drinking. He then became a workaholic. He decided that he would follow in his father's footsteps. His father was a D.O. radiologist. Dr. Harris stated that he'd written off medicine at a very young age because his father had one partner and was never at home. Dr. Harris stated that later in life he realized that there are many kinds of doctors, and you did not have to live that way. You could have a home life and a regular work life and have a lot more balance. He started pursuing the biology and chemistry, and he really enjoyed it. He became a workaholic, stopped going to A.A. meetings. He remained sober. Dr. Harris stated that he had a lot of sobriety before he was offered a position at OUCOM, he went through OUCOM, then went into a residency in Dayton, where his family was. He did fine there. When questions came up concerning chemical use, he had had enough sobriety in his past to honestly answer the questions, "no." Dr. Harris stated that he got sober way before he contemplated going to medical school.

Dr. Harris stated that after he finished his residency, he took his new wife to a small town in Arizona, tried

December 9, 2009

to start his own practice, which is a really bad idea these days, even when you're recruited by a company that says it's going to help you get on your feet. He stated that he would not recommend that to anybody graduating from residency now. Dr. Harris stated that a lot of factors led to the downfall of that practice, including marital problems, and the community itself. He ended up closing down the medical practice, after which he started to drink alcohol again. It took about three months before he was finally convinced that he's an alcoholic. He stated that it came back very fast and very strong. Dr. Harris stated that it's a deadly disease, an equal-opportunity killer.

In response to further Board member questions, Dr. Harris stated that he went through a 28-day program at the Cleveland Clinic. He stated that he also has some underlying anxiety and depression, and Dr. Collins addressed those, as well as his chemical dependency. He stated that he felt that it was a very good program. He advised that Dr. Collins is a very direct man and doesn't take any "crap," so to speak. Dr. Harris stated that he felt that that 28-day program, when it addressed his dual diagnoses, was very effective for him. He stated that he has immersed himself in A.A., the best-known treatment for alcoholism. He also went to Greene Hall, as well.

Dr. Harris also advised that he's on medication for anxiety. Because of his alcoholism he did some things he would never even contemplate, if he were sober, like driving while intoxicated, and he ended up having to spend a few days in jail, which was an eye-opener that he wouldn't wish on anybody. He was on house arrest after that. He now has an interlock device on his car. The State and the County are monitoring him, in addition to the Medical Board's monitoring. Dr. Harris stated that he feels very comfortable with his sobriety. He feels like he's doing extremely well.

In response to further questions, Dr. Harris stated that he would like to get into a situation where he can study addictionology. He stated that it's a relatively new field. It's traditionally been a fellowship for people who have finished psychiatry residencies.

Mr. Albert stated that when dealing with addicted people, Dr. Harris will have to be very careful not to get their addiction problems mixed up with his own problems. He stated that he's seen that happen a lot, resulting in relapse.

In response to further questions, Dr. Harris stated that he's not working in any capacity at this time. He's been trying. He stated that he's applied for retail jobs, to the Humane Society as a pooper scooper, to local community colleges for a job as adjunct faculty. He cannot find a job. At this time he needs to start working on getting some evaluations completed, toward getting his license returned. He stated that he believes that he's due for reinstatement in three months. He is currently borrowing money from family, living on Food Stamps, and getting help from the county to take care of his electric bills and his gas bills because he can't find a job.

DR. STEINBERGH MOVED TO CONTINUE DR. HARRIS UNDER THE TERMS OF THE BOARD'S ORDER OF AUGUST 12, 2009, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MAHAJAN SECONDED THE MOTION. All members voted aye. The motion carried.

December 9, 2009

JASON D. MCCOMB, 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.

AIYAPPAN MENON, M.D.

Dr. Menon was making his initial appearance before the Board, pursuant to the terms of his August 12, 2009 Step II Consent Agreement.

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

In response to Board members' questions, Dr. Menon stated that he's doing well, and feels well. He just started a new job as a nephrologist at University Hospitals in Cleveland, and he's working on his sobriety with A.A. He's taking his medications, i.e., Abilify, Lexapro, and Lamictal, as prescribed, which is keeping him on the straight and narrow. Dr. Menon stated that his family is doing very well and is very supportive of him.

