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MINUTES**THE STATE MEDICAL BOARD OF OHIO****January 9, 2002**

Pitambar Somani, M.D., President, called the meeting to order at 1:05 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43266-0315, Room #1919, with the following members present: R. Gregory Browning, Ph.D., Vice-President; Anand G. Garg, M.D., Secretary; Raymond J. Albert, Supervising Member; Lance A. Talmage, Sr., M.D.; Anant R. Bhati, M.D.; David S. Buchan, D.P.M.; Anquetette Sloan; Charles D. Stienecker, M.D.; and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Carol L. Egner, M.D., and Ronald C. Agresta, M.D.

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; Rebecca J. Albers, Hanz R. Wasserburger, Mark A. Michael, and Kyle C. Wilcox, Assistant Attorneys General; 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; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants.

EXECUTIVE SESSION

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

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

The motion carried.

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

Dr. Egner and Dr. Agresta arrived during the Executive Session.

The following joined the meeting after the executive session: R. Gregory Porter, Chief Hearing Examiner; Sharon W. Murphy and Daniel J. Roberts, Hearing Examiners.

MINUTES REVIEW

DR. BUCHAN MOVED TO APPROVE THE MINUTES OF DECEMBER 12-13, 2001.
DR. DR. GARG 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. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

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 Rogel R. Belmonte, M.D.; Joel B. Burrell, M.D.; Ralph B. Monnett, Jr., M.D.; and Gerald Rowland, M.D. 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

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Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- 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. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- 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 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.

ROGEL R. BELMONTE, M.D.

Dr. Somani directed the Board's attention to the matter of Rogel R. Belmonte, 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 a request to address the Board has been timely filed on behalf of Dr. Belmonte. Five minutes would be allowed for that address.

Dr. Belmonte asked that the Board allow him more than five minutes for his oral presentation as he did not feel that he was treated fairly in his October 1989 hearing. He was not informed that he was allowed to plea bargain his case and enter into a consent agreement. Dr. Belmonte stated that he indicated before the hearing that he did not contest the charges against him. He was also not informed that he could file written objections to the Report and Recommendation of the Hearing Examiner that would have been considered by the Board before deciding his case, nor was he informed that he could give a five-minute oral presentation to the Board. Dr. Belmonte stated that the majority of his pleadings, complaints and letters to the Board from 1991 until about one or two years ago were repeatedly ignored and not even acknowledged by the Board's staff. It took the intervention of his State Senator from Tuscarawas County before he finally received a written reply from Mr. Dilling in 1994. Dr. Belmonte stated that he believes that even his complaints and pleadings during his almost five years of twice-a-year probationary appearances were never communicated or reported to the Board itself.

Dr. Belmonte asked that, in the interest of justice and fairness, since this is probably the only time, ever, that he could present his case personally and properly to the Board, the Board allow him to tell the truth as it happened. He can only tell the Board why he committed the offenses in question, what he was thinking at a particular time, the reason that he did not believe that he was committing a crime and that he was just trying to "keep ourselves healthy and alive," so that they would be able to survive this trying and very difficult period.

Dr. Belmonte stated that the crux of his argument is that he was unable to plea bargain about the restriction of his D.E.A. certificate. Because he could not have a D.E.A., he was unemployable. Since he wasn't employable, he was forced into the situation where he had to make grievous and serious decisions. He had no choice. It's because of this that he argues his case.

Dr. Belmonte advised that, at the expense of his humility, he stated that he had always practiced medicine at the highest level of competence, ethics and integrity of which he was capable. Like most physicians, he had the same ideals and dreams of serving his fellow men and tried to make a difference in the world, although not necessarily as great as Albert Schweitzer in Africa, but in whatever small way that the good Lord gave him the ability to do. He believed and still believes that this is his purpose in life. Given the chance, he would like to do this for the rest of his life. This is a rare honor and privilege given to a humble and lowly person like himself.

Dr. Belmonte stated that he never sought dubious ways of increasing his income in the twenty years he practiced medicine. When his patients could not pay their bills, he still continued to take care of them. If keeping patients healthy and taking care of their needs, especially for pain and suffering, is the prime objective of doctors, should that not include doing the same for their families and themselves?

Dr. Belmonte stated that he did not suddenly decide on August 6, 1999 to ignore the restrictions imposed by the Board and to thumb his nose at the Board. He was desperate and agonized painfully for several months about what to do when Patient A ran out of her medications and could no longer obtain them since she no longer had her own primary care physician to prescribe them. The gynecologist who was taking care of Patient A prescribed medications that did not stop the profuse, dysfunctional uterine bleeding that

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she was having.

Dr. Belmonte stated that he finally realized at that time that the Board's restriction against his treating and prescribing for Patient A and himself was only practical when they had their own physician to do so. He did not think or believe that the Board meant to prevent them from getting their medications that they had become dependent upon, or the medications necessary to prevent a life-threatening situation. How can a physician serve patients, keep them healthy, if one cannot prescribe medications that a person needs to stay healthy and stay alive and avoid catastrophic complications. As it turned out, they could not get their own primary care physician until more than a year later. By doing what he did, prescribe medications that they were dependent upon, it prevented them from developing serious and catastrophic complications. As knowledgeable as the Assistant Attorney General and Hearing Examiner are, they did not fully appreciate the gravity of the possible complications that could have resulted, such as strokes, blindness, heart attacks, renal failure, suicide and severe anemia with shock, if the patients did not continually receive the necessary medications upon which they were dependent.

Dr. Belmonte stated that Patient A had already sustained bilateral anterior ischemic ophthalmic neuropathy with partial blindness of the left eye. She suffered an episode of ophthalmic migraine in 1992 or 1993. Dr. Belmonte stated that they just could not risk any further complications.

Dr. Belmonte continued that, as far as his felony conviction in September 1996, he already explained in his written objections why he did not believe that he had committed a crime.

Dr. Somani advised Dr. Belmonte that his five minutes are up and that he should conclude his statement. He reminded Dr. Belmonte that the Board members have received materials he has submitted.

Dr. Belmonte asked whether his "supposed" violations warrant the revocation of his license, as proposed by the Hearing Examiner. He stated that he doesn't think so. He added that lawyers can usually find some violation a physician is guilty of. However, if they didn't want to, they could not find one. He did no harm to anybody. They were entitled to the medications. The pharmacists were paid. The State would have paid the same amount had they had their own physician prescribe the medication. Consequently, they remained healthy without any danger of developing serious complications. Dr. Belmonte stated that he would bet his bottom dollar that if they had been faced with the same circumstances and extreme difficulties that he faced, they would have chosen to be alive and free from serious impairment. He believes that it's easier to be sanctimonious when one is looking from the outside rather than from the inside. Furthermore, when physicians make judgment calls regarding the care of their patients, they're always trying to weigh the advantages and disadvantages of their actions since all medications and treatments have them. Dr. Belmonte stated that he believes that when physicians make a judgment, they make it based on the advantages and disadvantages of their actions.

Dr. Somani noted that Dr. Belmonte has taken two extra minutes to speak. He stated that the Board appreciates Dr. Belmonte's comments, and asked whether that was all he had to say to the Board.

Dr. Belmonte stated that it was.

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Dr. Somani noted for the record that Dr. Belmonte was allowed extra time to address the Board.

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

Ms. Albers asked that the Board members admit the objections that were submitted by Dr. Belmonte under seal as they did contain information that identified a patient. She stated that that would be a procedural matter.

Ms. Albers stated that she feels that the Hearing Examiner did an excellent job in outlining the evidence that was presented at the hearing in this matter. Dr. Belmonte was under a Board Order in 1989. He violated the terms of that Board Order, as set forth. He was under permanent prohibition, prohibiting him from writing prescriptions for family members, except in life-threatening emergencies. Ms. Albers stated that she believes that, as Board members go through the record in this matter, they will see that, contrary to what Dr. Belmonte believes, the prescriptions were not written in a life-threatening emergency.

Ms. Albers continued that Dr. Belmonte's conduct was even more egregious because he had printed prescription pads in another physician's name and used those to write prescriptions. He was convicted of six counts of deception to obtain dangerous drugs. He had another felony for theft, about which he did not tell the Board when he renewed his license. He also filed declarations of compliance saying that he was in compliance with the Board Order when he clearly was not.

Ms. Albers stated that, while the Board may tend to feel sorry for Dr. Belmonte, he clearly has no regard for the orders of this Board, and she believes his conduct shows that. Ms. Albers spoke in support of the Report and Recommendation and asked that the Board members revoke Dr. Belmonte's license.

DR. BUCHAN MOVED TO REDACT PATIENT IDENTIFIERS FROM DR. BELMONTE'S OBJECTIONS. 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

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DR. TALMAGE MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ROGEL R. BELMONTE, M.D. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Talmage stated that he finds that Dr. Belmonte has made no redeeming statements. If Dr. Belmonte really believed that it was appropriate for him to prescribe for himself and Patient A, it would have been appropriate to do it in his own name, and not forge prescriptions. The number of birth control pills given to Patient A, 48 packages of birth control pills in four months, is an absolutely monstrous dose. He can't even see that this was good medicine. This is a record of irresponsibility, felonies and it appears to him to be incompatible with the good practice of medicine.

Dr. Somani asked Board members to keep in mind that they are to refer to the patient in question as Patient A, and not by name.

