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MINUTES**THE STATE MEDICAL BOARD OF OHIO****February 13, 2002**

Pitambar Somani, M.D., President, called the meeting to order at 1:30 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215-6127, Room #1948, with the following members present: R. Gregory Browning, Ph.D., Vice-President; Anand G. Garg, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Lance A. Talmage, Sr., M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Anquenette Sloan; and Charles D. Stienecker, M.D. Ronald C. Agresta, M.D., and Anita M. Steinbergh, D.O., were absent.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; Lauren Lubow, Communications Administrator; Diann K. Thompson, Assistant Director, Public Services & Enforcement; Lori S. Gilbert, Chief Enforcement Coordinator; Emily M. Brown, Marcie P. Burrow, David P. Katko, Rebecca J. Marshall and Karen H. Mortland, Enforcement Coordinators; Sheryl Maxfield, Lawrence Pratt, Rebecca J. Albers, Hanz R. Wasserburger, Mark A. Michael, and Kyle C. Wilcox, Assistant Attorneys General; R. Gregory Porter, Chief Hearing Examiner; Sharon W. Murphy and Daniel J. Roberts, Hearing Examiners; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Candi Pollit-Susey and Rochelle A. Kotula, Quality Intervention Assistant; Danielle Bickers, Compliance Officer; Mark Wayda, Public & Government Affairs Officer; Barbara Rogers, Interim Public Services Administrator; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants.

MINUTES REVIEW

DR. STIENECKER MOVED TO APPROVE THE MINUTES OF JANUARY 9-10, 2002. DR. BUCHAN SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Somani	- aye

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The motion carried.

REPORTS AND RECOMMENDATIONS

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

Dr. Somani asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matter of John A. Campa, III, M.D.; Khozema Campwala, M.D.; Dannie K. Gipe, Jr., M.D.; Lonnie Marsh, II, M.D.; Arturo Portales, D.O.; Susan M. Stone, M.D.; Stephen J. Sveda, M.D.; Philip G. Wagman, M.D.; and Jimmie Steve Ward, P.A. A roll call was taken:

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

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

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

Dr. Somani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in

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further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

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

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

JOHN A. CAMPA, III, M.D.

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

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN A. CAMPA, III, M.D. DR. TALMAGE SECONDED THE MOTION.

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

Dr. Buchan stated that Dr. Campa was found guilty of, and pleaded guilty to, 77 felony counts. In reviewing the record, he finds that Dr. Campa is clearly in line with losing his license. Dr. Buchan stated that with multiple felonies in the course of practice, the Board has no other option but to permanently revoke, and he therefore is in support of the Proposed Order.

Dr. Bhati stated that he can't see any way the Board could salvage a physician convicted of 77 felony counts. He also spoke in support of the Hearing Examiner's Report and Recommendation.

Dr. Stienecker pointed out that Dr. Campa's certificate was suspended by law in 2001 for non-renewal. He added that, although Dr. Campa has not reinstated his license, the Board does have the jurisdiction to revoke his license.

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

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

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Dr. Stienecker	- aye
Dr. Garg	- abstain
Dr. Somani	- aye

The motion carried.

KHOZEMA CAMPWALA, M.D.

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

Dr. Somani continued that a request to address the Board was filed on behalf of Dr. Campwala, but was subsequently withdrawn.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KHOZEMA CAMPWALA, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Talmage stated that the facts in this case speak for themselves; there's really not much to amplify. This is somebody who has not proven that he is capable of practicing good medicine in this state. It is appropriate to deny him a waiver of the seven-year USMLE rule.

Dr. Egner stated that the waiver was put into place for those individuals who were getting education beyond their M.D. degree. This is not the case with Dr. Campwala, who has failed each part of the USMLE many times. The waiver was not created for this purpose. Dr. Egner stated that Dr. Campwala's request for a waiver should be denied.

Dr. Bhati stated that the Board cannot make an exception in this case. The Board must vote for the Report and Recommendation.

Dr. Buchan stated that a waiver can also be granted for a significant health problem. The problem in this case is that Dr. Campwala simply cannot pass the test. For that reason, the waiver request should be denied.

Dr. Somani asked whether anyone knows how Dr. Campwala did in the December examination.

Dr. Buchan stated that that information is not part of the record.

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

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

The motion carried.

DANNIE K. GIPE, JR., M.D.

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

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

Dr. Gipe was accompanied by his attorney, Eric J. Plinke.

Mr. Plinke stated that he knows that the Board members have received and reviewed all of the material in this case. He at this time deferred to Dr. Gipe.

Dr. Gipe thanked the Board for allowing him to make his address. He advised that a lot has happened to him during the past two and a half years, mostly bad. Over the past six to nine months he's started to respond positively to his bipolar disorder on the right medications. He is impaired, and he does understand that to practice medicine he will need monitoring. Dr. Gipe stated that he is willing to be monitored, to be put on probation, anything to practice medicine. He admitted to having committed a felony, and added that there is nothing he can do to change that. What he can do is get healthy and make the right decisions in life.

Dr. Gipe stated that after his initial visit with Board Investigator, Brenda Harrison, and his application to the Board, he addressed his medical condition. He tried to use the right judgment with the Board, and it all began with calling Diann Thompson and getting her suggestion to join OPEP. He joined OPEP, signed releases to the Medical Board, started doing weekly urine screens and weekly Narcotics Anonymous (NA) meetings. He also subjected himself to an evaluation at Addiction Programs of Mahoning County, as suggested by the Board, and signed releases for the Board to receive copies of his medical records. Dr. Gipe stated that he was also evaluated by Dr. Howard Sokolov, at the Board's request, and signed releases

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for Dr. Sokolov. Dr. Gipe stated that he thought by doing these things that he had made clear to the Board his medical condition, his past medical history, his criminal charge and his involvement with the Cleveland vice unit. He thought that he had left no stone unturned. He tried to be clear with the Board.

Dr. Gipe stated that he's trying to get a chance to practice medicine sometime at some point. In the meantime, he's obtained a position with a large pharmaceutical company, educating physicians and facilitating medical research. Dr. Gipe asked that the Board issue a license, suspend it, whatever it takes. He just wants a chance to practice medicine. In the time that he's been out of his residency and not practicing medicine, he's remembered what he misses about practicing medicine – treating patients and helping people. He stated that he hopes he hasn't forfeited the chance to treat patients.

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

Ms. Albers stated that what Dr. Gipe said to the Board is very telling; i.e., a lot of bad things have happened to him. Ms. Albers disagreed, stating that the hearing record in this matter shows that things didn't just happen to Dr. Gipe; he caused them to happen to him. He was untruthful to the Board investigator, saying that he had never voluntarily taken drugs when the truth was that he had taken cocaine, marijuana and ecstasy. He answered “no” to the question as to whether he had been diagnosed in the last ten years for bipolar disorder. He had, in fact, been treated and diagnosed for bipolar disorder. He answered “no” to the question about his current use of illegal controlled substances, in spite of the fact that he had used ecstasy.

Ms. Albers continued that Dr. Gipe is arguing his impairment, yet the facts show, as the Hearing Examiner set forth in the Report and Recommendation, that this case involves much more than his impairment. Dr. Gipe pled guilty to a felony. The record showed that he had multiple doses of the ecstasy drug, which he gave to friends. As a physician, that conduct is reprehensible. Ms. Albers stated that she supports the Hearing Examiner's recommendation.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF DANNIE K. GIPE, JR., M.D. DR. EGNER SECONDED THE MOTION.

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

Dr. Egner stated that she agrees with Ms. Albers. She looks at this case in two ways, one of which being that the specific acts are certainly detrimental for a successful physician. The multiple episodes of ongoing lying and trying to cover up those acts, unfortunately, requires the Board to deny licensure. It's always so disappointing to her, and she is sure it is to everyone, when it's such a young person with great potential, but there are times that the consequences to actions really burn a bridge. She thinks that in this case it will prevent him from practicing as a physician in Ohio.

Dr. Buchan agreed with Dr. Egner, adding that this case particularly was a very painful read for him. This

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is a young physician who had so much going for him. The Board has said before and will go on record as saying again today that impairment does not excuse action. Dr. Gipe's patterns of behavior were so poor and so reprehensible; his lack of truthfulness bothered Dr. Buchan significantly. Dr. Buchan concluded that, ultimately, at the end of this sordid case, he has really no option but to deny licensure for this young fellow. Hopefully Dr. Gipe won't look at this as a sentence, but will pick up and continue to impact people in a positive fashion in the rest of his life. Dr. Buchan stated that he agrees with the Proposed Order, as written.

Dr. Talmage stated that it's hard to address something like this. This is somebody so young, and you would like to believe that there is some potential for redemption somewhere down the line, but the actions up to this point have been so egregious that it's hard to look at anything but permanent denial. He wished there was something that was intermediate, but he can't come up with anything that would be appropriate.

Dr. Bhati stated that he was looking for some commitment on Dr. Gipe's part for recovery. He has failed to find any. He would have to agree with permanent denial.

Mr. Browning stated that this is a tough case. The argument for permanent denial is obvious, and yet, this is a person who has probably had a psychiatric condition at the beginning of the process and right on through. The Board has to ask itself what is appropriate for someone with that kind of problem. Is there any ability to get beyond it? Mr. Browning stated that he feels it is too soon to tell. He would vote to deny licensure and see how things develop.

Dr. Talmage asked whether there is any potential to reapply somewhere down the line if the Board permanently denies a license.

Dr. Somani and Dr. Egner stated that there is not.

Dr. Bhati suggested that the Board might not permanently deny, but just deny.

Mr. Dilling stated that under the law the Board can deny a license, and the Board can also say that it doesn't want to see a reapplication for a specified period of time. Those options are available to the Board.

DR. STIENECKER MOVED TO AMEND THE ORDER TO DENY LICENSURE WITH NO RIGHT OF REAPPLICATION FOR TWO YEARS. MR. BROWNING SECONDED THE MOTION.

Dr. Somani asked whether Dr. Stienecker would want to suggest some additional conditions.

Dr. Stienecker stated that the Board needs to see what Dr. Gipe can come up with in two years' time.

Dr. Talmage stated that that would satisfy him if the Board has the option, when Dr. Gipe feels that he can reapply, to look at the rehabilitation he's gone through, its success, and the ability to place probationary

conditions on a license, if his application is granted. To grant it and then place him on probation at this point seems too lenient. The Board would be wasting a lot of time and effort if the probationary conditions were not met. Reapplication seems to suit this case better.

Dr. Egner stated that she has two concerns: First, the Board has no ability to monitor Dr. Gipe during the time period between now and when he would be permitted to reapply. Since part of Dr. Gipe's history is one of lying, how can the Board be assured that when Dr. Gipe comes back in two years and tells the Board what an exemplary life he's had that that is true. Secondly, she doesn't think that many of Dr. Gipe's actions were necessarily due to his psychiatric illness. Drug involvement and felonies speak for themselves. She's saddened to say that such a young person should be permanently denied licensure, but in her head, she knows that that is the right thing to do.