At Dr. Varyani's request, Dr. Menon shared his history of addiction with the students present.

DR. VARYANI MOVED TO CONTINUE DR. MENON UNDER THE TERMS OF HIS AUGUST 12, 2009 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

BARBARA G. O'KEEFE MURRELL, M.D.

Dr. Murrell was making her initial appearance before the Board, pursuant to the terms of her September 9, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. Murrell's history with the Board. Ms. Bickers advised that the Board ratified a Step II Consent Agreement with Dr. Murrell earlier in the meeting.

In response to Board members' questions, Dr. Murrell stated that she thinks that she's doing very well. She stated that she thinks she's a little different from the average case, in that when she entered her 28-day treatment, and she had already been sober eleven months. In September 2008, after a long struggle with denial, a very, very strong force, she was finally able to acknowledge that she had the disease that her mother has and is actively recovering from. She commented that her mother has 30 years of sobriety. Dr. Murrell stated that she went to a local hospital in Marietta and was assessed and found to be dependent. She spent three days there for detox, and then came out with the recommendation from the hospital that she enter outpatient treatment, return to her practice and begin to attend A.A., which she did. Dr. Murrell stated that physicians need to take very seriously their responsibilities with their licenses. She stated that at the time she became chemically dependent, after 28 years of practice, she was no longer aware of her responsibility to report. The hospital led her to believe that the treatment plan outlined for her was adequate. She was also told by her employer that, because of confidentiality, it was all right for her to

December 9, 2009

pursue that avenue of treatment without reporting. She successfully did that for eleven months. She went to outpatient treatment, and she began attending A.A. with her mother. Dr. Murrell stated that she was very surprised in April, when she was visited by a Board investigator asking her questions about her alcohol recovery. She stated that, actually, when the investigator came into her office and told her that she's been reported to be impaired and asked her to talk about that, her initial reaction was, "oh, is that all?" because at that point she was firmly established in her recovery.

Dr. Murrell stated that she's sure that when she got her license she was aware of the requirement to report, but that was 28 years before, and she didn't retain all that information. She trusted the advice of the treating hospital, her employer, and she kind of went in the direction that was working for her. When she became aware that she was not in compliance with the Board requirements, and that a report had been made, and that she needed to enter inpatient treatment, she did so with eleven months' sobriety. Dr. Murrell stated that she would never advocate that she couldn't learn something from that, and she thinks that she learned two very powerful lessons in treatment. One was some strong, very specific tools for relapse prevention. The second was that she thinks she will be a very different physician and prescriber as a result of what she learned, because she sat in groups with people who could have been her patients. She stated that they were very nice people who were addicted to narcotics. They were taking long-term narcotics, which she now understands was really inappropriate. She added that she also thinks that she will be a very much more knowledgeable prescriber for addicted people.

Dr. Murrell stated that, as far as how she's doing, she's attending more meetings than she was. She was attending one meeting a week, and she continues going to that meeting as well as two other meetings. She added that the Caduceus group has been incredibly helpful to her. Dr. Murrell stated that it's been very difficult to leave her work. She stated that she went into treatment in September 2008. She went back to work and pursued her recovery and her family practice, adding that she's one of two family practitioners in Morgan County. When she dropped out of sight, when she initially had her treatment, she was gone for a week. When she came back, she informed her office staff and close friends about what was happening to her, but the entire community was not really aware of everything that was going on with her because she really wasn't absent a prolonged period of time, and she was recovering. When she entered Shepherd Hill for a month and had her license suspended, it was necessary to make explanations to a lot more people. Dr. Murrell stated that it has been difficult for her patients, and for her. Now she's taking care of her home, she attends four A.A. meetings, one of them being Caduceus, each week. She spends a lot of time with her animals. She stated that she's doing the things that she used to say she had time to do. Dr. Murrell stated that, most importantly, she's finding out who she is besides being the doctor.

Dr. Murrell stated that she thinks that she has opened some eyes about chemical dependency. She indicated that one individual was surprised to learn that alcoholism is a genetic disease.