Dr. Egner agreed with Dr. Talmage, adding that Dr. Belmonte is guilty of felonies, misdemeanors, committing fraud both in medicine and the financial incidents. Those alone are enough to justify permanent revocation. The fact that Dr. Belmonte obviously rationalizes every act helped her decide on permanent revocation. She stated that Dr. Belmonte certainly had enough time to understand how the Board works. Dr. Belmonte was already under a Board Order when he did all of these things. There's really nothing less than permanent revocation that the Board could do and trust that he would abide by it. It is unfortunate, and she does feel sorry for Dr. Belmonte. Dr. Egner stated that she thinks that Dr. Belmonte truly does believe that he is a good physician and was trying to do this noble thing, but his way of acting it out was so bad that he will lose his license over it.

Dr. Stienecker stated that in Dr. Belmonte's own objections and statements today he says that he had no choice, he was desperate, they were entitled to these medications. This demonstrates that Dr. Belmonte felt the need justified the means, even though it was knowingly illegal. The Board does not allow physicians to practice vigilante medicine. He was totally, willfully and intentionally non-compliant with the law and regulations. He doesn't think the Board has any option but to permanently revoke on that basis.

Dr. Buchan stated that he thought the Hearing Examiner did a very nice job in sorting through a tremendous amount of information, and he can't really add much to what he's heard today. He feels that any one of the Findings of Fact on its own merits the most significant sanction the Board can levy. He is in favor of the Proposed Order, as written.

Dr. Steinbergh also spoke in support of the Hearing Examiner's Report and Recommendation, as written. She stated that it's quite unfortunate that this physician has had no respect for the previous Board Order. As Dr. Stienecker indicated, Dr. Belmonte was practicing vigilante medicine. There was no evidence that he couldn't obtain appropriate medical care. It certainly is very sad that he's had to resort to being on

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Medicaid and so forth, but thousands of patients get appropriate medical care under the Medicaid system. He's simply made wrong choices. Dr. Steinbergh spoke in support of permanent revocation.

Dr. Bhati stated that he doesn't believe for a minute that this doctor couldn't find another physician to take care of him for these medications. Signing someone else's name on a prescription is beyond comprehension. Another thing that has not been brought up regarding Patient A, a general practitioner treating a pre-eclamptic patient in the second and third trimester is significantly out of line. Everything is pointing in the wrong direction. He doesn't think Dr. Belmonte understands, and he added that the vigilante characterization is very fair in this case.

Dr. Somani stated that he found Dr. Belmonte's printing prescription pads in the name of another physician and using the address of his home for his practice is totally unacceptable. Physicians live by certain guidelines of honesty, and this is the most egregious thing, in his mind. Dr. Belmonte could have used the name of any physician in Ohio. Also, as Dr. Talmage and Dr. Bhati indicated, the prescriptions he wrote were not appropriate for the type of management the Board would like to see for patients.

Dr. Belmonte asked whether he could make one more comment.

Dr. Somani stated that he could not allow that at this time.

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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

JOEL B. BURRELL, M.D.

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

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED

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FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOEL B. BURRELL, M.D. DR. TALMAGE SECONDED THE MOTION.

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

Dr. Steinbergh noted that “Dr. Burrell” is referred to as “Mr. Burrell” throughout the Report and Recommendation. She suggested that this be changed.

Concerning the Hearing Examiner’s Proposed Order, Dr. Steinbergh indicated that, although she believes revocation is appropriate in this case, she could not vote for a permanent revocation. She is also concerned about Dr. Burrell’s claims that he had been treated rudely by the Board staff and had been threatened by a staff member on one occasion, and that he had stopped making quarterly appearances in order to avoid the staff member.

Dr. Stienecker stated that he recalls that Mr. Burrell requested that he no longer be addressed as “Doctor” He was addressed as Mr. Burrell through the Report and Recommendation for that reason. Dr. Stienecker stated that he found Mr. Burrell’s statements that he no longer needs a certificate to practice medicine and surgery and that it just wouldn’t make sense for him to continue to comply with the Board’s orders to be a self-imposed take-out. Dr. Stienecker stated that he fully agrees with the permanent revocation.

Mr. Browning stated that he feels that this case involves serious issues and revocation is – but permanent revocation is not – consistent with the Board’s past practices.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF JOEL B. BURRELL, M.D., BY STRIKING THE WORD, “PERMANENTLY.”

Dr. Buchan stated that he does believe that there are some psychiatric issues that Mr. Burrell has simply not worked through. On his own he has ceased to seek out psychiatric evaluation. Dr. Buchan stated that he thinks this is a bright fellow who finished his residency in 1993. He is a talented physician who may ultimately come back to this field of medicine, and he may have a change of heart. Although it will be costly for him in terms of time and energy, revocation speaks to the issue today, and that’s where the Board should keep this.

DR. STEINBERGH SECONDED THE MOTION.

Dr. Egner spoke in favor of permanent revocation. There is nothing in the material the Board has received that lends itself to giving Mr. Burrell a license at some point in the future. Mr. Burrell attacked an emergency room physician. He was under a Board Order and intentionally stopped complying with it. Mr. Burrell discontinued his psychiatric care. The letter from Mr. Burrell’s psychiatrist is very clear that he does not believe Mr. Burrell is amenable to any kind of psychiatric care that will help him. Dr. Egner stated that Mr. Burrell has taken himself out of the practice of medicine, and the Board should comply with Mr. Burrell’s wishes. She added that she sees no evidence to indicate that the Board would want to return Mr. Burrell’s license. Dr. Egner commented that, from a practical standpoint, she’s not sure what

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Mr. Burrell would have to do for the Board to consider returning his license with his history.

Dr. Talmage agreed with Dr. Egner and Dr. Stienecker, stating that the Board puts on a face of being punitive and judgmental; and yet, behind that mask, in cases such as this and the previous case, there are a lot of tears. Mr. Burrell is abrogating the intelligence, the responsibility and the social desire to help people that goes with getting a medical education. Dr. Talmage stated that he doesn't know whether attacking people and telling the Board you don't care what they want you to do is behavior amenable to psychiatric care. It's totally abrogating everything that anybody ever starts into medicine for. Dr. Talmage stated that he doesn't think a revocation is anywhere near enough. This individual says he is not repentant, does not wish to practice medicine, and the Board ought to give him that wish.

Dr. Steinbergh stated that she understands what Mr. Burrell is saying at this time and, if, in fact, what Mr. Burrell is saying is true, than a revocation would become permanent for Mr. Burrell. If the Board permanently revokes his license, and Mr. Burrell becomes well and wants to try again, he would never be able to in this state, and maybe not in another state.

Dr. Agresta stated that, after reading this whole record, he felt that Mr. Burrell shouldn't have been in medicine from Day 1. He should have been screened out a long time ago. Dr. Agresta agreed with Dr. Egner and Dr. Talmage. Mr. Burrell is telling the Board that he doesn't want to be a physician, he made a mistake, he doesn't care what the Board says. If that's what he's saying, that's fine.

Dr. Buchan stated that he understands the opposing opinions. He added that he reviewed the original case and found that Mr. Burrell had a disagreement and a fight with another physician. That by itself doesn't rise to the level of permanent revocation. He thinks that Mr. Burrell's license should be revoked, but he doesn't think that there should be an indelible mark on that revocation. If Mr. Burrell has a mental illness that can be rehabilitated somewhere down the road, so be it.

Dr. Talmage pointed out that the Board is talking about, "if he goes back to psychiatric care." One of the precepts of psychiatric care is that you have to recognize that you have a problem and that you want to have it cured. Mr. Burrell walked out on his psychiatrist and said that he doesn't need this.

Dr. Steinbergh stated that Mr. Burrell may not be at the right place right now to make that decision for himself. He may simply be ill and not able to recognize it at this point. She added that she's not saying that he ever will come back, but he is a young man who may be ill, and the Board might not be able to help him at this point, but there may come a day when he recognizes what he's done. If that's so, and if he seeks appropriate care, he may very well be able to come back and practice.

Mr. Browning stated that a revocation is a huge mountain to climb. Mr. Burrell will have to do a tremendous amount to be responsive to the Board's concerns in order to come back. The Board knows that. He agrees that the Board doesn't know enough to permanently revoke Mr. Burrell. If there's some small chance that Mr. Burrell can climb back up that mountain, it seems reasonable to allow for it to happen.

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Dr. Agresta stated that the arguments for both sides are persuasive. In his heart he believes that Mr. Burrell should not have gone to medical school and that he probably had a psychiatric problem at that time. It's probably been festering for a long period of time but just came to the forefront when this episode occurred. He does agree now that ordering a permanent revocation would be difficult. Effectively, if the Board revokes the license, it will accomplish what it needs to accomplish. After rethinking the issue, he agrees that a non-permanent revocation would be the best way to go.

Ms. Sloan agreed with Dr. Steinbergh and Dr. Buchan. In reading this case, there were definite mental health issues with which Mr. Burrell hasn't dealt. There may come a time in his life when Mr. Burrell will decide that he wants to deal with those problems and return to practice.

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

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JOEL B. BURRELL, 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

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Dr. Somani - aye

The motion carried.

RALPH B. MONNETT, JR., M.D.

Dr. Somani directed the Board's attention to the matter of Ralph B. Monnett, Jr., M.D.