Dr. Stienecker stated that, in response to Dr. Egner's first concern, as with any application, the applicant has the burden of proving his worthiness. It is not up to the Board to monitor in the meantime. Down the road he will have to satisfy the Board's concern that he has, in fact, been clean and has been rehabilitated. That will be a decision to be made at that time, depending upon the information and proof he can bring forward. Dr. Stienecker stated that he doesn't think that the Board needs to be concerned about what it has to do in the interim to make sure that it's all right.

Mr. Dilling stated that he wanted to clarify his previous answer to the Board. When Dr. Gipe reapplies in two years, the Board cannot use the same basis that it's reviewing today in order to deny him a license. He would have to answer the questions asked anew, and the Board would have to judge them anew. By setting a certain time period to reapply, that is what the Board is establishing.

Dr. Buchan stated that the seriousness of these charges and felonies go way over the line for him. Although he appreciates the wiggle room the Board is considering giving Dr. Gipe, i.e., allowing him to reapply in two years, he doesn't want to lend any encouragement to Dr. Gipe's reapplication in two years. He's not comfortable with that, and he's more in line with the permanent denial. He would lean, if anything, toward denying but not offering some hope that the Board will suggest that in two years he will have a clean slate. Dr. Buchan stated that this case crossed the line for him, and he still feels permanent denial is appropriate. A two-year period sends the wrong message in his opinion.

Dr. Bhati agreed with Dr. Buchan. He sees absolutely no indication that Dr. Gipe has a commitment to get better. That doesn't necessarily mean that Dr. Gipe will not have it, but to him, two years is a short period of time with these problems. He would be more comfortable with a five-year period. Two years is definitely not acceptable to him.

Ms. Sloan stated that she doesn't think that she could even agree with a five-year prohibition from reapplying. In reading this case, it seems that there's a pattern of deception throughout the record.

Dr. Bhati commented that it was a pattern of deception to Dr. Gipe's physician and to the Board.

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Ms. Sloan agreed. She stated that, at this point, she would agree with the Proposed Order as written.

Dr. Somani spoke in opposition to the proposed amendment. He stated that the Board deals with very difficult cases, and this is one of them. The information given to the Board, i.e., Dr. Gipe was convicted of a felony and he has lied to everyone during that time, including his psychiatrist and the Medical Board, shows that there is no redeeming value that he can see to allow physicians of this type to practice in Ohio. On that basis he would oppose the amendment as proposed.

A vote was taken on the motion to amend:

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

The motion failed.

Dr. Somani stated that he would entertain further discussion in this matter.

DR. BHATI MOVED TO AMEND THE PROPOSED ORDER TO DENY DR. GIPE'S APPLICATION FOR A PERIOD OF FIVE YEARS. DR. TALMAGE SECONDED THE MOTION.

Dr. Somani asked whether Dr. Bhati wished to set conditions for reapplication.

Dr. Bhati stated that the burden is on Dr. Gipe to provide the information on what he had done during those five years when he applies again. He has to prove that he will be deserving of a certificate at that time.

Dr. Somani noted that Mr. Dilling has advised the Board that it would not be able to use any of the information the Board has before it now when the case comes up again in five years.

Dr. Bhati stated that he believes Mr. Dilling is right on that issue, but it will still be necessary for Dr. Gipe to prove himself an exemplary person when he applies in five years.

Dr. Stienecker noted that when Dr. Gipe applies in five years, he will be asked whether or not he has ever had a license denied previously. At that time, if he says that he has, he will have to explain it. If he says

that he has not, the application would again be fraudulent.

Mr. Dilling stated that it is his understanding of the law that if Dr. Gipe were to reapply in a five-year period of time, the Board could not use as a grounds for denial the same acts that are before the Board today. He would have to answer the question, and he would assume that Dr. Gipe would answer truthfully, but that leaves the Board with the information that he applied in Ohio and was denied.

Dr. Somani stated that this literally would mean that when Dr. Gipe comes back in five years, the Board at that time will have to grant him a license.

Dr. Bhati indicated that that is not necessarily true. Obviously, like any other applicant, Dr. Gipe will have to prove his suitability for licensure. He agrees that the Board can't use the current case in five years when Dr. Gipe comes back. The records would be available to the Board in five years, but the Board won't be able to use them as an excuse to deny Dr. Gipe. The Board can deny or approve a license application, depending upon what Dr. Gipe does in the next five years.

Mr. Dilling stated that he would be subject to the same laws as everyone else.

Mr. Browning asked whether it would have any effect if the motion would include requirements for licensure.

Mr. Dilling stated that it could do so.

Dr. Bhati suggested tabling this matter.

Dr. Buchan spoke against tabling this matter. He stated that the Board is having a discussion, gathering more information, and he's not sure what tabling would do for the Board at this point.

Dr. Bhati stated that the tabling would allow Board members to place legal requirements on the Order to ensure that Dr. Gipe has gotten better during the five-year period and is worthy of a license. Right now, the Board has a cloudy atmosphere and things are not clear.

Dr. Talmage asked whether, if Dr. Gipe states on his license application that he had an action taken on a previous application, the Board sitting at that time would be privy to the information before this Board, and whether Dr. Gipe would be required to present the reasons for his previous denial. He stated that that would open the record for review as to why denial would be made. Perhaps conditions in five years will indicate that a denial is no longer necessary.

Dr. Somani again suggested tabling this matter to look at the legal ramifications.

DR. BHATI MOVED TO TABLE THE MATTER OF DANNIE K. GIPE, JR., M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

LONNIE MARSH, II, M.D.

Dr. Somani directed the Board's attention to the matter of Lonnie Marsh, II, M.D. He advised that objections were filed to Hearing Examiner Roberts' Report and Recommendation and were previously distributed to Board members.

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

Dr. Marsh was accompanied by his attorney, William J. Novak.

Mr. Novak stated that he would briefly address a few issues, and then Dr. Marsh would address the Board.

Mr. Novak stated that the objections were filed, primarily, to seek a deviation as respects the permanent revocation recommendation that was made by the Hearing Examiner. Mr. Novak stated that there are a number of factors involved that he thinks the Board must examine, including the absence of a prior disciplinary record, Dr. Marsh's commitment to the community in which he has practiced for over 25 years, Dr. Marsh's commitment to community service, Dr. Marsh's cooperation with the federal and state governments throughout their investigations of this matter, and his full and complete restitution which has been made to all parties concerned. Mr. Novak stated that Dr. Marsh is very remorseful for what has occurred here, but more importantly, there was not an adverse impact on any of the patients involved. Mr. Novak stated that he thinks the most important consideration is that U.S. District Judge O'Malley, at the sentencing hearing for Dr. Marsh, when she had to decide whether or not incarceration or probation was appropriate, decided that probation was appropriate because she felt that his community service and the commitment to his patient care throughout his life outweighed the impact of these crimes.

Dr. Marsh thanked the Board for allowing him to address the issues. He indicated that he wanted to make a couple of points: he never caused any harm to his patients. He put himself in harm's way by treating

Medicaid patients whom he shouldn't have treated. They received medications, and over 96% of these medications were for medical illnesses and were non-controlled substances. All drugs that more severely affected him in the State's case were for one patient who had sickle cell crisis. Some of these patients were actually refused treatment by the physician he'd hired to take care of his Medicaid patients. Dr. Marsh again stated that he put himself in harm's way; no patient had any adverse effect.

Dr. Marsh stated that, as far as the federal case is concerned, there are at least 40 physicians and/or health professionals in northeast Ohio under this DTO (Diagnostic Testing of Ohio, Inc.) investigation. There were two people who took these contracts to legal authorities, and were told that the contracts were perfectly normal and they could go ahead and use them. Now they're still coming under the gun and being charged with this.

Dr. Marsh stated that he is very sad and very disappointed in himself and his activities for getting into such actions, but he asked the Board to consider the \$14,000 over a three-year period, involving 14 or 15 patients referred to a diagnostic testing company. The number is so low because all of the patients who ever went had diagnostic criteria that would need to be done by the specific tests that were done. Dr. Marsh stated that he didn't have any ammunition to be able to go against the attorney in the federal case because of the state allegations, but he has a colleague who proved that those tests were very necessary and were right on track with the diagnoses that were being sought.

Dr. Marsh stated that he's very sad for his family. He added that his church family has been praying. Fifty people came here on a bus to present themselves in support of his practice in his neighborhood. Dr. Marsh concluded by stating that he would appreciate the Board's consideration.

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

Ms. Albers stated that this case is about a physician who had felonies in two different courts: five felony convictions in state court for one count of Medicaid fraud, one count of felony forgery, and three counts of illegal processing of a drug document. Dr. Marsh signed another physician's name to prescriptions when he knew that he was not supposed to be writing prescriptions under an agreement with Medicaid. In federal court, Dr. Marsh pled guilty to two felonies. Ms. Albers stated that she believes that it is telling that the sentencing documents from that case state that "the tests on all cases were grossly excessive, not appropriate or medically indicated for what he was supposedly trying to diagnose."

Ms. Albers stated that she takes offense at Dr. Marsh's comments today that he put himself in harm's way to write the prescriptions for the patient in sickle cell crisis. It's clear, Dr. Marsh could have sent the patient to an emergency room, he could have had another doctor write those prescriptions. He did not need to forge another physician's name to the prescriptions. Ms. Albers stated that she believes his statement here today shows that Dr. Marsh is still minimizing the conduct that led to those felonies. In spite of his insistence that he is sorry and that he's taking responsibility, she doesn't see that, nor does she find that the Board could see that through the comments Dr. Marsh made today. Ms. Albers spoke in support of the Proposed Order of permanent revocation in this matter.

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DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF LONNIE MARSH, II, M.D. DR. EGNER SECONDED THE MOTION.

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

Dr. Talmage stated that approximately 50% of Dr. Marsh's practice is Medicaid patients. He has very little patience with the plea that no patients were harmed in this case. In the Medicaid system, funding is almost constantly in jeopardy. When a physician takes care of patients carelessly, over-bills, over-tests, over-operates, that restricts the access to care to every other Medicaid patient in this country. So he believes there is patient harm. Dr. Talmage stated that he thinks individuals who take advantage of that governmental system because they feel that it's the government paying for it and not the people are misinformed. It is the people who are paying for it through taxes.

Dr. Talmage stated that whether this case meets the full criteria for permanent revocation, or whether revocation in some lesser degree might be considered, he will have to think about a little bit more. But to excuse one's behavior by saying that patients were not harmed does not hold any credibility with him.

Dr. Buchan agreed with Dr. Talmage and stated that he took offense to the notion that the Board would be expected to believe that no patient harm was rendered. He acknowledged that neither poor surgery nor wrong-site surgery were performed, but when a physician makes poor choices in taking care of people, it does have an adverse effect on the system, and therefore patients were harmed. Both illegal and unethical judgment was rendered in this case, and he feels the Proposed Order is reasonable.