DR. STEINBERGH MOVED TO CONTINUE DR. MURRELL UNDER THE TERMS OF HER DECEMBER 9, 2009 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

December 9, 2009

STEVEN E. SCHWARTZ, P.A.

Mr. Schwartz was making his initial appearance before the Board, pursuant to the terms of the Board's Order of November 12, 2008.

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

In response to Board members' questions, Mr. Schwartz stated that he's doing well. He has a tentative job at Genesis Health Care System, alternating between the emergency rooms at Bethesda and Good Samaritan hospitals.

Mr. Schwartz advised that it has been 21 months and two days since he had his crisis. The previous week he attended one Caduceus meeting and eleven twelve-step meetings. He stated that he understands the terms of his consent agreement. He did not have any questions about the Board's Order.

DR. MAHAJAN MOVED TO CONTINUE MR. SCHWARTZ UNDER THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 12, 2008, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

CAROL A. THIERRY, A.A.

Ms. Thierry was making her initial appearance before the Board, pursuant to the terms of her September 9, 2009 Consent Agreement.

Ms. Bickers reviewed Ms. Thierry's history with the Board.

In response to Board members' questions, Ms. Thierry stated that she is not currently working. She stated that she worked a lot of overtime and night call before she had to resign her position. Hopefully that money will carry her over until she can get her license reinstated.

Ms. Thierry advised that she has two teenage children and an elderly father and father-in-law who are not driving anymore. She's become their taxi, and she also helps them with their housework and laundry. She'll be taking her professional ethics course in February. The Board has given her tentative approval of that course.

In response to further questions, Ms. Thierry stated that she did her A.A. training at Case Western Reserve University. She practiced at Mt. Sinai Medical Center in Cleveland for over 20 years. She then went to Euclid Hospital before it became part of the Cleveland Clinic. She then worked at the Beechwood Ambulatory Surgery Center, which is part of the Cleveland Clinic. Once she was terminated there, she went to work for a private group at St. John Westshore on the west side of Cleveland.

Dr. Madia asked Dr. Varyani whether there was an A.A. program 20 years ago.

December 9, 2009

Dr. Varyani stated that there must have been, but he doesn't know.

Ms. Thierry stated that the Case program started as a BS degree in the 1970s. That program was discontinued, and now Case offers a masters degree program. She was in one of the first graduating classes at Case. She graduated in 1976, and was later grandfathered in.

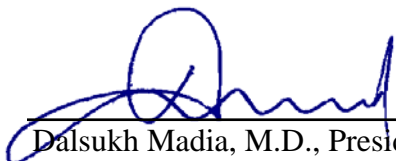
DR. AMATO MOVED TO CONTINUE MS. THIERRY UNDER THE TERMS OF HER SEPTEMBER 9, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION.
All members voted aye. The motion carried.


At this time Mr. Whitehouse introduced Benton Taylor to the Board, advising that Mr. Taylor will serve as Executive Assistant to the Director upon Ms. Schmidt's retirement. He stated that Mr. Taylor has been in the Board's employ for the past seven to eight years, serving as Secretary for the Standards Review and Intervention Dept., and working closely with QIP.

Mr. Whitehouse reminded Board members that they are sponsoring a luncheon for staff following adjournment of the Thursday Board meeting. He stated that he hopes that Board members take the opportunity to get to know the staff.

Thereupon at 4:08 p.m. the December 9, 2009 session of the State Medical Board of Ohio was adjourned by Dr. Madia.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on December 9, 2009, as approved on January 13, 2010.


Dalsukh Madia, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)



December 10, 2009

MINUTES

THE STATE MEDICAL BOARD OF OHIO

December 10, 2009

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

Also present were: Richard A. Whitehouse, Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Kyle C. Wilcox, Assistant Attorney 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, Senior Executive Staff Attorney; Susan Loe, HR, Fiscal & IT Administrator; and Cathy Hacker, PA Program Administrator.