Dr. Somani advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation, but were not filed in a timely manner. He asked whether the Board wished to admit Dr. Monnett's objections into the record.

DR. STEINBERGH MOVED TO ACCEPT DR. MONNETT'S OBJECTIONS. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

At this time copies of the objections were distributed and read by Board members.

Dr. Somani noted that materials attached to the Objections are being construed as a motion to admit additional evidence to the record. The Assistant Attorney General has filed a memorandum in opposition to accepting this additional information. A copy of that memorandum was distributed with the objections.

DR. STIENECKER MOVED TO ADMIT THE ADDITIONAL MATERIALS TO THE RECORD. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Somani	- aye

The motion carried.

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF RALPH B. MONNETT, JR., M.D. DR. STEINBERGH SECONDED THE MOTION.

Dr. Stienecker stated that Dr. Monnett's objections are putting the cart before the horse. No matter what the situation in Florida is, Dr. Monnett still has been disciplined to the tune of a \$5,000 fine. There is no doubt that what Dr. Monnett did was contrary to Florida law. A reprimand is in order in this case for this type of activity. Dr. Stienecker spoke in support of the Proposed Order, and suggested that Dr. Monnett can follow up on probationary terms afterward.

Dr. Steinbergh agreed with Dr. Stienecker.

Dr. Buchan stated that the probationary terms of the Proposed Order are asking for a clear Florida license. The Board has been presented with a copy of documentation indicating that Dr. Monnett's Florida license is now clear. He suggested striking the probation language from the Proposed Order.

Dr. Egner advised that she feels the probationary terms are unnecessary in this case.

DR. TALMAGE MOVED TO AMEND MS. MURPHY'S PROPOSED ORDER BY STRIKING PARAGRAPHS B, C, D, AND E. DR. BUCHAN SECONDED THE MOTION.

Dr. Steinbergh stated that an action was taken against Dr. Monnett's license by the Florida Board. The Proposed Order is appropriate.

Dr. Stienecker stated that the letter from the Florida Department of Health, which indicates that Dr. Monnett now has a "clear" Florida license, was attached to Dr. Monnett's objections. He stated that he would prefer to see a letter written to this Board by Florida. Until he gets such information directly from the authority, he finds it to be hearsay evidence. He would prefer an official document before doing away with probationary terms.

Dr. Talmage stated that he finds paragraphs D & E to be a form of harassment. Causing someone who has been reprimanded to notify everyone of the reprimand doesn't seem to serve any purpose.

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Dr. Steinbergh disagreed, adding that this is standard language in all orders and agreements.

Mr. Dilling advised that staff could contact the Florida Board to get the information concerning Dr. Monnett's license before the meeting is over.

DR. STIENECKER MOVED TO TABLE THIS MATTER UNTIL STAFF HAS CONTACTED THE FLORIDA BOARD. 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

GERALD ROWLAND, M.D.

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

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GERALD ROWLAND, M.D. MR. BROWNING SECONDED THE MOTION.

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

DR. STIENECKER MOVED TO AMEND PARAGRAPH A OF THE PROPOSED ORDER IN THE MATTER OF GERALD ROWLAND, M.D., TO READ AS FOLLOWS:

REPRIMAND: It is hereby ORDERED that Gerald Rowland, M.D., be REPRIMANDED.

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

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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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF GERALD ROWLAND, 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
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

FINDINGS, ORDERS AND JOURNAL ENTRIES

RICHARD MICHAEL HASSETT, M.D.

On November 21, 2001, the Board notified Dr. Hassett that the State Medical Board of Ohio proposed to approve his application for a certificate to practice medicine and surgery provided that he take and pass the Special Purpose Examination (SPEX) due to the fact that Dr. Hassett has not engaged in the active practice of medicine for more than two (2) years. Said notice was mailed via certified mail, return receipt

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requested, to Dr. Hassett's address of record. A signed certified mail receipt was returned to the Medical Board documenting proper service of the notice; however, no hearing request has been received from Dr. Hassett and more than thirty (30) days have elapsed since the mailing of that notice.

The matter was presented to the Board at this time for final disposition.

DR. STEINBERGH MOVED TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING DR. HASSETT'S LICENSURE APPLICATION, SUBJECT TO HIS PASSING THE SPEX. 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

RATIFICATION OF CONSENT AGREEMENTS

MOHAMMAD A. ADAS, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. ADAS. DR. STEINBERGH 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

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Dr. Somani - aye

The motion carried.

Dr. Steinbergh noted that Dr. Adas is at significant risk of relapse, and added that the Board needs to let Dr. Adas know that he is in danger of losing his license.

Mr. Dilling stated that the Secretary and Supervising Member will make that known to Dr. Adas.

JOHN ROLLA TRUMBO, M.D.

DR. BHATI MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. TRUMBO. DR. STEINBERGH 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

JEFFREY W. WINHOLT, M.D.

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. WINHOLT. 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. Agresta	- aye

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Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Somani	- aye

The motion carried.

REGINALD ODESTER WINDOM, M.D.

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. WINDOM. DR. AGRESTA 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

JAMES EDWARD STURMI, M.D.

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

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

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The motion carried.

ANN V. GOVIER, M.D.

DR. STIENECKER MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. GOVIER. DR. AGRESTA 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

PERSONAL APPEARANCES

GEORGE L. COLVIN, D.O.

Dr. Colvin appeared before the Board pursuant to his request for release from the terms of the Board's Order of May 8, 1996. Upon release, his license will be subject to permanent restrictions imposed by the Board's Order.

Dr. Somani asked Dr. Colvin whether he had anything he wished to say before Board members begin their questions.

Dr. Colvin stated that he would like to have his full Ohio license. He has completed the terms of the Board Order, and he has agreed with all of the obligations that he fulfilled in New York.

In response to Dr. Steinbergh, Dr. Colvin stated that he is currently practicing in New York. At this time he's doing a family practice. He's not doing any radiology in New York.

Dr. Steinbergh asked whether Dr. Colvin understands that when he gets his Ohio license back he will not be permitted to practice radiology in Ohio.

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Dr. Colvin stated that he's asking that the Board remove that restriction. At the present time he has an appeal filed in New York State, which he understands has gone up through the Department of Health, who accepted it and sent it to counsel. He expects that, since it went to counsel from there, that he will have a full license in New York.

Dr. Steinbergh stated that the Ohio Order is clear that the restriction from practicing radiology in Ohio is permanent.

Dr. Colvin again stated that he's asking the Board to change that restriction.

In response to Dr. Garg's questions, Dr. Colvin stated that he last practiced radiology from December 1999 through May 2001. It is only the last few months that he hasn't practiced radiology, and he practiced in Pennsylvania, where he has a full, unrestricted license. Pennsylvania has the same information as Ohio. Pennsylvania understood when they read the findings and allegations that the reason why his restriction placed was for minor recordkeeping with respect to dating of x-ray reports. It was an obvious clinical (sic) error. The other one was that five films were light. There were no allegations, proof or findings that he reached an incorrect diagnosis or that any of the patients were harmed in any way. The Board should see that the action taken against him was way out of proportion to the findings. The fact that New York has accepted his petition should let the Board know that they feel that they may have made a mistake.

Dr. Agresta stated that Dr. Colvin's request is inappropriate for the appearance before the Board today. If Dr. Colvin has issues with the Order, there are avenues to address that. That's not what the Board is here to talk about today.

Dr. Steinbergh agreed, and stated that the Board is unable to consider Dr. Colvin's request. The Board is able to release him from the terms of the Order, but not from the permanent restriction.

Mr. Schmidt stated that at the time the Order was entered five years ago, Dr. Colvin had the right to appeal. Once the appeal process is completed, either the appeal has been decided or no appeal has been filed and the time to file has passed, the Board does not have jurisdiction to change that permanent restriction. The restriction from practicing radiology in Ohio is permanent.

Dr. Colvin asked whether that meant that he had no redress in this matter.

Mr. Schmidt stated that that is correct.

In response to Dr. Buchan's questions, Dr. Colvin stated that his attorney didn't explain to him that this was a permanent restriction. If he'd known that, he would have done something about it. He thought the restriction was only temporary for four years. That's the way it was explained to him.

Dr. Buchan stated that the first paragraph of the Order stated that the license shall be permanently limited and restricted.

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DR. BUCHAN MOVED TO RELEASE DR. COLVIN FROM THE PROBATIONARY TERMS OF THE BOARD'S ORDER OF MAY 8, 1996. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MARGUERITE D. BRUCE, M.D.

Dr. Bruce made her initial appearance before the Board, pursuant to the terms of the Board's Order of September 12, 2001.

In response to Ms. Sloan's questions, Dr. Bruce stated that she is familiar with the terms of the Board's Order. She indicated that the only question she has regards whether laparoscopies, which were included in the Board's description of major surgical cases, meant all laparoscopies or just diagnostic procedures. Right now her monitoring physician has been monitoring her on laparoscopic tubal ligations. Is that appropriate?

Dr. Egner stated that the Board didn't make a distinction between diagnostic and operative laparoscopy at the time it adopted its Order. Tubal ligation comes under operative laparoscopy, and her feeling would be that that is appropriate. Dr. Bruce should consider laparoscopy major cases just like she would for when she does her case list. Dr. Egner asked whether Dr. Bruce's supervisor is with her in the operating room.