Dr. Egner stated that she agrees with Dr. Talmage's and Dr. Buchan's statements. She added that the Proposed Order is very much in keeping with the way the Board has handled other cases. When a physician is convicted of felonies related to the practice of medicine, he loses his license. This is exactly what Dr. Marsh did. Writing prescriptions with another physician's name on them is also very egregious to her. She thinks that Dr. Marsh does minimize all that he has done. Dr. Egner indicated that she agrees with the Hearing Examiner's Report and Recommendation.

Dr. Bhati stated that he's no expert on sickle cell crisis, but if he had a patient with sickle cell crisis, the patient wouldn't go home with a prescription. She would be sent to the emergency room. That really surprised him. Dr. Bhati stated that the Board does try to salvage when it can, but he doesn't see much in this case that is salvageable.

Dr. Somani stated that the Board is dealing with three issues in this case: Medicaid fraud; a forged signature of a colleague, which is unheard of in maintaining a practice; and the kickback where he was sending patients for tests and getting a kickback. In the past the Board has been very clear that it doesn't tolerate this type of behavior.

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

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

The motion carried.

Dr. Garg left the meeting at this time.

ARTURO PORTALES, D.O.

Dr. Somani directed the Board's attention to the matter of Arturo Portales, D.O. He advised that no objections were filed to Hearing Examiner Roberts' Report and Recommendation.

MS. SLOAN MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ARTURO PORTALES, D.O. DR. TALMAGE SECONDED THE MOTION.

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

Dr. Stienecker stated that he thinks that it is fairly reasonable to deduce from the testimony given that Dr. Portales surrendered his license to the Arizona Board in lieu of its going further with an investigation into his internet prescribing and a number of other issues. He does have concerns with the Proposed Order, in terms of its focus on Dr. Portales' commencement of practice in Ohio. This is a situation where Dr. Portales does not currently hold an active Ohio license, but the Proposed Order would permit him to restore the license that he allowed to lapse. Dr. Stienecker stated that he thinks that the Board should first of all say that Dr. Portales would have to meet certain reinstatement conditions before it imposes specific limitations on his license. Dr. Stienecker stated that he would prefer to indefinitely suspend Dr. Portales' license at this time and establish conditions for reinstatement. One of those conditions would be that he enter into a consent agreement that specifically addresses the allegations underlying Arizona's action.

DR. STIENECKER MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ARTURO PORTALES, D.O., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

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It is hereby ORDERED that:

1. **Indefinite Suspension Of License**: The license of Arturo Portales, D.O., to practice osteopathic medicine and surgery in the State of Ohio be SUSPENDED for an indefinite period of time.
2. **Conditions for Restoration**: The Board shall not consider restoration of Dr. Portales' certificate to practice unless all of the following minimum requirements are met:
 - a. Dr. Portales shall submit an application for restoration, accompanied by appropriate fees.
 - b. Dr. Portales shall enter into a written consent agreement with the Board. The consent agreement shall include probationary terms, conditions and limitations as determined by the Board, including any requirements deemed appropriate to ensure Dr. Portales' compliance with Ohio statutes and rules pertaining to the practice of telemedicine.
 - c. Pursuant to §4731.222, O.R.C., the Board may exercise its discretion to require additional evidence of Dr. Portales' fitness to resume practice.

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

DR. BHATI SECONDED THE MOTION.

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

Dr. Egner spoke in support of Dr. Stienecker's motion to amend.

Dr. Buchan asked where the language addressing the acts underlying Arizona's action would be.

Dr. Stienecker stated that the consent agreement required for reinstatement would need to include "requirements deemed appropriate to ensure Dr. Portales' compliance with Ohio statutes and rules pertaining to the practice of telemedicine." Dr. Stienecker stated that he's given it a little broader language because the Board can't be sure how telemedicine laws might change during the time between now and when Dr. Portales might request restoration.

Dr. Talmage stated that Dr. Stienecker's Proposed Order is a well-crafted amendment. It addresses the problem and prepares for the future.

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

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

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Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF ARTURO PORTALES, M.D. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SUSAN M. STONE, M.D.

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

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF SUSAN M. STONE, M.D. DR. STIENECKER SECONDED THE MOTION.

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

Dr. Egner stated that this case is just appalling and sad. She added that she has no problem with ordering a permanent revocation in this case. Dr. Egner continued that what hit her the most when she read this case was that hospice patients were involved. She wants to make it clear that permanent revocation is appropriate, not just because it involved hospice patients, who are the most vulnerable. Permanent revocation would have been appropriate had Dr. Stone's actions involved any post-surgical patient who is

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receiving pain treatment. The hospice situation only makes it even worse.

Dr. Stienecker agreed with Dr. Egner. He added that some of the essence of this testimony raised the ghoulish image of necrophagia. While that's extremely emotionally disturbing, the Board needs to take itself away from that and not let it be a part of some kind of reaction. Dr. Stienecker stated that he based his feelings entirely upon the fact that this is a woman who has had a substance impairment, went through all of this to continue her substance impairment, in spite of the fact that she had been under an agreement with the Board previously for substance impairment. He cannot find any redeeming quality that would cause the Board to do anything but permanently revoke her license.

Dr. Garg returned to the meeting at this time.

Dr. Buchan agreed, adding that the objective side of his review, as well, was that this is a relapse situation. The Board doesn't take kindly to relapse. It has given Dr. Stone every opportunity to stay clean and sober. She failed the test.

A vote was taken on Mr. Browning's motion to approve and confirm:

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

The motion carried.

STEPHEN J. SVEDA, M.D.

Dr. Somani directed the Board's attention to the matter of Stephen J. Sveda, M.D. He advised that no objections were filed to Hearing Examiner Roberts' Report and Recommendation.

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

Elizabeth Y. Collis, Esq., Dr. Sveda's counsel, at this time advised that Dr. Sveda was withdrawing his request to address the Board.

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MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF STEPHEN J. SVEDA, M.D. MS. SLOAN SECONDED THE MOTION.

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

Dr. Stienecker stated that this is another case of relapse by an impaired practitioner under a Board consent agreement. Dr. Stienecker stated that he wasn't just concerned about the relapse in this case, but he was also concerned with the recklessness Dr. Sveda exhibited by taking pills from an abandoned Herbalife box. It's like the man goes around gobbling anything that looks like a pill. Just the lack of personal judgment in what should be a realm of recovery disturbed him a lot. If the Board adopts the Proposed Order of a stayed suspension and five years' probation, Dr. Sveda will be extremely fortunate.

Dr. Egner stated that she wanted to review a few things in the record including, first of all, Dr. Sveda's history. In the 1980s, while in active practice, Dr. Sveda admitted to drinking a bottle of vodka two out of three nights a week. He justifies it in that he did not drink on the nights that he was in on call; however, the record shows that, during that period of time, Dr. Sveda would do 14 to 15 surgeries a couple days a week and see 100 to 150 patients in his office. Any logic would tell you that he was impaired at the time that he was doing that volume of work, especially in the operating room. Dr. Egner continued that Dr. Sveda was found guilty in a Board Order of practicing below minimal standards in 17 patient cases, and went through a probationary period.

Dr. Egner stated that in 1996, there was another Board Order relating to Dr. Sveda's impairment. He failed that Board Order. In 1999 there is a question as to whether he came to the emergency room after having drunk alcohol. Another Board Order was put into effect for a violation of §4731.22(B)(26), after trying to get him to have an evaluation. It took quite a bit of work just to get that done.

Dr. Egner continued that now Dr. Sveda is not in compliance with his current Consent Agreement. In the record Dr. Sveda admitted in a couple of places that, due to his busy schedule and the great distance he has to travel, he cannot do the A.A. meetings and maintain his anonymity. He attributes his failure to deliver urine screens to his busy schedule. He stated that he substituted his A.A. program with his cardiac rehabilitation program because that was of greater usefulness to him. Dr. Sveda had not seen Dr. Collins between January and July 2001, when he was supposed to be seeing him on a more regular basis.

Dr. Egner stated that she questioned whether Dr. Sveda only saw Dr. Collins in July 2001 because that also coincides with the positive screen. Dr. Egner noted that Dr. Sveda stated in the record that he does not believe that the two positive screens at issue in this hearing indicate a problem that should be of concern to the Board.

Dr. Egner stated that she looks at Dr. Sveda's long history with the Board, and the conclusions that she draws are that he is a very impaired physician, that he has the characteristics of an uncooperative, disruptive physician, and that he has a history of practicing below minimal standards. She does not believe that he appreciates the seriousness or the meaning of his own impairment. She thinks that he does not

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recognize the authority and role of the Medical Board, and there is nothing on which she could base a belief that any of these things have changed. Because of the long history with the Board, the repeated violation of Board Orders and consent agreements, she proposed that Dr. Sveda's license be permanently revoked.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF STEPHEN J. SVEDA, M.D., TO SUBSTITUTE AN ORDER OF PERMANENT REVOCATION. DR. BHATI SECONDED THE MOTION.

Dr. Bhati stated that Dr. Egner has dissected this case beautifully, and he's in total agreement with her proposal. The Board has permanently revoked licenses in cases that have been less problematic.

Dr. Buchan thanked Dr. Egner for her review. As he reviews his notes, in a word, Dr. Sveda's behavior is reckless. That reckless behavior deserved a harsher sanction than a suspension or, certainly, a stayed suspension. He would support a revocation in this case.

Mr. Dilling stated that he wanted to make clear for the record that the Board understands the 1991 Board Order was not related to impairment.

Board members indicated that they understood that.

Dr. Buchan commented that there was discussion of Dr. Sveda's alcohol ingestion in the 1980s, but that was not part of the Board's Order.

Dr. Egner stated that she understands that.

Dr. Somani stated that it was not part of the Order, but at the same time, as the Board has seen in the past, Dr. Sveda has a long history of impairment. The Board has, in the past, asked how many times a probationer should be permitted to violate a Board Order or consent agreement. That's the issue before the Board today.

Dr. Somani referred to the second of the unnumbered paragraphs at the end of the Hearing Examiner's Conclusions of Law. He stated that the last sentence states, "(h)owever, in determining an appropriate Order, the Board cannot ignore the evidence in the record that supports Dr. Sveda's contention that he is not currently actively impaired." Dr. Somani stated that he thinks that the evidence the Board has does not support that statement, and suggested that that sentence be stricken from the Report and Recommendation.

Dr. Bhati and Dr. Talmage indicated that they didn't feel it needed to be stricken.

Dr. Talmage stated that he thinks it is symptomatic. Dr. Sveda's contention is that he's not currently actively impaired. In the Board's judgment, he is actively impaired.

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Mr. Browning stated that the point is not just the contention. The Hearing Examiner is saying that the Board cannot ignore the evidence in the record that supports that contention.

Dr. Egner stated that she does disagree with that statement and she would remove that language from the Report and Recommendation.