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 MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON NOVEMBER 9 AND 10, 2009, WITH: JAMES J. ANTHONY, M.D.; ASHRAF S. BADOUR, M.D.; CELESTE D. BREWER-EDWARDS, P.A.; L. JEAN COOPER, M.D.; WENDY KAY DEAN, M.D.; MILES E. DRAKE, JR., M.D.; PAUL E. DUNCAN, M.D.; DAVID C. ERNST, M.D.; CHRISTINE M. GRAHAM, M.T.; TIMOTHY ROSS HALSTEAD, P.A.; MARK O. HENSON, M.D.; JEROME D. HOMISH, D.O.; ROBERT E. MARSICO, JR., M.D.; ELIZABETH J. MARTIN, P.A.; DAVID W. MASSIE, M.D.; ZEV R. MAYCON, M.D.; WILLIAM JOHN NIEMES, M.D.; PHILLIP THIELE NORTH, M.D.; KURT J. PALAZZO, M.D.; MICHAEL PAUL PARKER, M.D.; STEVEN T. PATTERSON, D.O.; WILLIAM J. PLATT, D.O.; DALE PRATT-HARRINGTON, D.O.; PAUL D. REIKOWSKI, JR., L.M.T.; JULIA RUFFIN, D.P.M.; JODY LEE NELSON SHORT, D.O.; JON BERKLEY SILK, JR., M.D.; JOSEPH P. SITARIK, D.O.; RODNEY E. STONE, M.D.; MICHAEL CRAIG WARREN-MARZOLA, D.O.; AND RICHARD MARK WEIL, M.D.;

DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS

December 10, 2009

OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS:

- **TO GRANT PAULA CLARK ADKINS, M.D.'S REQUEST TO WAIVE PERSONAL APPEARANCES UNTIL THE DOCTOR'S LICENSE IS REINSTATED IN OHIO;**
- **TO GRANT PAUL LEWIS BLANCHARD, M.D.'S REQUEST FOR APPROVAL OF SETH H. VOGELSTEIN, D.O., TO SERVE AS HIS NEW MONITORING PHYSICIAN;**
- **TO GRANT ROBERT L. BRANDT, JR., M.D.'S REQUEST FOR ELIMINATION OF HIS CONTROLLED SUBSTANCE LOG REQUIREMENT;**
- **TO GRANT WILLIAM B. CULLEN, M.D.'S REQUEST FOR APPROVAL OF CHRISTOPHER M. DURNER, D.O. TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO GRANT RICHARD J. DEFRANCO, M.D.'S REQUEST FOR APPROVAL OF A MODIFIED PRACTICE PLAN, WHICH WOULD ALLOW THE DOCTOR TO WORK TUESDAYS AT COMMUNITY COUNSELING CENTER FROM 9AM TO 5PM, FOR A TOTAL OF 29 HOURS OF WORK PER WEEK;**
- **TO GRANT ROBIN K. DHILLON, M.D.'S REQUEST FOR APPROVAL OF A NEW PRACTICE PLAN THAT WOULD ALLOW THE DOCTOR TO WORK PART-TIME IN A SUPERVISORY CAPACITY AS A MEDICAL DIRECTOR AT SHAKER HEIGHTS PLASMACARE;**
- **TO GRANT JONATHAN L. HAIMES, M.D.'S REQUESTS FOR APPROVAL OF DAVID W. STREEM, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST, AND APPROVAL OF JOSEPH JANESZ, PHD., TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL;**
- **TO GRANT RALPH ARDEN HUGUNIN, M.D.'S REQUEST FOR APPROVAL OF THE ETHICS COURSE, *INTENSIVE COURSE IN MEDICAL ETHICS, BOUNDARIES AND PROFESSIONALISM*, OFFERED BY CASE WESTERN RESERVE UNIVERSITY;**
- **TO GRANT SRIPRIYA DOSS KOLAKALUR, M.D.'S REQUEST FOR A REDUCTION IN PSYCHIATRIC SESSIONS TO ONCE A MONTH;**
- **TO GRANT BRIAN E. LEVE, M.D.'S REQUESTS FOR: A REDUCTION IN PERSONAL APPEARANCES TO EVERY SIX MONTHS; A REDUCTION IN DRUG AND REHABILITATION MEETINGS TO TWO MEETINGS PER WEEK WITH A TOTAL OF TEN MEETINGS PER MONTH;**
- **TO GRANT TOBY JAMES TIPPIE, P.A.'S REQUEST FOR A REDUCTION IN PERSONAL APPEARANCES TO EVERY SIX MONTHS; AND**