Dr. Bruce stated that something she didn't get to clarify the last time was that there was a misconception about the monitoring that the hospital has been doing since April. Her supervisor has been monitoring 100% of her major surgical cases since April 2001. In light of all that, she has clearly done more than the 30 cases required by the Order.

Dr. Egner stated that the Board wants to start from the time of her Order. She understands what Dr. Bruce is saying, but she still needs to comply with the Board Order.

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Dr. Somani asked Dr. Bruce how many cases she's done since the Order was signed.

Dr. Bruce stated that she's probably already at the 20 cases mark.

Dr. Egner asked whether Dr. Bruce has found the supervisor's presence in the operating room to be beneficial to her.

Dr. Bruce stated that she has, adding that it's always good to have a seasoned surgeon there. Sometimes she just learns a new trick of the trade, something to make things go a little bit easier. Also, because of the Board action, questions are going around the city and it helps for a seasoned physician to be there and know that she's doing fine.

In response to Dr. Bhati's questions, Dr. Bruce stated that her supervisor does scrub for the major cases. He doesn't scrub for things such as D & Cs. She added that she operates on her supervisor's surgical day so that he can go from her cases to his.

In response to Dr. Egner's questions, Dr. Bruce stated that she works at a community center that has residents in medicine, family practice. There aren't residents for every specialty. Her supervisor is the head of her department. This hospital is part of the Cleveland Clinic system.

In response to further questions by Dr. Egner, Dr. Bruce stated that, due to her participation in CPEP and everything else that has gone on, she is not prepared to take her boards. She has learned that she still has time to take her boards in June 2003. In light of everything that's happened to her, she couldn't bear to take it this June and not do well.

Dr. Egner stated that she hopes that Dr. Bruce finds the required surgical supervision beneficial. She stated that the Board wants Dr. Bruce to feel good in the operating room and not have complications. She wants Dr. Bruce to learn from this experience and to be open to suggestions the supervisor gives her.

Dr. Bruce stated that she knows, adding that she's really not having a problem. Her only problem is when she's doing outpatient work. She has to hunt him down to do the charting.

DR. BHATI MOVED TO CONTINUE DR. BRUCE UNDER THE TERMS OF THE BOARD'S ORDER OF SEPTEMBER 12, 2001, AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. TALMAGE SECONDED THE MOTION.

Dr. Buchan stated that he appreciates Dr. Bruce's attitude on self-improvement, and he believes wholeheartedly that she'll work through this and do well.

Dr. Bruce stated that she has completed CPEP and they will be issuing a written report in February. She added that she enjoyed the program.

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Dr. Bhati expressed concern that Dr. Bruce will only have one chance to take the exams if she waits until next June.

Dr. Bruce stated that she believes she will be extra prepared by then because CPEP is going to offer something to study. She thinks she'll be on a study schedule then. Her life will be better and not as stressed.

Ms. Sloan asked Dr. Bruce about her experience with CPEP.

Dr. Bruce stated that there were some technical difficulties in terms of one of the computer programs, but CPEP was very friendly and amenable. She actually went into it for self-improvement reasons. If something is wrong with her, she wants to know. Dr. Bruce stated that she enjoyed the experience, she learned some things, and she is looking forward to receiving the final report. She added that she will do whatever the report recommends for her. Dr. Bruce stated that she wants her patients to get the best care, and if that means changing the way she will practice, that's what she will do.

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

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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

JAMES M. KENNEN, D.O.

Dr. Kennen made his initial appearance before the Board, pursuant to the terms of his October 10, 2001 Consent Agreement.

In response to Dr. Bhati's questions, Dr. Kennen stated that he has been dry since May 24, 2001. He does understand the terms of his Consent Agreement, having gone over it thoroughly with Ms. Bickers. He's single and has a sponsor he's known for three and a half years. He has a lot of friends. His family is out of town but he has a lot of contact with them. They are very supportive. Dr. Kennen advised that he has been keeping himself very busy lately, between meetings, taking care of personal business and doing volunteer

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work.

In response to Dr. Buchan's questions, Dr. Kennen stated that he was with the Cleveland Clinic. He practiced with Regional Radiology out of various regional hospitals and clinics. He primarily worked with body imaging. He plans to seek a general radiology position in April, when his minimum suspension period is up.

In response to Mr. Browning's questions, Dr. Kennen stated that he spent two months in inpatient treatment: one month at the Cleveland Clinic and another month in Minnesota. He found the treatments to be very positive. He had a great deal of support, and found it very helpful in building a good foundation to start his sobriety.

DR. BHATI MOVED TO CONTINUE DR. KENNEN UNDER THE TERMS OF HIS OCTOBER 10, 2001 CONSENT AGREEMENT AND THE BOARD'S POLICY OF DECEMBER 9, 1998, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION.

In response to Dr. Steinbergh's questions, Dr. Kennen stated that he lives in Cleveland, on Lake Ave. Currently he is not working. He was on a leave of absence with the Cleveland Clinic until the end of January. He is now looking at opportunities outside of medicine. He's been attending meetings and doing some volunteer work in the community. The volunteer work has nothing to do with medicine.

Dr. Steinbergh encouraged Dr. Kennen to do some kind of work and to keep himself productive and in good mental health.

Dr. Somani asked whether Dr. Kennen has any special support during this process.

Dr. Kennen stated that he has a great deal of support from both family and friends. He also has a lot of people in A.A. with whom he's become friends and who are very supportive. He keeps in contact with them on a daily basis.

Dr. Garg asked whether the Cleveland Clinic will hold Dr. Kennen's position for him after his leave of absence runs this month.

Dr. Kennen stated that, because of the extent of the process, going back to May of 2001, he had to go through an annual reappointment situation. At the end of the year, since he's not licensed, they elected not to reappoint him at this time. He can reapply there in the future if he cares to.

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

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

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

The motion carried.

ROSEMARY W. MCLAUGHLIN, M.D.

Dr. McLaughlin made her initial appearance before the Board, pursuant to the terms of the Board's Order of October 10, 2001.

In response to Dr. Stienecker's questions, Dr. McLaughlin stated that she is working. She had a one-month suspension from the Board. She's working at the same place she previously worked, only on a part-time basis. She substitutes and fills in for other physicians. She does not have any problems or questions about her probationary requirements.

In response to Dr. Steinbergh's questions, Dr. McLaughlin stated that she is familiar with the requirements of the current Board Order. She works for the Columbus Neighborhood Health Centers. They have eight clinics to serve the needy. Some weeks she works 12 hours and some weeks she works 30 hours. It depends upon who is on vacation or at conferences. She goes to A.A. three times a week.

Dr. Steinbergh asked Dr. McLaughlin whether there is anything different this time from last, and whether she is focused on her recovery.

Dr. McLaughlin stated that there's nothing different. She is focused on maintaining her sobriety. She has been clean since September 1994.

Dr. Egner stated that she really doesn't have so much a question about Dr. McLaughlin's sobriety as she thought that Dr. McLaughlin was sick of the Board's system, and that's what made her noncompliant. There's a part of her that can understand that, but it is the system. Dr. Egner asked when Dr. McLaughlin would have been released from the Board had she been compliant with her previous consent agreement of January 1997. She noted that Dr. McLaughlin has had extra time added to her probation because of non-compliance. Dr. Egner stated that the way to get out of here is to follow the rules. She stated that she would be sick of the system, too, but every time you buck the system, you pay a price.

Dr. McLaughlin stated that she doesn't want to get into old stuff, but there was some question about the reliability of OPEP's recordkeeping.

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Dr. Egner stated that she knows that, but the bottom line was that there were urine specimens not done and quarterly reports not filed. There were some that OPEP may have messed up, but there were some that just weren't done. Dr. Egner stated that she just wants Dr. McLaughlin to follow the terms of the Board's Order. She added that the Board understands that Dr. McLaughlin may not like having to comply with those terms, but every time she doesn't, she just stays with the Board longer.

Mr. Albert stated that Dr. McLaughlin is a very good doctor and works in an area that is close to his heart. She works in a free clinic with a lot of underprivileged people. She's taken parts of her recovery seriously, but there are just certain parts she hasn't taken seriously. Mr. Albert informed Dr. McLaughlin that she really needs to knuckle down and go along with the Board's requirements.

MR. ALBERT MOVED TO CONTINUE DR. MCLAUGHLIN UNDER THE TERMS OF THE BOARD'S ORDER OF OCTOBER 10, 2001, 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. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

The motion carried.

PROBATIONARY REPORTS

Dr. Somani referred the Board to the Compliance Staff's reports of conferences with probationers on November 6, 2001. He noted that all probationers are in compliance.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES WITH DAVID T. BROCK, D.O.; PAUL D. COLEMAN, M.D.; ROBERT R. DAIBER, M.D.; JEROME DAVID HOMISH, D.O.; BAK CHUL KIM, M.D.; BRADFORD J. MURPHY, D.O.; ELLIOT L. NEUFELD, D.O.; HARRY P. NGUYEN, M.D.; MARK E. SENIOR, D.O.; MICHAEL A. STOCKTON, D.O.; MARK E. TURNER, D.O.; PAUL WEST, D.O.; AND BRIAN YOUNG, M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:

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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. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

PROBATIONARY REQUESTS

BRIAN D. HEIM, M.D.