DR. EGNER AGREED TO ADD TO HER MOTION THE DELETION OF THE LAST SENTENCE IN THE SECOND UNNUMBERED PARAGRAPH OF THE CONCLUSIONS OF LAW. DR. BHATI, AS SECOND, AGREED TO THE ADDITION.

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

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

The motion carried.

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

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

The motion carried.

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PHILIP G. WAGMAN, M.D.

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

Dr. Somani continued that supplemental objections have also been filed, but were not filed in a timely manner. Materials are attached to these objections, which are being construed as a motion to admit additional evidence to the record. The Assistant Attorney General has reviewed the materials and has filed a memorandum in opposition to both. Dr. Somani asked Board members to note that all of these documents were previously forwarded to them, and added that these matters will be handled by separate motions.

DR. TALMAGE MOVED TO ACCEPT THE SUPPLEMENTAL OBJECTIONS. The motion died for lack of a second.

There was no motion to accept the additional evidence contained in the supplemental objections.

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

Dr. Wagman stated that he does not have a statement, but is present to answer any questions Board members may have.

Dr. Somani asked whether the Assistant Attorney General wished to make a comment.

Mr. Michael stated that, since Dr. Wagman would not be addressing the Board, he would not either.

Dr. Wagman at this time stated that he would like to make one small request of the Board. He stated that he agrees with the Order. There was bad judgment on his part, but at the time he was scared. His father died at age 44 of a heart attack when Dr. Wagman was 15. Dr. Wagman stated that he is not in the greatest physical shape. Dr. Wagman indicated that he's trying to do everything possible to try to find a path out of this nightmare he's having in the medical world.

Dr. Wagman stated that he apologizes if he has been a little pushy in trying to convince the Board to look at some of these other issues. He talked with an attorney friend of his in Pennsylvania, so he's taking another approach. The attorney told him that he doesn't want to talk to the Board about this, it's not appropriate. Dr. Wagman stated that he finally understood. The attorney suggested that they talk to the U.S. Attorney General. So this is something that is different. Dr. Wagman stated that he doesn't have the resources to have a full-time attorney. This is a big, big issue.

Dr. Wagman again stated that he agrees with the Proposed Order. He violated his consent agreement, and

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it was very, very bad judgment on his part. There was one small point in the Proposed Order he would like modified. He referred to the portion of the Order requiring psychiatric treatment, and stated that both the psychotherapist and psychiatrist have "pretty much" released him from treatment. They say that his problem is not chemical dependency or alcoholism, but is depression that was mostly related to hypothyroid psychosis. He's been on Synthroid for about a year and a half. He's feeling a lot better.

Dr. Wagman stated that he believes there was a report from Dr. Walton, the Board-appointed psychiatrist, who has basically discharged him. Dr. Walton practices around Youngstown and is on staff at NEOUCOM. Dr. Wagman added that the psychotherapist is pretty much ready to say that Dr. Wagman doesn't need any treatment. Dr. Wagman stated that, in support of that, during the last six months, he acknowledged that he had to follow the rules. What he did was wrong. He mailed Danielle Bickers his medical license and the wall certificate and told her he wasn't practicing. He looked for a few weeks and couldn't find work. He decided he had to try to do something else. For the last six months, since September 1, he started doing paralegal studies at Capitol University. He got about half-way through the course and ran out of money. He's doing the rest of it on the Internet.

Dr. Wagman stated that at the time he applied at Capitol, he wondered what other field he could go into. He realized that residency programs were shut off. Medicare does not pay for a second residency. Someone suggested that he try addiction medicine, and he asked himself whether there would be funding for it, and whether he would be interested in that. His answer is that he is interested in that field. He spent the last six months calling around.

Dr. Somani at this time told Dr. Wagman that he has one more minute for his address.

Dr. Wagman stated that he has interviews scheduled at Yale, Columbia and the University of Minnesota. These involve addiction medicine fellowships, which gear in on his nuclear medicine training for PET scanning for substance abusers. His career could come back to life. It's a two-year fellowship. Dr. Wagman stated that a licensure suspension would "jam" him up a little bit. He asked that the six-month period be made shorter, or possibly retroactive, so he can approach these people with full, proper credentials. The programs begin in July, and there is the issue of having to get licensed in these other states.

Dr. Wagman stated that he has very unique training and he's really geared in on this. His whole world of medicine would come back together again.

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

Mr. Michael spoke in support of Mr. Porter's Report and Recommendation, as written, without modification. He stated that, other than that, he had nothing further to add.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF PHILIP G.

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WAGMAN, M.D. MS. SLOAN SECONDED THE MOTION.

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

Dr. Talmage commented that Dr. Wagman prefaced his statement by stating that he wanted to ask a question and then gave his whole rationale of why he had problems. His statement doesn't match up with the facts before the Board today. Dr. Talmage stated that he sees no reason to modify the Proposed Order to make the suspension retroactive. From the statements that Dr. Wagman has made, there is a sincere doubt in his mind that Dr. Wagman is recovering or will recover. The Proposed Order will give Dr. Wagman a chance, but all of the conditions of interim monitoring must be met. Dr. Talmage expressed concern that the Board is liable to see Dr. Wagman back very soon. He commented that Dr. Wagman just doesn't seem to get it.

Dr. Buchan agreed with Dr. Talmage, adding that it is the Board's job, when Dr. Wagman's career does come back together again, to ensure that he will be successful in what he does. At this point, the Proposed Order will give the Board confidence that he will succeed. Anything less would put him at high risk. Dr. Buchan stated that Dr. Wagman's career has exploded in the past, and the Board doesn't want that to happen again. Following the Proposed Order will create a higher probability of success, and that's really the Board's goal.

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

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

The motion carried.

JIMMIE STEVE WARD, P.A.

Dr. Somani directed the Board's attention to the matter of Jimmie Steve Ward, P.A. He advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation.

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JIMMIE STEVE

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WARD, P.A. DR. BHATI SECONDED THE MOTION.

Dr. Stienecker stated that, basically, he agrees with the process the Hearing Examiner went through to get the information before the Board. However, in view of the fact that Mr. Ward is trying to come back in a different manner from what he was doing in Texas as a P.A., and the fact that he's making an effort to better himself, even though he hasn't quite taken care of everything he should have, Dr. Stienecker stated that he would like to amend the Proposed Order to remove the word "permanent." A non-permanent revocation gives Mr. Ward the chance to get his license back if, in fact, his attempts to get an M.D. degree suffer. Dr. Stienecker stated that he hates to stop Mr. Ward when he's trying to do better than what he was doing.

DR. STIENECKER MOVED TO REMOVE THE WORD "PERMANENT" FROM THE PROPOSED ORDER IN THE MATTER OF JIMMIE STEVE WARD, P.A. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JIMMIE STEVE WARD, P.A. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

Following a brief recess, Dr. Garg and Mr. Browning remained out of the room.

STEPHEN J. SVEDA, M.D.

DR. BUCHAN MOVED TO REOPEN THE MATTER OF STEPHEN J. SVEDA, M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Somani stated that the Board needs to place an effective date on its Order.

DR. EGNER MOVED TO MAKE THE ORDER IN THE MATTER OF STEPHEN J. SVEDA, M.D., EFFECTIVE IMMEDIATELY. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Browning returned to the meeting at this time.

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DANNIE K. GIPE, JR., M.D.

DR. STIENECKER MOVED TO REMOVE THE MATTER OF DANNIE K. GIPE, JR., M.D., FROM THE TABLE. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Dilling stated that the Board had questions about this matter. He asked Mr. Pratt to answer the Board's questions.

Mr. Pratt noted that the Board is considering the options of permanent denial versus denial versus denial with conditions. In the case of the permanent denial or denial, the Board would not be precluded from considering the facts that led to the initial denial in any subsequent reapplication. The courts would interpret a permanent denial as to preclude any reapplication. A denial would allow the applicant to continue to reapply in the future, but, again, it would not preclude the Board from reconsidering the facts that led to the initial denial in each subsequent application. However, if the Board puts any type of condition, such as a five-year window, he thinks that the courts would construe that as probation and would preclude the Board from considering the initial facts. The Board would only be able to consider facts that had occurred subsequent to the initial application.

Dr. Bhati asked what Mr. Pratt would recommend.

Mr. Pratt stated that it depends upon what the Board feels is appropriate.

Dr. Talmage state that if the Board's sense is that it would like to at least leave the door open a crack so that Dr. Gipe could reapply at some point when he has proven that he is in recovery, then just simple denial would be the appropriate option.

Mr. Pratt stated that that is correct.

Dr. Bhati stated that the negative of that would be that Dr. Gipe could reapply tomorrow.

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Dr. Somani stated that he could reapply at any time.

Mr. Pratt stated that the Board would not be able to prevent Dr. Gipe from reapplying ad infinitum.

Dr. Talmage stated that that would be the only way the Board could consider the material before it now. Each time he reapplies, this information would be available to the Board as it was constituted at that point.

Mr. Pratt stated that that is correct.

Mr. Browning stated that he can apply at will and the Board can deny at will, based on these facts.

Mr. Pratt stated that Dr. Gipe would take the risk each time that he applies that the same consequence is going to occur over and over again.

There was discussion by the Board on whether a hearing would be required for subsequent denials. Mr. Pratt advised that, under Chapter 119., the Board would need to hold a hearing should it propose to deny a future application submitted by Dr. Gipe.

Dr. Stienecker stated that the hearing would be the only venue in which Dr. Gipe would be able to present any supporting documentation to show that he has been rehabilitated to the Board's satisfaction, so a hearing is not a bad thing.

Dr. Bhati stated that at the same time he could apply tomorrow and tell the Board that he's been okay for the last 24 hours.

Mr. Browning stated that the Board would have the authority to decide again, based on the facts.

Dr. Bhati expressed concern about the costs involved in putting someone through multiple hearings.

Dr. Stienecker stated that that is the burden the Board has laid on Dr. Gipe. Dr. Gipe is the one who must develop a case that will be convincing. You can't do that day by day.

Dr. Bhati stated that he understands that, but his problem is that there is a significant amount of cost involved in hearings.

Dr. Somani advised the Board that there is a motion on the table to amend the Proposed Order and prohibit Dr. Gipe from reapplying for five years.

DR. BHATI WITHDREW HIS MOTION TO AMEND. DR. TALMAGE, AS SECOND, AGREED TO THE WITHDRAWAL.

DR. TALMAGE MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF DANNIE

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K. GIPE, JR., M.D., BY DELETING THE WORD “PERMANENTLY.” MR. BROWNING SECONDED THE MOTION.

Dr. Buchan stated that he still feels that there is a fundamental question as to whether or not the Board would ever want Dr. Gipe to practice in Ohio. To him, the answer is “no.” Dr. Buchan spoke against the motion to amend.