December 10, 2009

- **TO GRANT DAVID A. VELASQUEZ, M.D.'S REQUESTS FOR APPROVAL OF THE PRACTICE MANAGEMENT COURSE, *PRACTICE MANAGEMENT BOOT CAMP*, OFFERED BY THE AMERICAN ACADEMY OF MEDICAL MANAGEMENT, AND APPROVAL OF THE ETHICS COURSE TAILORED FOR THE DOCTOR BY DONNA HOMENKO, PHD.**

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," AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE LIMITED BRANCH SCHOOLS LISTED IN EXHIBIT "D." MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

LICENSURE

DUNCAN SCOTT STEARNS, M.D.

Dr. Stearns' application for endorsement of his National Boards was presented to the Board for consideration at this time. It was noted that the Board ratified a consent agreement with Dr. Stearns on the previous afternoon.

DR. STEINBERGH MOVED TO APPROVE DR. STEARNS' APPLICATION FOR ENDORSEMENT LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS, AND SUBJECT TO THE TERMS OF HIS DECEMBER 12, 2009 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION.

Dr. Talmage and Dr. Varyani arrived during the previous discussion.

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

December 10, 2009

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

The motion carried.

ELECTION OF OFFICERS

DR. VARYANI NOMINATED DR. AMATO AS PRESIDENT, MR. HAIRSTON AS VICE-PRESIDENT, DR. TALMAGE AS SECRETARY AND MR. ALBERT AS SUPERVISING MEMBER. DR. SUPPAN SECONDED THE NOMINATIONS.

Mr. Hairston thanked Dr. Varyani for the honor of being nominated, but he feels that the position he holds in his job would not allow the extra time needed to serve. He suggested that Dr. Suppan be nominated in his place.

Dr. Madia stated that he appreciates Mr. Hairston's concerns. He asked Dr. Suppan whether she would serve as vice-president. Dr. Suppan stated that she would be happy to.

MR. HAIRSTON NOMINATED DR. AMATO AS PRESIDENT, DR. SUPPAN AS VICE-PRESIDENT, DR. TALMAGE AS SECRETARY AND MR. ALBERT AS SUPERVISING MEMBER. MR. OGG SECONDED THE NOMINATION.

There were no further nominations. By acclamation, the officers for 2010 are:

Dr. Amato, President
 Dr. Suppan, Vice-President
 Dr. Talmage, Secretary
 Mr. Albert, Supervising Member

Dr. Mahajan joined the meeting at this time.

ADMINISTRATIVE REPORT

Mr. Whitehouse referred to his written report, a copy of which shall be maintained in the exhibits section of

December 10, 2009

this journal. He stated that he is a member of the Federation's Program Committee, and has received a draft copy of the annual meeting program. He commented that this program looks better than the previous year's. He stated that it will focus on student education. The theme is "Connect and Lead."

Mr. Whitehouse referred to the KPM portion of his report, noting that he thinks the statistics demonstrate the solid work of the staff, as well as improvement. Mr. Whitehouse stated that the staff has done an incredible job this year.

Mr. Whitehouse thanked Dr. Madia for his leadership over the past year. He added that he believes that under that leadership the Board is better.

Mr. Whitehouse stated that in January he will be talking with the Board about the results of the management assessments that are taking place in the Public Services and Licensure sections. He stated that this is something in which the Executive Committee will be involved. He added that he will keep Board members informed on this topic.

Mr. Whitehouse stated that Dr. Madia had questions about some of the fiscal paperwork that Board members are being required to complete. He asked Ms. Loe to make a report to the Board on these changes.

Ms. Loe stated that in the Board's folders each month they should get two forms, one for per diem and the other for expense reimbursement. On the per diem forms, Board members need to fill in the dates they are in the Board offices.

Concerning expense reimbursement, Board members are required to submit receipts for lodging and anything over \$10.00, with the exception of meals. Ms. Loe stated that meals will be reimbursed at the per diem amount that is predetermined by the Federal Government rate for the City of Columbus.