Dr. Heim's request for permission to apply for full D.E.A. privileges was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO GRANT DR. HEIM'S REQUEST TO REAPPLY FOR HIS D.E.A. CERTIFICATE TO PRESCRIBE, ADMINISTER, DISPENSE, ORDER, WRITE ORDERS FOR, GIVE VERBAL ORDERS FOR OR POSSESS ALL SCHEDULE DRUGS, SUBJECT TO HIS MAINTAINING FOR SUBMISSION TO THE BOARD A LOG OF ALL CONTROLLED SUBSTANCES PRESCRIBED, ORDERED AND DISPENSED. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

RICHARD M. HOFSTRA, M.D.

Dr. Hofstra's request for modifications to the terms of his November 9, 2000 consent agreement was presented to the Board for consideration at this time.

DR. STIENECKER MOVED TO GRANT DR. HOFSTRA'S REQUESTS FOR A REDUCTION IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS AND A REDUCTION IN HIS DRUG SCREEN REQUIREMENT FROM ONCE PER WEEK TO TWICE PER MONTH. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

WILLIAM H. NOBLE, III, D.O.

Dr. Noble's request for approval of a change in monitoring physicians was presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO APPROVE EDWARD E. YU, M.D., TO SERVE AS DR. NOBLE'S MONITORING PHYSICIAN, WITH TEN (10) CHARTS REVIEWED ON A WEEKLY BASIS. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

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Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Bhati	- aye

The motion carried.

JORDAN B. STERNS, M.D.

Dr. Sterns' requests for modification of the terms of his June 14, 2000 consent agreement were presented to the Board for consideration at this time.

DR. STEINBERGH MOVED TO GRANT DR. STERNS' REQUESTS TO: REDUCE HIS DRUG SCREEN REQUIREMENT FROM TWICE PER WEEK TO ONCE PER WEEK; REDUCE HIS PSYCHIATRIC VISIT REQUIREMENT FROM TWICE PER MONTH TO ONCE PER MONTH; AND TO REDUCE HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Albert advised the Board that requests for changes to probationary conditions never come before the Board if the physician has open complaints or is missing documentation of compliance with his or her probation.

Dr. Stienecker stated that the Board reinstated Dr. Sterns' license, but the file indicates that he hasn't practiced medicine since 1995. He asked what Dr. Sterns is doing.

Mr. Schmidt advised that Dr. Sterns is in law school.

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ANANT R. BHATI, M.D.

At this time Dr. Somani presented Dr. Bhati with a plaque, expressing the Board's appreciation for his year as President of the Board during 2001.

Dr. Bhati expressed his gratitude to the Board.

LICENSURE

JAMES LYNN TOMARKEN, M.D.

Dr. Tomarken's request for endorsement of his LMCC was presented to the Board for consideration at this time. Dr. Tomarken has indicated that he has not been engaged in the active practice of medicine since November 1997. He passed the May 2001 recertification examination for board certification in internal medicine.

DR. STEINBERGH MOVED TO APPROVE DR. TOMARKEN'S REQUEST FOR ENDORSEMENT LICENSURE, 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. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

The motion carried.

DECEMBER 2001 PMLEXIS RESULTS

At this time the Board reviewed the results of the December 1994 PMLexis.

DR. STIENECKER MOVED TO APPROVE THE RESULTS OF THE DECEMBER 2001 PMLEXIS, AND TO CERTIFY AS PASSING AND FIND ELIGIBLE FOR LICENSURE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE EXAMINATION, PENDING RECEIPT

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AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

SAMARITAN EMERGENCY CORP. - 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 on the December 2001 poll vote.

Dr. Somani stated that he had questions about this application. The issue was that sometimes P.A.s are required to see new patients or an established patient with a new condition in the emergency room. P.A.s aren't allowed to do that. Based on his objection, a letter was received from Samaritan Emergency Corp., indicating that all patients will be personally seen by a physician prior to the initiation of any treatment.

DR. BUCHAN MOVED TO APPROVE SAMARITAN EMERGENCY CORP.'S P.A. UTILIZATION PLAN, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND PER THE LETTER OF DECEMBER 28, 2001. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

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

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Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Bhati	- aye

The motion carried.

UNIVERSITY SUBURBAN HEALTH CENTER - 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 on the December 2001 poll vote.

Dr. Somani noted that a lot of Board members had concerns about this application, specifically concerning the number of patients to be seen per day by the P.A.

Dr. Steinbergh referred to University Suburban Health Center's letter of December 27, 2001, indicating that the P.A. will not see more than 25 patients per day.

DR. BUCHAN MOVED TO APPROVE UNIVERSITY SUBURBAN HEALTH CENTER'S P.A. UTILIZATION PLAN, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION. DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DECEMBER 2001 COSMETIC THERAPY EXAMINATION RESULTS

At this time the Board reviewed the results of the December 2001 cosmetic therapy examination.

MR. BROWNING MOVED TO APPROVE THE RESULTS OF THE DECEMBER 2001 COSMETIC THERAPY EXAMINATION, AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE EXAMINATIONS, SUBJECT TO

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RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Egner asked whether someone is tracking these schools to make sure that they maintain a minimum pass rate. She noted that two of these schools have terrible statistics.

Mr. Dilling stated that these are new schools. He added that he doesn't think that they have reached the level where the Board takes action under the new rules.

Dr. Egner stated that this is a bad beginning for a new school.

Mr. Dilling stated that he'll take a look at this. He noted that the CT exam is broken into many parts. Graduates of these schools may be doing well in two of the three parts and having problems in one area.

Dr. Egner stated that she just wants to ensure that someone is looking at these.

Dr. Somani agreed with Dr. Egner's concerns.

Dr. Steinbergh asked which Committee looks at the examination process.

Dr. Somani stated that this would be the province of the Limited Branch & Alternative Medicine Committee.

Mr. Dilling stated that he will report back to the Board in February.

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DAVID LAWRENCE CHAR, M.T. APPLICANT

Mr. Char's application for a massage therapy certificate was presented to the Board for consideration as to whether or not any limitations or restrictions should be placed on his certificate to practice massage therapy. Mr. Char was granted special accommodations under the ADA to take the massage therapy examination in December.

DR. STIENECKER MOVED TO GRANT MR. CHAR AN UNRESTRICTED LICENSE TO PRACTICE MASSAGE THERAPY. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHELLE LYNN COLUMBO AND TERRIE ANN TURKOC, M.T. APPLICANTS

Ms. Columbo's and Ms. Turkoc's applications for massage therapy certificates were presented to the Board for consideration as to whether or not any limitations or restrictions should be placed on their certificates to practice massage therapy. Both Ms. Columbo and Ms. Turkoc were granted special accommodations under the A.D.A.

DR. STEINBERGH MOVED TO GRANT MS. COLUMBO AND MS. TURKOC UNRESTRICTED LICENSE TO PRACTICE MASSAGE THERAPY. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

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Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Bhati	- aye

The motion carried.

DECEMBER 2001 MASSAGE THERAPY EXAMINATION RESULTS

At this time the Board reviewed the results of the December 2001 massage therapy examination.

DR. GARG MOVED TO APPROVE THE RESULTS OF THE DECEMBER 2001 MASSAGE THERAPY EXAMINATION, AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THE EXAMINATION, SUBJECT TO RECEIPT AND APPROPRIATENESS OF NECESSARY DOCUMENTATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Egner again expressed concern about the poor results of students of some of the schools. She stated that the Board needs to make sure that they are maintaining a certain level of passing.

Mr. Dilling stated that he will address the issue of Board examinations in February and inform the Board as to what it can and cannot do based upon poor examination scores. Mr. Dilling advised that the Board staff has worked hard during the past year or two in improving the examination. They have found experts in exam construction. The examination is much better than it was a couple of years ago. At the same time,

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he believes that there is a feeling that it can be even better.

Dr. Talmage stated that, as he recalls, the Board was looking for a pass rate of 70% over three years. The numbers on a one-time test don't necessarily impugn or elevate a school.

EVERETT J. WILSON, D.O.

DR. GARG MOVED TO REMOVE THE MATTER OF EVERETT J. WILSON, D.O., FROM THE TABLE. DR. STIENECKER SECONDED THE MOTION. All members voted aye. The motion carried.

Mr. Dilling stated that at the December meeting the Board noted that Dr. Wilson had not been engaged in practice since 1993. At that time Board members expressed concern about Dr. Wilson's ability to return to the practice of ophthalmology after being out of practice for so long. Mr. Dilling advised that he and Dr. Garg talked with Dr. Wilson over the telephone. Dr. Wilson advised that he is looking at a couple of different options, one of which may be related to ophthalmology. Another option would be to enter into a family practice residency in the Dayton area. He also mentioned applying for a university position in medical education. Dr. Wilson really didn't have a clear feel for where he was headed. It was clear that Dr. Wilson is looking to pursue medicine again, needs a job, and wants to come back to Ohio. When Dr. Wilson goes to these job interviews, he's at a loss due to the status of his Ohio license.