Mr. Browning stated that what the Board is saying is that it should deny Dr. Gipe’s application on the merits; and yet, given the seriousness of Dr. Gipe’s psychiatric problems, giving him the possibility of creating a track record of responsibility in dealing with them and getting beyond them is a reasonable thing to do. Dr. Buchan may be right and the Board may come back and, based on the facts, deny. A plain denial leaves open the opportunity to see what happens.

Dr. Bhati asked whether the Board would feel the same if Dr. Gipe were 45 or 55 years of age. He expressed concern that the Board may be giving Dr. Gipe additional consideration because of his age.

Mr. Browning stated that his thoughts have nothing to do with Dr. Gipe’s age.

Dr. Egner spoke against the amendment, and referred to her previous statement. She feels that Dr. Gipe’s behavior and actions merit permanent denial. Dr. Egner added that many times when the Board has seen cases such as this, it asks where the medical school and residency programs were when screening an applicant. Unfortunately, that’s how she feels in this case. She believes that Dr. Gipe is probably extremely bright, and she doesn’t feel that he will have a devastating life should the Board permanently deny him licensure. The Proposed Order means that Dr. Gipe is not going to practice as a physician, but there are many other areas he can go. Dr. Gipe probably has more potential than others who can’t practice in Ohio, but the bottom line is that his actions have been of a serious enough nature that permanent denial is the right thing to do.

A vote was taken on Dr. Talmage’s motion to amend:

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

The motion failed.

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A vote was taken on Mr. Browning's motion to approve and confirm:

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

The motion carried.

FINDINGS, ORDERS & JOURNAL ENTRIES

DIANNE JEAN DEFUSCO, M.D.

On November 21, 2001, the Board notified Dr. DeFusco that the State Medical Board of Ohio proposed to approve her application for a certificate to practice medicine and surgery provided that she take and pass the Special Purpose Examination (SPEX) or the American Board of Internal Medicine's recertification examination, due to the fact that Dr. DeFusco has not engaged in the active practice of medicine for more than two (2) years. On December 24, 2001, a second mailing of the notice was sent. A signed certified mail receipt was returned to the Medical Board from that second mailing, documenting proper service of the notice. However, no hearing request has been received from Dr. DeFusco and more than thirty days have elapsed since the mailing of that notice. A Proposed Order reflecting the Board's proposed denial was presented to the Board at this time for its consideration.

DR. STIENECKER MOVED TO APPROVE THE PROPOSED ORDER IN THE MATTER OF DIANNE JEAN DEFUSCO, M.D. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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SATYAKI SAIKIA, M.D.

On November 8, 2001, the Board mailed a Notice of Automatic Suspension and Opportunity for Hearing to Satyaki Saikia, M.D., based on Dr. Saikia having been found guilty of two felony counts of sexual assault (which served as the basis for the automatic suspension pursuant to R.C. Section 4731.22(I)) and prior action by the Wisconsin Medical Board related to that guilty finding. No request for hearing has been received, and more than 30 days have elapsed since the mailing of the Notice of Automatic Suspension and Opportunity for Hearing. The matter was presented to the Board at this time for final disposition.

DR. STIENECKER MOVED TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY, IN THE MATTER OF SATYAKI SAIKIA, M.D. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DONALD L. JUTTE, M.D.

By letter dated January 23, 2002, the Board notified Dr. Jutte of its determination that it had reason to believe that he was in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered him to undergo an examination. Dr. Jutte failed to appear for his scheduled examination. At no time did he inform the Board that his failure to appear was due to circumstances beyond his control. The matter was presented to the Board at this time for final disposition.

DR. BUCHAN MOVED TO ADOPT THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY, IN THE MATTER OF DONALD L. JUTTE, M.D.

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Dr. Jutte to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time. Further, the authority of Dr. Jutte to supervise physician assistants in accordance with an

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approved plan is also SUSPENDED.

2. The Board shall not consider reinstatement of Dr. Jutte's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. Dr. Jutte shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. Dr. Jutte shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Jutte has successfully completed any required inpatient treatment;
 - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that Dr. Jutte's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments. Prior to the evaluations, Dr. Jutte shall provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. The reports shall describe the basis for this determination and a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. Jutte.
 - c. Dr. Jutte shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Jutte are unable to agree on the terms of a written Consent Agreement, then Dr. Jutte further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Jutte's certificate to practice massage therapy in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed

by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code and, upon termination of the consent agreement or Board Order, submission to the Board for at least two years of annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Jutte has maintained sobriety.

- 3. In the event that Dr. Jutte 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, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Jutte's fitness to resume practice.
- 4. Within thirty (30) days of the effective date of this Order, Dr. Jutte shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Further, Dr. Jutte shall provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Jutte shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt. Within thirty (30) days of the effective date of this Order, Dr. Jutte shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training.

This Order shall become effective immediately upon the date of mailing of approval by the State Medical Board of Ohio.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of February 2002, and the original thereof shall be kept with said Journal.

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

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

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Dr. Somani - aye

The motion carried.

CITATIONS, PROPOSED DENIALS & ORDERS OF SUMMARY SUSPENSION

MICHAEL E. COUTTS, L.M.T. - 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. TALMAGE MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO MR. COUTTS. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JOSEPH P. AMON, D.O. - LETTER OF PROPOSED DENIAL

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

DR. BUCHAN MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. AMON. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

DANNY MAURICE COLTON, M.D. - LETTER OF PROPOSED DENIAL

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

DR. BUCHAN MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. COLTON. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

GLENDAM. DAHLQUIST, 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. BHATI MOVED TO SEND THE CITATION LETTER TO DR. DAHLQUIST. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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Dr. Stienecker - aye
Dr. Somani - aye

The motion carried.

NORMAN A. FLORO, 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. BHATI MOVED TO SEND THE CITATION LETTER TO DR. FLORO. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

Vote:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

GENE A. GERMANO, M.D. - LETTER OF PROPOSED DENIAL

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

DR. STIENECKER MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. GERMANO. DR. BHATI SECONDED THE MOTION. A vote was taken:

Vote:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

CESAR RUBEN HERNANDEZ, M.D. - LETTER OF PROPOSED DENIAL

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

DR. TALMAGE MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. HERNANDEZ. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

NICHOLAS MICHAEL PACHUDA, 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. BUCHAN MOVED TO SEND THE CITATION LETTER TO DR. PACHUDA. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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CHARLES VERNON PORTER, 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. BHATI MOVED TO SEND THE CITATION LETTER TO DR. PORTER. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

STEPHEN J. SVEDA, M.D. – 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. BUCHAN MOVED TO APPROVE THE ORDER OF SUMMARY SUSPENSION AND TO SEND THE NOTICE OF OPPORTUNITY FOR HEARING TO DR. SVEDA. MS. SLOAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RATIFICATION OF CONSENT AGREEMENTS

VICTOR BYKOV, M.D.

DR. BUCHAN MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BYKOV. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

CHRISTIAN T. FELTER, M.D.

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

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

The motion carried.

TIMOTHY A. GOODEN, M.D.

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

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Dr. Stienecker - aye
Dr. Somani - aye

The motion carried.

JOSEPH STANLEY SCHEIDLER, D.O.

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

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

The motion carried.

GREGORY TODD SCHULTE, M.D.

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

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

The motion carried.

EXECUTIVE SESSION

DR. BUCHAN MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONFER

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

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

The motion carried.

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

PERSONAL APPEARANCES

JOHN W. SHAFFER, M.D.

Dr. Shaffer appeared before the Board pursuant to his request for release from the terms of his December 9, 1998 Consent Agreement. If approved, release from probation would become effective immediately.

In response to Dr. Bhati's questions, Dr. Shaffer stated that everything is going well for him. He's ready for release from probation.

Dr. Buchan asked whether Dr. Shaffer had any recommendations for the Board to help it do its job better.

Dr. Shaffer thanked Mr. Albert, Ms. Bickers and Mr. Schmidt in particular. He met with them regularly during the past three years. They were very professional and he appreciates it.

DR. BUCHAN MOVED TO RELEASE DR. SHAFFER FROM THE TERMS OF HIS DECEMBER 9, 1998 CONSENT AGREEMENT. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

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Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

GARY F. GLADIEUX, M.D.

Dr. Gladieux made his initial appearance before the Board, following reinstatement pursuant to the terms of the Board's Order of October 8, 1997.

Dr. Talmage stated that he would recuse himself from participating in discussion of this case.

Dr. Buchan noted that Dr. Gladieux would be under Board probation for about three years. He asked whether Dr. Gladieux had any questions of the Board to help him through the process.

Dr. Gladieux stated that he did not.

Dr. Buchan stated that the Board's ultimate goal is to succeed with Dr. Gladieux. He stated that if the Board can help him along the way, he should allow the Board the opportunity.

In response to Dr. Egner's questions about practice, Dr. Gladieux stated that he's been doing some part-time work for the Health Department, but will begin private practice on Monday in Maumee, Ohio. It will be a solo practice.

Dr. Egner stated that she believes that the Courts required Dr. Gladieux to inform patients of what had occurred should he return to practice. She asked whether that requirement is still in effect.

Mr. Dilling advised that that requirement was in effect during the pendency of the Court's stay of the Board's suspension Order.

In response to further questions by Dr. Egner about his support system, Dr. Gladieux stated that he and his wife are very involved in the Retrouvaille program, which is an international marriage program. They have just assumed the leadership role of the entire program in Northwest Ohio. He also spends a lot of time talking with the medical ethicist, Reverend Skeel, at the Medical College of Ohio. He also receives quite a bit of support from his Church. Dr. Gladieux stated that he has quite a bit of support whenever needed. He added that his marriage has survived his problems and is thriving.

DR. BHATI MOVED TO CONTINUE DR. GLADIEUX UNDER THE TERMS OF THE BOARD'S ORDER OF OCTOBER 8, 1997 AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ELLIOT L. NEUFELD, D.O.

Dr. Neufeld made his initial appearance before the Board, pursuant to the terms of the Board's Order of November 8, 2000.

In response to Mr. Browning's questions, Dr. Neufeld stated that he has no questions for the Board at this time. He is working part-time for a plasma center. He is looking for another position. He interviewed several people last week and is waiting to hear from them. For the plasma center he performs physical examinations, does quality control work, and trains employees. He interviewed for an assistant medical director position at Maryhaven last week and is waiting to hear from them.

In response to Dr. Stienecker's questions, Dr. Neufeld stated that he is trained in family practice, so if he gets the position at Maryhaven he would be working in the family practice capacity or in quality assurance. He does some locum tenens, but there is difficulty with malpractice insurance for locum tenens when you have a felony charge. He hasn't reopened his office for the same reason.

Dr. Somani commented that medical malpractice costs are going sky high for even those without problems such as Dr. Neufeld's.

In response to Dr. Talmage's questions, Dr. Neufeld stated that he has completed his second Board-approved ethics course, given at Case Western Reserve with Dr. Stuart Youngner. He felt the course was valuable. He thought the textbook was interesting. The course taught him how difficult ethics is. For every side you look at, there's many sides to every issue. There's no clear ethic, it's really a matter of what society says is the current ethic. He believes that the course and what he has gone through during the past seven years have made him very cautious. The ethics course was part of the whole process, but it wasn't the total thing that made him more cautious about the medical world out there.