REPORTS BY ASSIGNED COMMITTEES

LEGISLATIVE LIAISON & RULES COMMITTEE

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

H. B. 62 – Military Experience: The legislation would enact section 5903.101 of the Revised Code to require relevant military experience to be considered by state licensing boards and to provide for the waiver of a licensure fee if a veteran is within six months of separation from active military duty.

Mr. Miller stated that a meeting was held with representatives of the Medical Board, the Nursing Board, the OTPTAT Board, and the bill's sponsor, in which the representatives of the various boards stressed that such experience should be considered at the education level and not at the Board level. Mr. Miller stated that the sponsor is offering an amendment to the bill, but he doesn't know what that amendment will look like.

December 10, 2009

H.B. 314 – Death Pronouncements: The legislation would amend Sections 2105.35 and 2108.40 of the Revised Code to authorize registered nurses to determine and pronounce death. The bill had its second hearing before the House Health Committee on December 2nd and heard proponent testimony from Hospice, APNs, and RNs stating the legislation would allow nurses to utilize skills they already have and help avoid delays in the process.

Mr. Miller advised that representatives from ODH, OOA and OSMA met with the sponsor's office on December 7th to discuss the Board's concerns. He stated that the legislation was scheduled for an amendment and possible vote on December 8. The amendment was accepted, and is on the last two pages of the Legislative Report. Mr. Miller stated that the amendment limits the instances in which an R.N. could pronounce death. They cannot do it if someone was on life support, and their being able to do so is limited to hospitals, surgical facilities, hospice centers and long-term care facilities. Mr. Miller stated that both the Coroner's Association and OSMA testified in opposition to the legislation. Mr. Miller advised that the bill was not voted on the previous day. An interested party meeting is scheduled for this afternoon, to work out some kind of a compromise. Mr. Miller stated that the legislation will go forward in some manner. It's a matter of how limited their ability to pronounce death will be. He added that at the previous day's committee meeting, it was discussed trying to limit the applicability to long-term care facilities and hospice, and require notification to the physician when the nurse has pronounced death. Mr. Miller stated that the physician is still the person who has to sign the death certificate.

Board members again expressed concern about this legislation, noting that the physician is the responsible party and should be the one to pronounce death. Mr. Miller assured the Board that he would relay the Board's concerns to the bill's sponsor.

Dr. Talmage noted that the Secretary and Supervising Member see complaints all the time that doctors will not sign death certificates. He stated that complaints come from funeral homes and relatives.

Ms. Debolt stated that the Board staff is working with the Ohio Department of Health Registrar of Vital Statistics to come up with a joint agency statement concerning: 1. whether training certificate holders can sign death certificates; and 2. to discuss the issue of attending physicians and their responsibilities to sign death certificates.

H.B. 318 – Tax Rate Freeze: This legislation was introduced to address the \$851 million shortfall in the state budget by delaying the final two years of the personal income tax reductions. As negotiations have begun to move forward one proposal under consideration is to include a provision that calls for studies of improved government efficiency and restructuring that were at the heart of Senate Bill 52 and House Bill 25 to reorganize state government and move licensing boards under the Department of Health.

Dr. Amato asked whether there has been any discussion at the State House concerning the inherent conflict of interest that would be created for the Medical Board to govern the number of practitioners who work at ODH, including the Director.

Mr. Miller stated that that's not their first concern. They're trying to reduce the size of government. He

December 10, 2009

stated that they want some alternative.

Massage Therapy Legislation: Mr. Miller advised that the Board received the initial draft legislation back from LSC and, based upon staff review, a few minor changes need to be made prior to introduction. He added that he met with representatives from AMTA-Ohio on December 1st to review to contents of the legislation and to begin discussing the level of support that will be needed to move the legislation forward.

Ex-offender Reentry Coalition: Mr. Miller stated that he attended a meeting of the “Employment of Ex-offenders Workgroup.” The workgroup’s initial report to the full Coalition is due next week. He advised that the workgroup met on November 24th to continue discussing the concept of issuing certificates for ex-offenders both at the time of release and at a later point in time (based upon the seriousness of the offense) as a way to encourage entities to hire ex-offenders. The workgroup received input from the Ohio Minority Supplier Development Council and the Ohio Hospital Association both of which indicated that certificates would have little bearing on an employment decision.