Mr. Dilling advised that Ms. Rieve talked with Dr. Wilson the previous day, and Dr. Wilson indicated that, the more he looks at things, a Dayton residency in family practice is looking good for him. To get in the residency, Dr. Wilson will need a license. Mr. Dilling stated that he discussed this with Dr. Garg. If Dr. Wilson were to go into the family practice residency, the Board might grant him a license restricted to the residency program for a specified period of time, after which, upon a favorable report from the program, the Board might lift the restriction.

Dr. Garg stated that once a physician has held a full license in Ohio, he is ineligible to apply for a training certificate. Dr. Garg stated that Dr. Wilson would like to practice ophthalmology in Ohio, and he has opportunities here. Dr. Wilson has been recertified in ophthalmology by the osteopathic profession.

Dr. Steinbergh stated that the language in the application indicates that they reactivated his certificate.

Dr. Garg asked what that means. He stated that he thinks of recertification and reactivation as the same thing.

Dr. Steinbergh disagreed, stating that he wasn't given a recertification examination.

Dr. Garg stated that he thinks Dr. Wilson is leaning more towards family medicine. If he has to take the SPEX for a license, he might as well go into a family practice residency. He will explore his options and let the Board know what he intends to do in about a week what he intends to do.

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Mr. Dilling stated that Dr. Garg reviewed other options, such as mini-residencies, with Dr. Wilson. It would be a lot simpler if Dr. Wilson were to give the Board some idea of what he would be doing in Ohio, and then the Board could make a determination on one or two options.

Mr. Dilling stated that the question before the Board at this time is whether the Board would grant Dr. Wilson a license restricted to use in the residency program until a certain specified period of time.

Dr. Garg stated that specified time may be just six months or so. The issue before the Board at this time is whether it would be willing to grant Dr. Wilson a license, restricted to his residency program until such time as the program informs the Board that he is ready for an unrestricted license.

Mr. Dilling stated that when the Board has approved individuals in the past, subject to their passing the SPEX, they could have gone into ophthalmology as soon as they passed and got their license.

Dr. Bhati stated that he's not getting the point of this discussion. This is a simple situation. Dr. Wilson hasn't practiced. If the Board wants to require that he pass the SPEX, that's fine. If he wants to get his specialty boards, that's fine, too. What is the argument about?

Dr. Somani stated that the Board has to give him some type of license to take part in the residency program.

Dr. Bhati asked why the Board can't issue a training certificate.

Mr. Dilling stated that the statutes do not allow for issuance of a training certificate to someone who has held a full license in Ohio.

Mr. Albert asked why Dr. Wilson doesn't just go out and take the SPEX.

Dr. Talmage suggested granting a license restricted to his residency program.

Mr. Dilling stated that the Board can do that.

Dr. Somani stated that this was taken off the table to discuss the case. One option is to go with the Board's original proposal to require that he pass the SPEX. The only other option before the Board is to grant a license restricted to his residency program.

DR. BUCHAN MOVED TO APPROVE DR. WILSON'S APPLICATION FOR RESTORATION, SUBJECT TO HIS PASSING THE SPEX. MR. BROWNING SECONDED THE MOTION.

Dr. Buchan stated that Dr. Wilson is obligated to practice by the standards of his particular specialty, as are all physicians. If he passes the SPEX, he can proceed.

Mr. Dilling stated that Dr. Wilson has told the Board that he may want to start a residency program.

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Dr. Garg asked why, if Dr. Wilson is going to do a family practice residency, and the program accepts that, would the Board approve only the SPEX.

DR. BHATI ASKED TO MAKE A FRIENDLY AMENDMENT TO INCLUDE THE OPTION OF A LICENSE RESTRICTED TO THE RESIDENCY PROGRAM. DR. BUCHAN AND MR. BROWNING ACCEPTED THE AMENDMENT.

Dr. Somani stated that that would be fair.

Dr. Steinbergh asked whether the Board would stipulate how long the training must last. There are so many variables to that it doesn't make sense to her.

Dr. Bhati stated that it depends upon the residency. If the residency program is three years, that is what he will need to complete.

Dr. Somani stated that he will have to come back to the Board to lift the restriction and the Board will evaluate the matter at that time.

Dr. Talmage stated that he believes it would be exceptionally difficult for a physician who has practiced only ophthalmology to pass the SPEX, which is a general test. He might have to take a family practice residency to pass the SPEX anyway. A restricted license would serve him much better. It's restricted only to a family practice residency in Ohio and during the term of that residency.

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

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

The motion carried.

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RALPH B. MONNETT, JR., M.D.

DR. STEINBERGH MOVED TO REMOVE THE MATTER OF RALPH B. MONNETT, JR., M.D., FROM THE TABLE. 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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

Mr. Dilling advised that Mr. Woodbeck has verified with the Florida Department of Health that Dr. Monnett's Florida license is clear. He reminded the Board at this time that the motion on the table is to reprimand Dr. Monnett and to delete the probationary and reporting conditions from the Proposed Order.

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

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. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF RALPH B. MONNETT, JR., M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:

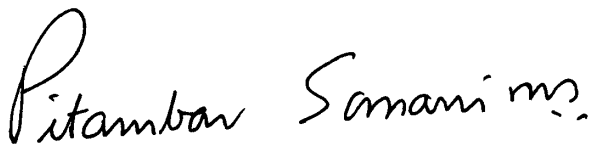
Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye


The motion carried.

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

Thereupon at 3:45 p.m. the January 9, 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 January 9, 2002, as approved on February 13, 2002.


Pitambar Somani, M.D., President


Anand G. Garg, M.D., Secretary

(SEAL)



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MINUTES

THE STATE MEDICAL BOARD OF OHIO

January 10, 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 43266-0315, Room #1919, with the following members present: 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.; Anquetette Sloan; Charles D. Stienecker, M.D.; Ronald C. Agresta, M.D.; and Anita M. Steinbergh, D.O. R. Gregory Browning, Ph.D., Vice-President, joined the meeting at a later time.

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; Rebecca J. Albers, Hanz R. Wasserburger, Mark A. Michael, and Kyle C. Wilcox, Assistant Attorneys General; 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; Sheryl Warner, Public Services Administrator; Jacqueline A. Moore and Annette Jones, Disciplinary Information Assistants, and R. Gregory Porter, Chief Hearing Examiner.

REPORTS OF ASSIGNED COMMITTEES

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

Dr. Talmage stated that the Committee reviewed information concerning the appointment of two individuals to the Massage Therapy Advisory Committee. As a result of the Committee's discussions, it recommends the appointment of Deborah Thorp Jewett and Richard Greely to fill the vacant positions on the MTAC.

DR. BHATI MOVED TO APPROVE THE COMMITTEE'S RECOMMENDATION AND TO APPOINT DEBORAH THORP JEWETT AND RICHARD GREELY TO THE MTAC. DR. GARG SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye

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Dr. Buchan	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Bhati	- aye

The motion carried.

Dr. Talmage stated that the Committee also reviewed applications for certificates of good standing for two schools.

DR. TALMAGE MOVED TO GRANT CERTIFICATES OF GOOD STANDING TO COLUMBUS MEDICAL ELECTROLOGY & SKIN CARE INSTITUTE, LTD, AND KENTUCKY ACADEMY OF MEDICAL MASSAGE. DR. GARG SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Talmage continued that Ohio College of Massotherapy's Pilot Project on internet training has enlisted only four students in its first semester. The Committee decided that that is an insufficient number to judge the efficacy of the program. The Committee had originally established a threshold of 20 to 25 students for this program. The Committee does not feel that this is a sufficient trial that will continue.

Dr. Somani asked whether the school has plans to recruit more people.

Dr. Talmage stated that it does. The school intended to recruit 20 to 25 students for the first class. They simply didn't get them. The project is being observed by Kay Rieve under an assumed name.

Dr. Talmage continued that Committee discussion on preliminary education certificates was tabled,

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awaiting further information.

DISCIPLINARY POLICY & GUIDELINES COMMITTEE

The Committee did not meet.

MINIMAL STANDARDS OF CARE COMMITTEE

The Committee did not meet.

SCOPE OF PRACTICE COMMITTEE

Dr. Bhati stated that the Committee continues to work on the issue of office-based surgery.

P.A. COMMITTEE

Dr. Buchan referred the Board to lists, prepared by Ms. Hacker, of supplemental functions previously approved by the Board and the conditions under which they were approved.

Dr. Bhati commended Ms. Hacker on doing an excellent job. He stated that he found the materials very helpful.

Ohio Cardiothoracic & Vascular Surgeons

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

1. removal of chest tubes
2. removal of temporary pacer wires
3. removal of IABP
4. performance of endotracheal intubation w/ACLS course
5. change of tracheostomy more than 72 hours after placement

Dr. Buchan referred to Dr. Bozorgi's letter of December 10, indicating that #3 would be performed with on-site supervision. The others may be performed with off-site supervision. The Committee reviewed the application and the training that will be required of the P.A.s and, consistent with other Board actions, recommends approval of these duties with on-site supervision.

DR. STEINBERGH MOVED TO APPROVE OHIO CARDIOTHORACIC & VASCULAR SURGEONS' SUPPLEMENTAL REQUEST FOR: REMOVAL OF CHEST TUBES; REMOVAL OF TEMPORARY PACER WIRES; REMOVAL OF IABP, PERFORMANCE OF ENDOTRACHEAL INSTUBATION W/ACLS COURSE; AND CHANGE OF TRACHEOSTOMY

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**MORE THAN 72 HORUS AFTER PLACEMENT, SUBJECT TO ON-SITE SUPERVISION.
DR. BHATI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Mr. Browning joined the meeting at this time.