DR. BHATI MOVED TO CONTINUE DR. NEUFELD UNDER THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 8, 2000 AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH

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FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MS. SLOAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JOSEPH A. TORE, M.D.

Dr. Somani advised that Dr. Tore's appearance has been rescheduled to another month.

LESLIE R. WOLF, M.D.

Dr. Wolf made her initial appearance before the Board, pursuant to the terms of her November 7, 2001 Consent Agreement.

In response to Dr. Stienecker's questions, Dr. Wolf stated that she is currently most involved in recovery. She attends a lot of meetings, spends a lot of time with her sponsor, and spends time with family. She is looking into the possibility of a job in education and writing in the future.

Dr. Stienecker noted that Dr. Wolf's medical specialty is emergency medicine/medical toxicology.

Dr. Somani asked Dr. Wolf what she does with medical toxicology.

Dr. Wolf stated that she reviews articles and she's on the Board of Directors of the American College of Medical Toxicology, involved in some administrative activities. When she was practicing she did poison center consultation, educating residents and medical students, and consultation.

In response to Dr. Bhati's questions, Dr. Wolf stated that her drugs of choice were opiates, Vicodin, Ambien and alcohol. She has been clean a year last week. February 5 was her one-year anniversary.

In response to Dr. Egner's questions about the background of her addiction, Dr. Wolf stated that she would say that her addiction skyrocketed when her husband died in 1999. It progressed from there. She can trace her problems to a few months before her husband's death; she can start to see a pattern happening. She

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does not have children. Her support system is good. Her parents live close, she has two brothers, and she has a lot friends and close family.

DR. BHATI MOVED TO CONTINUE DR. WOLF UNDER THE TERMS OF HER NOVEMBER 7, 2001 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

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

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

The motion carried.

PROBATIONARY REPORTS

Dr. Somani referred the Board to the Compliance Staff's reports of conferences with probationers on December 10 and December 11, 2001. He noted that all probationers are in compliance.

DR. STIENECKER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH KEVIN R. CLARK, M.D.; JOHN M. DAVIS, M.D.; WILLIAM H. FIEGENSCHUH, JR., M.D.; BRIAN HEIM, M.D.; JAMES C. HELPHENSTINE, D.O.; RAYMOND E. HENSHAW, II, M.D.; RICHARD M. HOFSTRA, M.D.; JAMES P. LEWIS, M.D.; DAVID C. MINOR, M.D.; JOHN P. ROBINSON, D.O.; STEPHEN J. ROLFE, M.D.; DON R. SHEGOG, M.D.; SARAVANA E. SIVASHANKER, M.D.; JORDAN B. STERNS, M.D.; RICHARD W. THOMAS, M.D.; AND REGINALD O. WINDOM, M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye

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Dr. Garg - aye
Dr. Somani - aye

The motion carried.

PROBATIONARY REQUESTS

HANY M. AFRAM, M.D.

Dr. Afram's requests to continue the terms of the Board's Order and for approval of an ethics course were presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE DR. AFRAM'S REQUEST TO CONTINUE THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 7, 2001, WHILE HE RESIDES IN ILLINOIS. DR. TALMAGE FURTHER MOVED TO APPROVE THE ETHICS COURSE, *ETHICS ACROSS THE MEDICAL PROFESSIONS*, CREATED BY PROFESSOR DONNA F. HOMENKO. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

EDWARD M. BIRDSONG, D.O.

Dr. Birdsong's request for approval of a practice plan was presented to the Board for consideration at this time.

DR. BHATI MOVED TO APPROVE DR. BIRDSONG'S PRACTICE PLAN TO WORK WITH THE FEDERAL CORRECTIONAL SYSTEM. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:

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

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Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

DOUGLAS P. BOSACK, M.D.

Dr. Bosack's requests for approval of a practice plan and permission to participate in a fellowship rotation were presented to the Board for consideration at this time.

DR. EGNER MOVED TO APPROVE DR. BOSACK'S PROPOSED PRACTICE PLAN WITH OHIO HEART CARE GROUP. DR. EGNER FURTHER MOVED TO APPROVE DR. BOSACK'S PARTICIPATION IN A CARDIOLOGY FELLOWSHIP ROTATION AT THE MEDICAL COLLEGE OF OHIO IN TOLEDO. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PAUL P. CHU, M.D.

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

DR. STIENECKER MOVED TO APPROVE DR. CHU'S REQUEST FOR A REDUCTION IN HIS DRUG SCREEN REQUIREMENT FROM BIWEEKLY TO ONCE PER MONTH. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SIDDARTH M. KHOSLA, M.D.

Dr. Khosla's requests for approval of a treating psychiatrist and monitoring physician were presented to the Board for consideration at this time.

DR. TALMAGE MOVED TO APPROVE RONALD A. MCGINNIS, M.D., TO SERVE AS DR. KHOSLA'S TREATING PSYCHIATRIST, AND ALLAN M. RUBIN, M.D., TO SERVE AS DR. KHOSLA'S MONITORING PHYSICIAN, WITH 15 CHARTS REVIEWED ON A MONTHLY BASIS. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RONALD L. MILLER, M.D.

Dr. Miller's request for approval of a practice plan was presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO APPROVE DR. MILLER'S PROPOSED PRACTICE PLAN WITH CENTRAL OHIO PRIMARY CARE PHYSICIANS, INC. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ROBERT S. REEVES, JR., M.D.

Mr. Dilling advised that Dr. Reeves' request has been withdrawn at the request of the Secretary and Supervising Member.

CRAIG L. RICH, M.D.

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

DR. BUCHAN MOVED TO APPROVE JOHN M. KATA, D.O., TO SERVE AS DR. RICH'S MONITORING PHYSICIAN, WITH THREE CHARTS REVIEWED ON A MONTHLY BASIS. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

GREGORY T. SCHULTE, M.D.

Dr. Schulte's requests for approval of a practice plan and a monitoring physician were presented to the Board for consideration at this time.

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DR. BUCHAN MOVED TO APPROVE DR. SCHULTE'S PROPOSED PRACTICE PLAN WITH OHIO STATE UNIVERSITY-EAST ANESTHESIOLOGY GROUP. DR. BUCHAN FURTHER MOVED TO APPROVE ALAN J. KOVER, M.D., TO SERVE AS DR. SCHULTE'S MONITORING PHYSICIAN WITH THREE CHARTS REVIEWED ON A WEEKLY BASIS. SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DONALD R. SHEGOG, M.D.

Dr. Shegog's request for permission to prescribe, administer, dispense, order and possess controlled substances was presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO GRANT DR. SHEGOG'S REQUEST TO PRESCRIBE, ADMINISTER, DISPENSE, ORDER, WRITE ORDERS FOR, GIVE VERBAL ORDERS FOR, OR POSSESS CONTROLLED SUBSTANCES, SUBJECT TO HIS MAINTAINING A LOG OF ALL CONTROLLED SUBSTANCES PURCHASED, PRESCRIBED, DISPENSED OR ADMINISTERED. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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SCOTT R. SWOPE, D.O.

Dr. Swope's request to eliminate his chart review requirement was presented to the Board for consideration at this time.

DR. BUCHAN MOVED TO APPROVE DR. SWOPE'S REQUEST TO ELIMINATE HIS CHART REVIEW REQUIREMENT. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JOHN R. TRUMBO, M.D.

Dr. Trumbo's requests to continue with the Idaho Physicians Recovery Network and for approval of a monitoring physician were presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO APPROVE DR TRUMBO'S REQUEST TO CONTINUE WITH THE IDAHO PHYSICIANS RECOVERY NETWORK (PRN). DR. STIENECKER FURTHER MOVED TO APPROVE STEPHEN T. BUSHI, M.D., TO SERVE AS DR. TRUMBO'S MONITORING PHYSICIAN. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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PHILIP G. WAGMAN, M.D.

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

DR. STIENECKER MOVED TO APPROVE THE PHYSICIANS' HEALTH PROGRAMS (PHP) OF THE FOUNDATION OF THE PENNSYLVANIA MEDICAL SOCIETY AS DR. WAGMAN'S SUPERVISING PHYSICIAN. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REINSTATEMENT REQUESTS

HANY M. ISKANDER, M.D.

Dr. Iskander's request for approval of an ethics course was presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO APPROVE THE PERSONAL AND PROFESSIONAL ETHICS COURSE PREPARED BY STUART J. YOUNGER, M.D., PROFESSOR AND DIRECTOR OF THE CENTER FOR BIOMEDICAL ETHICS, CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE, AS FULFILLING PARAGRAPHS B.2 AND B.3 OF THE BOARD'S ORDER OF DECEMBER 12, 2001. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Dr. Somani - aye

The motion carried.

MARY MEI-LING YUN, M.D.

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

DR. TALMAGE MOVED TO APPROVE M. JOHN LIGHT, M.D., AS ONE OF DR. YUN'S PSYCHIATRIC EVALUATORS, PURSUANT TO PARAGRAPH 7.b.ii OF DR. YUN'S SEPTEMBER 12, 2001 CONSENT AGREEMENT WITH THE BOARD. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

BOYD D. CURTIS, M.D.

Dr. Curtis' request for approval of a medical assessor was presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO APPROVE CRAIG T. PRATT, M.D., TO SERVE AS ONE OF DR. CURTIS' ASSESSORS, PURSUANT TO PARAGRAPH 8.b.iii, OF HIS SEPTEMBER 12, 2001 CONSENT AGREEMENT WITH THE BOARD. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Somani	- aye

The motion carried.

LICENSURE

CARLOS ARTURO ARISTEGUIETA, M.D., M.P.H.

Dr. Aristeguieta's request for endorsement of his Maryland license, which was based on Flex 1 and 2, was presented to the Board for consideration at this time due to the fact that Dr. Aristeguieta has not been engaged in the active practice of medicine since July 1997.

DR. BUCHAN MOVED TO APPROVE DR. ARISTEGUIETA'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND SUBJECT TO HIS PASSING THE SPEX. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ANTONIO N. MORTERA, M.D.

Dr. Mortera's request for restoration of his license to practice medicine and surgery, which lapsed in September 1996, was presented to the Board for consideration at this time. Dr. Mortera has retired from active practice in September 1994.

DR. STIENECKER MOVED TO APPROVE DR. MORTERA'S REQUEST FOR ENDORSEMENT LICENSURE, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JOHN N. VAN DEN ANKER, M.D., Ph.D

Dr. van den Anker's request for licensure based on the U.S.M.L.E. was presented to the Board for consideration at this time. Dr. van den Anker has not completed 24 months of U.S. training through the second year level, and has requested that the Board consider his previous training and experience as being equivalent to the required training.