Executive Medicaid Management Administration (EMMA): Mr. Miller advised that he and a representative from the Nursing Board met with staff from EMMA to discuss their efforts to develop consistent policy standards for provider background checks for Medicaid programs. Their efforts involve identifying statutes and rules applicable to provider background checks among the seven Medicaid providing agencies; developing core lists of disqualifying offenses; and identifying and recommending areas where systems can be eliminated/ reconfigured. Finally, EMMA is working to define and recommend a structure that will operate as Ohio’s central authority for background checks and will allow for deemed status across the seven Medicaid providing agencies. We have asked EMMA to address the Workgroup at its January meeting as their efforts are geared at direct care providers and are therefore more consistent with our concerns.

Ohio Hospital Association State Medical Coordination Legal and Policy Subcommittee: Mr. Miller advised that the subcommittee was created to provide a legislative framework to provide protection for the procurement and distribution of scarce medical resources and provide legal protections for those making decisions and providing care during a declared state of disaster or emergency. He stated that he attended the Legal and Policy Subcommittee on December 2nd along with representatives from OHA, ODH, Ohio EMA, AG, Medical Board, private legal counsel, and in-house hospital counsel and had preliminary discussions related to who would have authority to procure and allocate medical resources, the levels of liability protection and who would have liability protection, and varying ways to define “scarce medical resources” within the framework of a disaster or emergency.

EXECUTIVE COMMITTEE

Ms. Loe referred the Board to her memorandum of November 25, 2009, concerning an “Interim Policy regarding Accessing Confidential Personal Information.” She explained that agencies are required to have a policy applicable to senior officials who access confidential information. Certain senior officials are required to log the access. There has been discussion by a team of legal counsel, with input from the Governor's office, to help define the requirements of this legislation. As a result of that, it was determined that the Board members are the affected “senior officials.” She stated that the Executive Committee

December 10, 2009

recommends approval of the draft policy with a minor language change to specify that when the Hearing Unit sends out evidentiary records, the Unit will be responsible for logging when that information is sent to Board members.

Ms. Loe stated that when the Secretary and Supervising Member access confidential information, it is done through the computer, and that information is automatically logged electronically.

DR. VARYANI MOVED TO APPROVE THE “INTERIM POLICY REGARDING ACCESSING CONFIDENTIAL PERSONAL INFORMATION.” MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

IMPAIRMENT COMMITTEE

Dr. Madia stated that the Committee discussed proposed urine screen test levels. Additional information has been requested by the Committee. Dr. Madia asked that staff send that information to Committee members when it becomes available, and that they not wait until the next agenda goes out.

P.A. COMMITTEE

Dr. Talmage advised that the Committee reviewed a number of Special Services Plans. The Committee tabled the plans presented by Anderson Cosmetic & Vein Institute, pending discussion with experts. He stated that there was considerable discussion regarding potential allergic reactions.

Blanchard Valley Women’s Care

Dr. Talmage advised that the Committee voted to approve the request with the proviso that the applicant consent to having the physician determine whether colposcopy is necessary, based on the results of the PAP smear.

DR. TALMAGE MOVED TO APPROVE THE REQUEST OF BLANCHARD VALLEY WOMEN’S CARE THAT ITS P.A.S BE PERMITTED TO PERFORM COLPOSCOPIES, IN AN OFFICE SETTING, UTILIZING 100% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM NO LESS THAN 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY, AND SUBJECT TO THE PHYSICIAN MAKING THE DETERMINATION THAT A COLPOSCOPY IS NECESSARY BASED ON THE RESULTS OF THE PAP SMEAR. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

Beresh Pain Management

Dr. Talmage stated that both the P.A.P.C. and the P.A. Committee recommend denying the above-captioned’s request for its P.A.s to perform trigger point injections, based on the fact that the risk of complications puts this service outside the scope of practice of a P.A.