IMPAIRMENT COMMITTEE

Mr. Albert stated that copies of the Board's rules have been sent out to the professional associations and OPEP for their input. The only response the Board has received so far has been from the Board's enforcement department, who made recommendations to clarify the rules. The Committee will continue to review the rules and hopes to have all the rules ready for hearing by April.

Mr. Dilling stated that the staff wants to give people a fair shot ahead of time to get the rules into shape so that staff can get an idea of what the issues will be at the rules hearing. Then the Board could go forward with the rules hearing. Before the Committee sends rules on to the Board, the Committee must hear back from people on a specific draft. Mr. Dilling stated that he believes that it will be at least a three-month process before the Board can go to hearing.

Mr. Albert stated that the impairment rules are very important, and the Board will take the time necessary for them.

Dr. Somani stated that the Committee has to propose changes, and then the Board can discuss the proposed revised rules and go forward with hearing.

Mr. Albert stated that in February the Committee will provide the Board members with copies of the responses received thus far.

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EDUCATION, PUBLIC RELATION & RISK MANAGEMENT COMMITTEE

Dr. Egner stated that the current issue of the newsletter is on the Board's website; and, hopefully, the hard copy version will be mailed out this month.

ANESTHESIOLOGIST ASSISTANT ADVISORY COMMITTEE

Dr. Egner stated that the Committee will meet later in the morning. She stated that she hopes that after a couple more meetings they will have rules drafted for Board consideration. Dr. Egner stated that she would like to say that they are making progress, but she's not sure that they are. Supervision is a hot topic of discussion, and there are really diverse opinions on what anesthesiologist assistants should be able to do. Dr. Egner stated that she thought that the last meeting was productive in that there was some consensus on some things. She expressed hope that this morning's meeting will be more productive.

PRESCRIBING COMMITTEE

Dr. Somani stated that he reported to the Committee that the final draft of the new formulary was distributed to members of the Prescriptive Governance Committee (PGC). The PGC will meet on January 28 for final approval of the formulary, which must be in place in February.

Dr. Somani advised that the Board staff has not had a chance to review the final recommended formulary, but will circulate it to members of the Prescribing Committee for their input. There is still one more opportunity for Board members to express their concerns when the PGC meets on January 28. Dr. Somani stated that his sense is that this will be an ongoing process. There will be follow-up meetings of the PGC to look at newly approved drugs and to fine-tune concerns people are discussing about limiting the number of drugs available to different specialties, and to address any other concern that may come up.

LEGISLATIVE LIAISON COMMITTEE

Mr. Browning advised that the Board will receive a copy of the list of bills of concern to the Board. At the top of the list is the P.T. bill.

Mr. Browning stated that there is a rule clarification issue relative to pronouncement of death and who can do it. When the Board's rule was written, certain licensees, such as those with training certificates or visiting faculty certificates, weren't in existence. The Committee reviewed a proposed amended rule that coordinates those certifications with the language so that residents and others can pronounce death. Mr. Browning stated that the rule requires a "competent observer" to be a part of the process, and the Committee discussed that matter as well.

Dr. Steinbergh noted that Mr. Wayda has asked that this matter be brought to the Board today for motion to proceed to hearing.

Mr. Browning asked whether Dr. Steinbergh had anything to add.

Dr. Steinbergh stated that in Committee she had some concerns, but she'll only address one at this time – in regard to the “competent observer.” A person who is a “competent observer” is someone who can have a discussion with a physician who is not on-site as to the patient’s vitals, etc., reflecting the fact that the person has, in fact, died so that the physician can pronounce death. Dr. Steinbergh stated that she had a problem with an embalmer or funeral director being approved as a competent observer, only because of an ethical conflict. The language does, in fact, stipulate that they would be educated in regards to vital signs and patient assessment in the same way that an EMT is and would periodically complete course work in vital signs or patient assessment. She has a problem with the ethical conflict. Dr. Steinbergh continued that egregious stories have been heard about embalmers preparing to embalm a person and realizing that the person is, in fact, alive. As horrifying as that is, she does believe that it happens. Dr. Steinbergh stated that she’s sure that many physicians have been in situations where there was a real concern about death and sometimes, quite frankly, it does take a very competent observer to know the difference, for instance, between Cheyne-Stokes breathing and someone who has died. People have been pronounced dead during an apneic period of Cheyne-Stokes breathing.

Dr. Stienecker stated that he must point out that in those egregious cases that have come to the media where this has happened, the person who made the determination that the patient was, in fact, not dead, was the funeral director or the embalmer. They were the ones who had the ability to make that decision. The other thing is that there are cases where people who had Cheyne-Stokes breathing have been pronounced dead by physicians. This is not always an absolute, clear-cut kind of thing. To single out the embalmers, who serve a very good purpose in many areas of this state, to do this kind of process could cause problems.

Mr. Albert stated that the case that brought this rule about is a case where a woman in Dayton was taken from a retirement home to the funeral home, and the funeral director noticed that she was still alive.

Dr. Steinbergh stated that she doesn’t have an enormous opposition to this.

Mr. Wayda stated that the embalmers and funeral directors language is not something new that the staff is trying to put into the rule. That has been in place since 1991 when the rule went into effect.

Dr. Buchan stated that he did find it interesting that there was a list of healthcare providers, from nurses to chiropractors, and embalmers were part of that list. However, if it’s language the Board has lived with for a decade, it doesn’t seem unreasonable to leave it as it is.

Dr. Somani asked whether there would be a situation where someone is brought directly to the funeral home rather than going through the usual way of defining who is alive and who is dead.

Dr. Stienecker stated that it happens a lot. Frequently if someone dies in a nursing home, they call the funeral home, and call the doctor and tell him or her the patient is dead. If the patient has been in the

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process of dying, the doctor will sign the death certificate and tell them to take care of it.

Dr. Somani suggested that that is why they were included in the rule in the first place.

DR. STEINBERGH MOVED TO INSTRUCT STAFF TO PROCEED WITH THE HEARING PROCESS CONCERNING PROPOSED REVISED RULE 4731-14-01. DR. GARG SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Talmage stated that this doesn't address the issue that the neurosurgeons in Toledo are particularly concerned about, and that is, what is the definition of death in someone who is on life support.

Dr. Steinbergh stated that that is a completely different issue.

Dr. Somani stated that there was a lot of concern a couple of years ago about keeping people alive with drugs or a support system. That's a totally different issue.

Mr. Dilling agreed, stating that it was a statutory issue.

Mr. Browning stated that the Committee discussed another issue related to delegation, i.e., 4731-23-03, O.A.C. County Correctional Staff delegated the task of administering or dispensing drugs to inmates after normal business hours and on weekends. There is a concern that that is both inconsistent with the rule and the law. The Committee discussed this and believes that it is not inconsistent with the law, but the rule needs to be advised to make it clear that this is an exemption. The rule states that, based on current interpretation of the statute, these practices are illegal. Out of the discussion came a read that they may, in fact, be within the current legal limits. The rule needs to be amended.

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CONSENT AGREEMENT COMMITTEE

Mr. Dilling stated that the Board made changes a couple of months ago setting forth a process in which physicians who are in consent agreements or under Board order could have an expedited approval of monitoring physicians through approval by the Secretary and Supervising Member and through the Board via expedited poll vote. Also, language in the standard consent agreement and standard Board order allowed the probationer 60 days to nominate a new monitoring physician should his or her previously approved monitoring physician leave for whatever reason. Mr. Dilling stated that the Secretary and Supervising Member and staff would like to shorten that process to 30 days, and they would also like to remove language in the agreements concerning prior approval by the Board via expedited poll vote, and have that done by the Secretary and Supervising Member. The Board has given the Secretary and Supervising Member some guidance as to what its members want in the way of treatment providers. This is being done in order to speed up the process.

DR. STIENECKER MOVED TO APPROVE THE PROPOSED CHANGES TO THE CONSENT AGREEMENT AND BOARD ORDERS. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

QUALITY ASSURANCE COMMITTEE

Dr. Stienecker referred the Board members to the copy of the QIP report, contained in their agenda materials.

Concerning the closed complaint review, Dr. Stienecker stated that the Committee agreed with the Secretary's and Supervising Member's decision to close the cases closed.

DR. BHATI MOVED TO APPROVE DR. STIENECKER'S REPORT. DR. STEINBERGH

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SECONDED. All members voted aye. The motion carried.

EXECUTIVE COMMITTEE

Dr. Somani stated that he was pleased to announce that on January 22, Dr. Garg will be presented the Distinguished Physician Award by the Mahoning County Medical Society in recognition of his accomplishments and service to medicine and the community. The Board acknowledged Dr. Garg with applause.

Dr. Somani asked Mr. Dilling to make the Committee report.

Mr. Dilling stated that there was a brief discussion about the Federation meeting and the cost involved in sending Board members and staff. An in-depth fiscal analysis is being performed to determine what the Board can afford. Staff is also looking at airfares and trying to see what can be done to keep costs down.

Mr. Dilling continued that the Board has discussed in the past the legal difficulties in complying with the NPDB and HIPDB reporting. Staff believes that it has overcome those difficulties and is catching up on its reporting in compliance with the reporting law as well as the privacy laws.