DR. STIENECKER MOVED TO FIND DR. VAN DEN ANKER'S PREVIOUS TRAINING AND EXPERIENCE TO BE EQUIVALENT TO 24 MONTHS OF U.S. TRAINING THROUGH THE SECOND YEAR LEVEL, AND TO GRANT DR. VAN DEN ANKER A LICENSE. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

NORTHWEST OHIO EMERGENCY SERVICES - P.A. UTILIZATION PLAN

The above-captioned P.A. Utilization Plan was presented to the Board for consideration at this time due to questions posed by Board members on the January 2002 poll vote.

Dr. Somani stated that the Board has frequently discussed the issue of P.A.s working in the emergency room. All of the time there are new cases coming in.

Mr. Dilling stated that the statute allows this. The Board could include a letter reminding physicians and P.A.s at the time license is issued, reminding them that the statute does not allow initiation of treatment until the physician has personally seen the patient.

Dr. Stienecker stated that this has been a question that has come up quite a bit. If patients come into the emergency room and a P.A. sees the patient and finds a new condition, and if the P.A. goes to the doctor and says this is a new patient or a patient with a new condition, and the doctor then sees the patient, is that all right? What's happening is that P.A.s in emergency rooms, even when under contract to hospitals, are refusing to see patients who might be "new patients" for fear that they will violate the statutes.

Mr. Dilling stated that the statute is very specific. Before treatment is initiated the patient must be seen and personally evaluated by the physician. The P.A. can see the patient first and do a history and physical. He stated that Board members continue to raise questions about this issue on poll votes. He asked whether Board members would feel more comfortable if staff did something different.

Dr. Somani stated that he's okay as long as people understand.

Dr. Talmage stated that the letter from the group shows that they are confused. It says that P.A.s cannot see new patients.

Dr. Somani stated that that is incorrect.

Mr. Dilling stated that, if the Board approves this application, staff will send a letter to the group citing the statute and clarifying the matter with the group.

Dr. Stienecker stated that this is the tip of the iceberg because at least two hospitals of which he is aware are having the same problem. He suggested that the Board issue a statement that says that P.A.s may see new patients or patients with new conditions, but treatment is not to be initiated until the patient is personally seen and evaluated by a physician.

Dr. Somani asked whether ordering tests is considered treatment.

Dr. Talmage stated that all ordering of tests, prescriptions, etc., is part of treatment.

Dr. Bhati stated that the P.A. can take the history and do the physical, but ordering an EKG or other test is the physician's job.

Dr. Stienecker asked whether P.A.s can order tests if the emergency room group has a protocol that given certain complaints, a P.A. should order certain things.

Dr. Bhati stated that the management of the protocol depends upon the physician who is initiating it. It is

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his responsibility. The P.A. can order things under protocol.

DR. BHATI MOVED TO APPROVE NORTHWEST OHIO EMERGENCY SERVICE'S P.A. UTILIZATION PLAN, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHELLE BARNES, C.T. APPLICANT

Mr. Dilling noted that an error was made in scoring Ms. Barnes' December 4, 2001 Cosmetic Therapy Exam results.

DR. BHATI MOVED TO CERTIFY MS. BARNES AS HAVING PASSED THE DECEMBER 4, 2001 COSMETIC THERAPY EXAMINATION, AND TO ISSUE A LICENSE ACCORDINGLY. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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Thereupon at 4:30 p.m. the February 13, 2002 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on February 13, 2002, as approved on March 13, 2002.

Pitambar Somani M.D.

Pitambar Somani, M.D., President

Anand G. Garg

Anand G. Garg, M.D., Secretary

(SEAL)



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MINUTES**THE STATE MEDICAL BOARD OF OHIO****February 14, 2002**

Pitambar Somani, M.D., President, called the meeting to order at 8:30 a.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215-6127, Room #1948, with the following members present: R. Gregory Browning, Ph.D., Vice-President; Anand G. Garg, M.D., Secretary; Carol L. Egner, M.D.; Lance A. Talmage, Sr., M.D.; Anant R. Bhati, M.D.; Anquetette Sloan; and Charles D. Stienecker, M.D. David S. Buchan, D.P.M., joined the meeting at a later time. The following members were absent: Raymond J. Albert, Supervising Member; Ronald C. Agresta, M.D.; and Anita M. Steinbergh, D.O.

Also present were: Thomas A. Dilling, Executive Director; William J. Schmidt, Assistant Executive Director; Terrill D. McLaughlin, Assistant Director, Investigations; Lauren Lubow, Communications Administrator; Diann K. Thompson, Assistant Director, Public Services & Enforcement; Karen H. Mortland, Enforcement Coordinator; Rebecca J. Albers and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Coordinator for Assessment and Development; Mark Wayda, Public & Government Affairs Officer; and Cathy Hacker, P.A. Program Administrator.

BOARD POLICY PAPERS ON BREAST, PELVIC, & PAPANICOLAU EXAMINATIONS

Mr. Dilling referred the Board to the two existing policy papers on the above-captioned topic. He noted that these papers, which are currently on the Board's website, were developed in 1983 and 1995, at a time when there was some controversy about who can perform these examinations. Since these papers were instituted there have been statutory changes made to address the concerns. Mr. Dilling recommended that the Board archive these papers since the issues are now addressed in the statutes.

Dr. Buchan arrived during Mr. Dilling's statement.

DR. GARG MOVED TO ARCHIVE THE 1983 AND 1995 POLICY PAPERS ON BREAST, PELVIC & PAPANICOLAU EXAMINATIONS. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg - aye
Dr. Somani - aye

The motion carried.

DELEGATION ISSUES (CORRECTIONAL FACILITIES) CHAPTERS 4731-23-02 AND 4731-23-03

Mr. Browning referred the Board to draft rules on delegation issues in correctional facilities, as discussed by the Legislative Liaison & Rules Review Committee in January. The Committee ask that the Board move to forward these rules to hearing.

DR. BHATI MOVED TO AUTHORIZE STAFF TO FILE THE PROPOSED RULES AND TO PREPARE FOR A HEARING ON THE PROPOSED RULES. DR. GARG SECONDED THE MOTION. A vote was taken:

Vote:

Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Garg	- aye
Dr. Somani	- aye

The motion carried.

FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING

CALL FOR RESOLUTIONS

Mr. Dilling referred the Board to draft copies of resolutions to be presented for consideration by the FSMB House of Delegates in April. Copies of these drafts will be contained in the exhibits section of this Journal.

Concerning the first resolution, that the Federation provide Grant Writing Assistance for its member boards, Mr. Dilling stated that this is line with past Board discussions about getting the Federation to work for the Boards.

DR. GARG MOVED TO SUBMIT THE RESOLUTIONS TO THE FEDERATION. MR. BROWNING SECONDED THE MOTION.

Dr. Talmage and Dr. Somani expressed concern about the grant writing resolution.

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Dr. Talmage asked whether the Federation would have the necessary data to write grant proposals for states.

Dr. Somani asked how such a program would be implemented. Will there be a delegate to write grants? He commented that there are 67 or 68 member boards. How would one or two people write grants for all of them?

Dr. Egner stated that not every board will ask for assistance.

Mr. Dilling stated that some boards do not have the wherewithal to request grants. Some boards are in a more unique position, because of their laws, to do it a certain way.

Dr. Somani asked what the Board wants the Federation to do and whether the resolution asks them to do it. He stated that many on the Board are of the opinion that the Federation should let member boards know what his happening, what are the possibilities, where they can get a grant, and where they can get some expert input on major issues affecting the boards. Does this resolution address that?

Mr. Browning asked whether it is intended to.

Dr. Somani stated that that's the whole idea.

Mr. Dilling stated that this issue has been discussed amongst other directors of other boards. He doesn't think that any other Board will be offering this resolution.

Dr. Egner suggested that, if they saw the resolution, many would support it.

Dr. Talmage suggested changing the language in the "Resolved" paragraph to change the phrase "dedicated staff positions to serve as grant writers" to "dedicated staff positions who have expertise in grants." He feels this would make more sense. The Federation isn't going to write the grants. You don't want someone to write the grants. You want someone who knows the system, can look at the federal listing of grants available and choose those that could be used by the boards and make recommendations to them. Dr. Talmage stated that he doesn't think that the Federation is going to want to say that they will write the grants.

Dr. Somani suggested changing the subject to "Grant Assistance to Member Boards", and changing the resolve paragraph to say:

that the Federation of State Medical Boards allocate funds to establish one or more dedicated staff positions with expertise in grants to assist member boards in identifying appropriate projects, locating funding resources, and drafting grant proposals.

Dr. Garg stated that the current proposed subject is appropriate. He said all this Board wants to do is start a process in which the Federation feels responsible to help boards in their grant efforts. He doesn't think tinkering with the words of the current draft will achieve anything further. He doesn't see any harm.

Dr. Somani stated that the phrase, "to serve as grant writers," would raise a lot of questions. They would be expected to serve as grant writers.

Dr. Garg asked why they shouldn't be.

Dr. Egner agreed with Dr. Garg, asking whether Dr. Somani is suggesting that someone on the Board staff should be a grant writer. Boards can't afford to hire someone like that.

Dr. Garg stated that the Board wants the Federation to provide some cash and help with writing the grants.

Dr. Somani stated there is the possibility that all the boards will want to apply for a grant at the same time. Who will the Federation person write for?

Dr. Egner stated that she doesn't believe that would happen. She doesn't really think that boards will be knocking down the door of the grant writer.

Mr. Dilling stated that the resolution should say "to assist the Federation and member boards in identifying appropriate projects...." Mr. Dilling stated that he would like to see, and the other executive directors would like to see, the Federation get some of these grants. The Federation does have a grant for internet prescribing.

Mr. Browning suggested that a lot of contribution could be made on-line by being a resource or clearinghouse for grants. A lot of this information everyone would want. Boards could decide what they want to do and then the Federation could provide the boards with technical assistance. Basically the resolution is asking for help from the Federation.

Dr. Garg stated that, even if the Federation Bylaws committee accepts the resolution, they'll probably change the language a bit.

Mr. Dilling stated that he'll be glad to tweak the language a little bit and run it by the Board before it's sent out.

Dr. Talmage stated that, if you say you want grant writers, you might scare them away from approving it. If you say you want someone with grant expertise to assist, you're more likely to get it passed.

Mr. Dilling stated that the second resolution involves information exchange between boards. This goes to how boards can work together. If boards are going to be able to have better portability of licensure and better deal with licensee applicants who come into their states, they have to be able to exchange

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information. They have to work together and understand the laws. The resolution asks for a study committee for that. Other executive directors also believe that it's a huge problem.

DR. EGNER SECONDED DR. GARG'S MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Somani	- aye

The motion carried.

ADMINISTRATIVE REPORT

Mr. Dilling referred the Board to his written report, a copy of which shall be maintained in the exhibits section of this journal.

Mr. Dilling also referred to the most recent QIP report. He added that Dr. Stienecker attending the January QIP meeting.