December 10, 2009

DR. TALMAGE MOVED TO DENY BERESH PAIN MANAGEMENT'S APPLICATION FOR ITS P.A.S TO PERFORM TRIGGER POINT INJECTIONS, ON THE BASIS THAT THE POTENTIAL FOR COMPLICATIONS PUTS THIS SERVICE OUTSIDE THE SCOPE OF PRACTICE OF A P.A. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Talmage stated that there was discussion by the P.A.P.C., and briefly by the P.A. Committee, that the formulary be removed from the Ohio Administrative Code (OAC) because it is so cumbersome now to make changes to it. If it were removed, it can be reviewed on a quarterly basis, and changes could be made by the Board, as appropriate. He noted that this formulary is a little different from the A.P.N. formulary, which is not in the OAC, in that the Board has approved categories of drugs. The Medical Board's review will not need to be quite as extensive. The A.P.N.s base their formulary on the name of the drugs, rather than class of the drugs.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh stated that the Committee discussed two topics. She stated that the first topic is the formation of an advisory committee for radiologist assistant scope of practice rules. Dr. Steinbergh stated that the Committee will invite specialists to provide their input on this issue.

Dr. Steinbergh stated that the second issue discussed by the Committee was a request received from Joann Rinella, RN, BASN, CRNI, who heads the PICC team at OSU, to train radiologist assistants to insert PICC lines. The Committee reviewed a response, drafted by Ms. Debolt, which advises

Accordingly, it is the opinion of the Medical Board that a radiologist must play an integral role in the overall clinical preceptorship as this is a radiologist-directed program. That does not mean that the radiologist must participate in each procedure. However, the radiologist must participate in the planning of the preceptorship, ensure that the didactic component and clinical experiences will be supervised by qualified individuals, ensure that the education will proceed in an appropriate manner, and then evaluate the student's performance of the procedure in order to assess the student's competency at the completion of the clinical period.

Dr. Steinbergh stated that she feels that this is an appropriate answer to the question.

Dr. Madia stated that he'd bet that the majority of radiologists don't insert PICC lines.

Dr. Varyani stated that they do not. He stated that even the interventional radiologists just go in for the big veins. They really don't have any desire to place PICC lines. He suggested that even the interventional radiologists probably don't know how to do this. However, the technique is very simple and can be taught. He stated that he thinks that what the Board needs to do is make the radiologist responsible for the radiologist assistant, and leave it at that. Dr. Varyani stated that he doesn't want the radiologist to be teaching the R.A. because he doesn't know how, himself.

December 10, 2009

Dr. Madia agreed with Dr. Varyani.

Dr. Steinbergh suggested making the paragraph stronger, in terms of responsibility. She stated that she will work with Ms. Debolt. She asked the Board to grant her the authority to approve the revised letter. She stated that she will work with Ms. Debolt to change the letter to make clear where the responsibility lies.

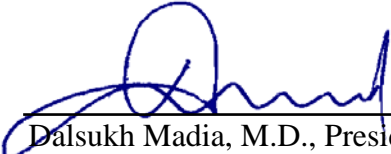
MR. HAIRSTON MOVED TO GRANT DR. STEINBERGH THE AUTHORITY TO WORK WITH MS. DEBOLT IN MAKING NECESSARY CHANGES TO THE LETTER AND TO APPROVE THE AMENDED LETTER FOR MAILING. DR. MAHAJAN SECONDED THE MOTION. All members voted aye. The motion carried.

PRESIDENT'S REPORT


Dr. Madia stated that it has been a privilege serving as president during the past year. He thanked Board members who gave him that opportunity. He stated that the year was very interesting. He stated that he learned, from working closer with the staff, that the Board has a wonderful staff. He stated that when he joined the Board, he thought it was a government agency where people were not efficient or did not take their jobs seriously. He stated that this has been an eye opener for him. The staff who work for the Board are really dedicated, very knowledgeable, and very helpful. He stated that it was a wonderful experience to learn what a good staff the Board has. Everyone takes their job very seriously. Dr. Madia stated that he can't thank the staff enough for helping him to carry out his job as President. He asked that the supervisors in the room convey his feelings to the rest of the staff.

Thereupon at 9:30 a.m. on December 10, 2009, the December 9-10, 2009 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 December 9-10, 2009, as approved on January 13, 2010.



Dalsukh Madia, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