Dr. Somani stated that, concerning the Federation meeting, the Board needs to know as soon as possible which Board members will be attending in order to get the best airfare. That will be key in controlling costs.

PROPOSED CHANGES TO THE APPENDICES OF THE DISCIPLINARY GUIDELINES

Mr. Dilling referred the Board to Mr. Porter's December 20, 2001 memorandum, a copy of which shall be maintained in the exhibits section of this journal, outlining the proposed changes.

DR. GARG MOVED TO APPROVE THE PROPOSED CHANGES TO THE APPENDICES OF THE DISCIPLINARY GUIDELINES. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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

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Dr. Steinbergh - aye
Dr. Bhati - aye

The motion carried.

FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING

CALL FOR NOMINATIONS FOR AWARDS

DR. GARG MOVED TO RENOMINATE ROBERT S. HEIDT, SR., M.D., TO RECEIVE THE JOHN H. CLARK, M.D., LEADERSHIP AWARD. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

Vote:

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

The motion carried.

CALL FOR RESOLUTIONS

Mr. Dilling stated that resolutions for consideration at this Federation meeting must be submitted by February 26. If Board members wish to submit a resolution, they will have to present it to the Board for discussion at the February 2002 meeting.

Dr. Somani advised that Ms. Wehrle will contact members of the Midwest Regional Boards to ascertain their ideas for resolutions.

REPORT BY RONALD C. AGRESTA, M.D., F.S.M.B. PRESIDENT ELECT

Dr. Agresta stated that he is looking for input from the Board to address issues that the Board members think are dear to medical licensure.

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Concerning his vision for the future as president of the Federation, Dr. Agresta stated that the biggest thing that has happened over the years was lack of information and good working relationships with member boards. Dr. Agresta added that this also may be the time to look at the possibility of more regional boards organization. He may appoint a special committee to address the issue. The way the organization represents states is basically chaotic. There is no regional representation, so certain sections of the country are never represented.

Dr. Steinbergh stated that when she attended a Special Committee on Leadership Structure in Euless, TX, the Committee did have a discussion about regionalization, and she attempted to point out to the Committee, and specifically to the president of the Federation, that this regionalization effort was never meant to conflict with the Federation, but to enhance the Federation. She commented that such group meetings allows the smaller boards, that do not have funding or backing by their governors, to have an understanding of what other boards are doing. She commented that some Committee members hadn't been exposed to the concept of regionalization. Dr. Steinbergh agreed that now is the time, with Dr. Agresta as President of the Federation, to discuss this concept nationally to see if there is a consensus that this might be effective for other reasons. Dr. Steinbergh noted that one of the biggest issues is financing. If the Federation were to support the concept, the Federation might also be able to add financial support. She stated that the Ohio Board has been sponsoring this financially, and no other board ever offers to add any of its funds. Dr. Steinbergh stated that, besides Pennsylvania, the other boards in the region haven't been sending physicians to the meeting, but have been sending administrative staff.

Dr. Bhati stated that the proportionate representation is in dispute at this time. For example, North Dakota has 5,000 to 10,000 doctors, and they have the same delegate size as Ohio. Dr. Bhati stated that that is not fair. Delegates should be assigned according to the number of licensees.

Dr. Steinbergh stated that that is where regionalization would help. She commented that another problem is that states with separate boards for their M.D.s and D.O.s have twice the number of delegates as Ohio, although they may have less than half the number of licensees.

Dr. Somani stated that those are very important issues that could be addressed by Dr. Agresta's proposed special committee.

Mr. Albert stated that if the states meet regionally, and each region has representation on the Federation's Board of Directors, that would be more equitable.

Dr. Somani stated that both he and Mr. Browning have had this type of relationship with the national organizations of OBM Directors and Health Directors, and he found the same difficulty with state health directors. It was all lopsided and controlled by a few key people who were there for a long time. Through discussion with the key members within the Health Directors, they were able to bring about change. He added that regionalization is an important concept. With Dr. Agresta as president, this may be the time to make a change.

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Dr. Steinbergh stated that the Special Committee on Leadership Structure will be submitting a report to the Federation's Board of Directors that will include a number of suggestions, including a suggestion to limit the number of years a person can serve in leadership in the Federation. Dr. Steinbergh believes that in the next few years boards will see significant changes in the leadership structure of the Federation.

Dr. Somani stated that the timing is right.

Dr. Stienecker stated that the concern seems to be with the power process. He asked how the benefits process from this organization are disproportionate. Everybody wants to lead and make decisions, but how will that affect what benefits boards get from the organization? What does California get that New Hampshire doesn't?

Dr. Bhati stated that the benefit is that decisions made aren't lopsided by two people coming from Maine or North Dakota who only have 500 licensees. Those with more licensees would have a bigger voice in decision making.

Dr. Stienecker stated that he understands the power process and the concern about who's running the show and who has input; but when you look at the overall picture of the Federation, what has been its benefit and how has it been disproportionate to those who have the power? Dr. Stienecker expressed concern that the Board is becoming so clouded with the power issue that it has not really looked at the benefits and whether they have been disproportionate and what the Board is getting out of it. When you go to an organization to try to change it, you want to do some good. He's heard no resolutions as to what it's doing to help the boards.

Mr. Browning agreed with Dr. Stienecker's concerns, particularly on the policy front. He thinks the service from the Federation is weak, it doesn't appear to be a priority, and it should be. The Board pays annual dues to the Federation, and what does the Board get back?

Mr. Dilling stated that the Board does get back in that the Federation pays the expenses for officers to travel to meetings.

Mr. Dilling stated that he has a more substantive issue to discuss in terms of special committees of the Federation. Mr. Dilling stated that a special committee needs to be assigned to work on sharing of information between boards. State licensing boards are setting up artificial barriers. States such as Michigan are setting up laws that say that if a physician is being investigated in another state, that state won't license you, or if you have a disciplinary action in another state, that state is not going to license you. The state isn't looking behind the action, but shutting those people down. Mr. Dilling suggested that this might be an issue for the Portability Committee to study. He added that he thinks it's a bigger issue than that, and comes at the crux of federal licensure, which they're worried about. If you want to have state rights and differing laws and so forth for allowing someone in, you have to take a critical look at what you're being given. Mr. Dilling stated that he doesn't think states know what each state is asking for. There's no consistency on the laws of what they are allowed to provide, and when they do provide

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information, how much do they give? Ohio has a law that allows the Board to share information with other states, as long as the other states keep it as confidential as Ohio does. Staff is finding out that the other states aren't keeping it as confidential. Staff is also finding that Ohio is the only state that answers these things. Mr. Dilling stated that the sharing of information is a Federation issue.

Dr. Garg stated that that is the crux of the issue. What do boards get from the Federation? What are the Federation's goals? He doesn't believe the Federation is achieving a goal where all states are fully benefiting.

Dr. Steinbergh stated that, regionally, one thing that has been learned is that boards are limited statutorily. It is fascinating how different states cannot do what Ohio or other states do. That has to do with their legislature, laws and resources.

Mr. Dilling asked whether this is something that would warrant a resolution for a special committee.

Dr. Agresta stated that it would be.

Dr. Somani asked Mr. Dilling to prepare a one-page resolution for consideration at the February Board meeting.

Dr. Agresta stated that it's amazing to him how some states' legislatures have absolutely no interest in providing enough funding for their medical boards.

Dr. Steinbergh stated that some boards have absolutely no input into policy determination. They meet periodically for very special things.

ADMINISTRATIVE REPORT

Mr. Dilling referred the Board to his January 2002 administrative report, a copy of which shall be maintained in the exhibits section of this journal.

EXECUTIVE DIRECTOR POSITION; POSITIONS EXEMPT FROM CLASSIFIED CIVIL SERVICE

DR. GARG MOVED THAT THE BOARD CONTINUE THOMAS A. DILLING IN THE UNCLASSIFIED POSITION OF EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL BE AUTHORIZED TO SIGN, ON BEHALF OF THE BOARD, ANY PERSONNEL AND FISCAL DOCUMENTS THAT WOULD OTHERWISE HAVE TO BE SIGNED BY THE BOARD AS THE APPOINTING AUTHORITY, FOLLOWING RESOLUTION OF THE BOARD TO TAKE SUCH ACTION. DR. GARG FURTHER MOVED THAT PURSUANT TO SECTION 124.11(A)(8), REVISED CODE, THE BOARD DESIGNATE THE FOLLOWING POSITIONS AS UNCLASSIFIED: ADMINISTRATIVE ASSISTANT 3, POSITION CONTROL NUMBER 83016.1, AND SECRETARY, POSITION CONTROL NUMBER 83022.4. DR. STEINBERGH SECONDED

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THE MOTION. A vote was taken:

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

The motion carried.

LICENSURE

MARKALAIN DERY, D.O.

Dr. Dery's request for endorsement of his National Boards was presented to the Board for consideration at this time at Dr. Garg's request to expedite the application.

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

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

The motion carried.

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

Thereupon at 9:20 a.m. on January 10, 2002, the January 9-10, 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 January 9-10, 2002, as approved on February 13, 2002.

Pitambar Somani M.D.

Pitambar Somani, M.D., President

Anand G. Garg

Anand G. Garg, M.D., Secretary

(SEAL)