Dr. Stienecker stated that he sat in on the meeting and the members did a very good job and had a good command of the problems and case histories. Dr. Stienecker stated that the QIP program is very worthwhile and serves the purpose for which it was established.

Mr. Dilling stated that he doesn't have a lineup for Board members to attend future meetings. He suggested that members may want to attend meetings where their specialty is represented in some of the cases considered, but he doesn't think that that is a necessity.

Dr. Stienecker stated that he thinks that the members of the QIP Committee would like to meet other Board members. He recommended attending a meeting as a good way to see how the panels work. The panel has much more of a clinical/pathological conference approach than what the Board does from a regulatory standpoint.

Dr. Garg stated that the program is a big help in the disciplinary/investigative process. It also gives the panelists a feeling that the Board appreciates their work.

Dr. Talmage stated that he would encourage Board members to not wait for something in their specialty to

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be reviewed. He stated that Board members sit as physicians and not as specialists.

Mr. Dilling stated that staff will come up with a schedule for the rest of the year.

REPORTS FROM ASSIGNED COMMITTEES

IMPAIRMENT COMMITTEE

Mr. Dilling stated that the Committee discussed the draft impairment rules contained in the agenda materials. OPEP met recently to discuss the draft. Mr. Dilling stated that they have not yet sent their comments to the Board, but will do so in the next few days. Mr. Albert anticipates having something ready for the Board in a couple of months. Thus far, the Board has not received any significant comments from outside the Board's staff.

LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Browning stated that the Committee talked about the rules the Board has already passed and the highlights of current legislation, which were previously distributed to Board members, and copies of which shall be maintained in the exhibits section of this journal.

Mr. Browning asked Mr. Wayda to update the Board on the PT bill.

Mr. Wayda stated that nothing has happened since the last meeting. There have been no meetings of any interested parties since the meeting he reported on in January. He added that indications are that this bill will just go away.

Dr. Somani asked for an update on the midwifery bill.

Mr. Wayda stated H.B. 477 establishes a midwifery board for direct access or lay midwives. He explained the background of the legislation to the Board. The Committee instructed him to draft a position statement on this bill, which he will do for Board consideration in March.

EDUCATION, PUBLIC RELATIONS & RISK MANAGEMENT COMMITTEE

Dr. Egner referred the Board to the most recent edition of *Your Report*, contained in their agenda binders.

Mr. Dilling stated that the Board's website has been changed. He asked members to look at their own profiles and let staff know what they think about the changes.

PRESCRIBING AND PAIN MANAGEMENT COMMITTEE

Dr. Stienecker stated that the Ad Hoc Pain Advisory Committee presented its findings in a report that was

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distributed to the Board, a copy of which shall be maintained in the exhibits section of this journal. The report is fairly concise, and indicates that there is no need for change to the present pain treatment rules. The Committee believes that the rules do address the patient issues that had led to the establishment of pain legislation.

Dr. Stienecker stated that he believes that the Board should send letters of gratitude to the members of this Advisory Committee.

Dr. Stienecker stated that one question that has arisen concerns what the Board has done to spread the word about its rules. A list of presentations by Board members and staff was sent to the Committee. He added that he thinks that the Board is getting the word out.

Dr. Talmage suggested that Ms. Lubow work with the OSMA in getting another article on the OSMA website about the rules.

Dr. Somani agreed with Dr. Talmage that the word is not being heard. He stated that physicians need to know that the Board isn't prosecuting for prescribing for pain.

Dr. Talmage stated that the Board hasn't had such a case since he's been on the Board.

Dr. Stienecker suggested using the basis for the summary report from the Advisory Committee as a skeleton for an article, physicians will be hearing from their peers about what the pain rules would be doing.

Board members agreed that an article would be appropriate.

Dr. Somani stated that he updated the Committee on the Committee on Prescriptive Governance (CPG). The formulary has been approved and all the recommendations he made on behalf of the Board were adopted by CPG.

QUALITY ASSURANCE COMMITTEE

Dr. Stienecker stated that the Committee reviewed the cases closed by the Secretary and Supervising Member and are in agreement with their decisions.

P.A. COMMITTEE

Dr. Buchan stated that the Committee reviewed four supplemental P.A. Utilization Requests.

Anderson Medical Enterprises

Dr. Buchan stated that the Committee reviewed the above-captioned's request for P.A.s to perform the

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following supplemental function:

- application of light-based medical devices for the purpose of hair removal

The Committee also reviewed the training that will be required of the P.A.s. Consistent with previous Board actions, the Committee recommends approval of the requested supplemental duty.

DR. STIENECKER MOVED TO APPROVE ANDERSON MEDICAL ENTERPRISES' REQUEST FOR THE FOLLOWING SUPPLEMENTAL FUNCTION: APPLICATION OF LIGHT-BASED MEDICAL DEVICES FOR THE PURPOSE OF HAIR REMOVAL. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Somani	- aye

The motion carried.

Cardiothoracic & Vascular Surgical Associates

Dr. Buchan stated that the Committee reviewed the above-captioned's request for P.A.s to perform the following supplemental procedure:

- vein and artery harvesting using open or endoscopic techniques

The Committee also reviewed the training that will be required of the P.A.s. Consistent with previous Board actions, the Committee recommends approval of the requested supplemental duty with 100% direct supervision.

DR. GARG MOVED TO APPROVE CARDIOTHORACIC & VASCULAR SURGICAL ASSOCIATES' REQUEST FOR THE FOLLOWING SUPPLEMENTAL FUNCTION WITH 100% DIRECT SUPERVISION: VEIN AND ARTERY HARVESTING USING OPEN OR ENDOSCOPIC TECHNIQUES. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- aye

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Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Garg	- aye
Dr. Somani	- aye

The motion carried.

Dr. Garg commented that receiving information on the decisions the Board made on these same procedures in the past has been very helpful. He believes that it saves a lot of argument.

Med Central Mansfield

Dr. Buchan stated that the Committee reviewed the above-captioned's request for P.A.s to perform the following supplemental functions:

- insertion of chest tubes
- removal of Swan Ganz catheters
- removal of intra-aortic balloon pump
- endotracheal intubation/ACLS training
- change tracheostomy more than 72 hours after placement
- vein & artery harvesting

The Committee also reviewed the training that will be required of the P.A.s. Consistent with previous Board actions, the Committee recommends approval of the requested supplemental duties.

DR. GARG MOVED TO APPROVE MED CENTRAL MANSFIELD'S SUPPLEMENTAL REQUESTS FOR: THE INSERTION OF CHEST TUBES, REMOVAL OF SWAN GANZ CATHETERS, REMOVAL OF INTRA-AORTIC BALLOON PUMP, ENDOTRACHEAL INTUBATION/ACLS TRAINING, CHANGE TRACHEOSTOMY MORE THAN 72 HOURS AFTER PLACEMENT, AND VEIN & ARTERY HARVESTING. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg - aye
Dr. Somani - aye

The motion carried.

CRB of Ohio, Inc.

Dr. Buchan stated that the Committee reviewed the above-captioned's request for P.A.s to perform the following supplemental procedure:

- vein and artery harvesting using open or endoscopic techniques, using 100% direct supervision, observing 25 procedures to determine competency in a hospital setting.

The Committee also reviewed the training that will be required of the P.A.s. Consistent with previous Board actions, the Committee recommends approval of the requested supplemental duty with 100% on-site supervision.

DR. GARG MOVED TO APPROVE CARDIOTHORACIC & VASCULAR SURGICAL ASSOCIATES' REQUEST FOR THE FOLLOWING SUPPLEMENTAL FUNCTION: VEIN AND ARTERY HARVESTING USING OPEN OR ENDOSCOPIC TECHNIQUES, USING 100% DIRECT SUPERVISION, OBSERVING 25 PROCEDURES TO DETERMINE COMPETENCY IN A HOSPITAL SETTING.. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

Vote:

Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Garg	- aye
Dr. Somani	- aye

The motion carried.

LIMITED BRANCH COMMITTEE

Dr. Talmage advised that the Committee discussed a number of items that will need Board approval. He suggested making one motion to cover all of them.

The first item the Committee reviewed was a proposed draft rule 4731-1-14, regarding preliminary education certificates. The Committee recommends that that be forwarded for hearing.

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The Committee reviewed applications for the three schools appearing on the agenda, and recommend approval of them. It also reviewed a course offered by one of the Board-approved schools, and the Committee recommends approval of that course.

Dr. Talmage noted that the term “laser hair removal” is not the appropriate term to use. It should be light-based hair removal. It’s not truly a laser. He added that he doesn’t know whether the Board needs to ask people to modify their title to “light based hair removal.” In any case the course was appropriate and the Committee recommends approval.

DR. GARG MOVED TO: APPROVE PROPOSED DRAFT RULE 4731-1-14 FOR FILING FOR RULES HEARING; GRANT CERTIFICATES OF GOOD STANDING TO THE FOLLOWING SCHOOLS: CRYSTAL MOUNTAIN, INC., HARMONY PATH SCHOOL OF MASSAGE THERAPY, AND STAUTZENBERGER COLLEGE; AND APPROVE ELECTROLYSIS LASER LEARNING INSTITUTE’S NEW HAIR REMOVAL COURSE. DR. STIENECKER SECONDED THE MOTION.

Dr. Buchan stated that the Board may need to clarify Dr. Talmage’s concern. The Board has always referred to the procedure as light-based, and if a school is promoting, marketing and advertising it as something other than that, the Board should make that distinction.

Dr. Stienecker stated that he thinks that there is a public recognition of laser.

Dr. Talmage agreed, stating that there is currently an advertisement in the Toledo newspaper by a plastic surgeon for “laser hair removal.” It is truly not an appropriate term, but it’s common usage now. He doesn’t see that it’s a big deal.

Dr. Bhati stated that there should be a letter of clarification sent to the school.

Dr. Talmage stated that he will work with Ms. Thompson to see that a letter goes out to all the schools that the Board has approved, asking them to use the more accurate terminology.

Dr. Buchan commented that there are lasers out there that are used for hair removal. He thinks that the distinction is important.

A vote was taken on Dr. Garg’s motion:

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

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Ms. Sloan - aye
Dr. Stienecker - aye
Dr. Garg - aye
Dr. Somani - aye

The motion carried.

SCOPE OF PRACTICE COMMITTEE

Dr. Bhati advised that the Committee met to discuss draft rules on surgery in the office setting. There was a lot of interest expressed, particularly by dermatologists. The Committee is awaiting the submission of further information from dermatology groups and associations before a decision is made on the rules.

DR. GARG MOVED TO ADJOURN. DR. BUCHAN SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 10:00 a.m. on February 14, 2002, the February 13-14, 2002 meeting of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on February 13-14, 2002, as approved on March 13, 2002.

Pitambar Somani M.D.

Pitambar Somani, M.D., President

Anand G. Garg

Anand G. Garg, M.D., Secretary

(SEAL)

