



**State Medical Board of Ohio Meeting Minutes
May 13, 2020**

Michael Schottenstein, M.D., President, called the video conference meeting to order at 9:15 a.m. with the following members present: Richard Edgin, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Michael L. Gonidakis, Esq.; Amol Soin, M.D.; Robert Giacalone, R.Ph., J.D.; Mark A. Bechtel, M.D.; Betty Montgomery; Sherry Johnson, D.O.; Jonathan Feibel, M.D.; and Harish Kakarala, M.D.

RICHARD EDGIN, M.D.

Dr. Schottenstein began the meeting by saying a few words about Dr. Edgin, who is currently serving as the Board’s Vice President. Dr. Edgin’s term on the Board expired on March 18, 2020, but his term can continue for 60 days beyond that in the absence of an appointment or reappointment from the Governor. Dr. Edgin graciously agreed to serve those extra 60 days.

Since Dr. Edgin’s appointment to the Board in 2015, he has served with distinction as a member of the Board, as well as stints on the Licensure Committee, the PA/Scope of Practice Committee, the Committee on Prescriptive Governance, the Physician Assistant Policy Committee, and a number of ad hoc committees.

On behalf of all the Board members and staff, Dr. Schottenstein thanked Dr. Edgin, for his years of service and engagement with the Board. A plaque was presented to Dr. Edgin in recognition of his contributions to the Board’s mission. Dr. Schottenstein and the rest of the Board looked forward to seeing Dr. Edgin in person again to give him a more formal “thank you.” Dr. Schottenstein stated that it has been an honor and privilege to serve alongside Dr. Edgin and he wished Dr. Edgin all the best.

Dr. Edgin thanked the Board and stated it has been a privilege to work with all the members and staff.

MINUTES REVIEW

Motion to approve the minutes of the April 8, 2020 Board meeting, as drafted:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

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The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Schottenstein asked the Board to consider the Reports and Recommendations appearing on the agenda. He asked if each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of: Trisha Annette Doran, M.D.; Marissa Maia Mertz, M.D.; and Vernon Proctor, M.D.. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein further asked if each member of the Board understands that the Board's 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 or Permanent Denial. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein further asked if each member of the Board understands that in each matter eligible for a fine, the Board's fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y

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Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein stated that in accordance with the provision in section 4731.22(F)(2), Ohio 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 any disciplinary matters. In the disciplinary matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising member in the matter of Dr. Doran.

During these proceedings, no oral motions were allowed by either party. No respondent on today's agenda have requested to address the Board during this video conference meeting. The respondents and their attorneys are still viewing the meeting remotely and have a number to call in the event of an emergency or procedural concern.

Trisha Annette Doran, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Trisha Annette Doran, M.D. Objections have been filed and were previously distributed to Board members. Mr. Porter was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Doran. Five minutes will be allowed for that address.

Dr. Doran was represented by her attorney, Eric Plinke.

Mr. Plinke stated that this case involves the termination of Dr. Doran's privileges with a Veteran's Affairs (VA) hospital. Mr. Plinke stated that these cases are rare and somewhat unusual because they always present some difficulties with obtaining medical records. Mr. Plinke asked the Board to remember that this is a bootstrap case based on the VA's actions, not a medical records case or a minimal standards of care case.

Mr. Plinke opined that this case is similar to that of Venkanna Kanna, M.D., in that it involves an employment relationship that became fractured, as well as various allegations about clinical practice. Unlike Dr. Kanna's case, the matter of Dr. Doran only involves one patient. Given similarities between these matters, Mr. Plinke felt that a similar outcome is warranted, as the Hearing Examiner has recommended.

Mr. Plinke continued that this case has the hallmarks of an employment relationship that has gone bad. Mr. Plinke noted the many years of performance evaluations and clinical data that support what the evaluations stated, that Dr. Doran is an outstanding physician and she performed at very high level. However, there was friction in Dr. Doran's relationship with her supervisor, who made the initial charges against her.

Following Dr. Doran's termination event, she took position with one of the experts she had worked with, which Mr. Plinke felt was indicative of Dr. Doran's abilities. Dr. Doran has displayed a high level of clinical performance and has had good outcomes in her new employment. Mr. Plinke agreed with the Hearing Examiner that the criticisms of Dr. Doran in this case are an aberration and are not reflective of her career as a whole.

Dr. Doran stated that she also agrees with the Hearing Examiner that the VA's actions in revoking her privileges was an aberration and does not represent her medical abilities. Dr. Doran stated that the evidence proves that in more than six years at the local VA hospital she provided excellent, very safe patient care. Dr. Doran stated that in 2014 her supervisor began treating her differently and she actively opposed his unfair treatment at that time. This caused significant friction and, in Dr. Doran's belief, resulted in her supervisor looking for an opportunity to force Dr. Doran out of the VA.

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Dr. Doran continued that in 2015 one of her patients experienced a sedation reaction. Specifically, the patient became stiff after receiving sedation. Dr. Doran stated that that reaction only happens with rigid chest syndrome, an idiopathic reaction that could be and normally would be completely reversed within seconds. However, in this instance the VA had recently changed the location of the reversal agent. This created a significant delay in the rescue efforts by Dr. Doran and the nursing team. Dr. Doran called a Code Blue and tended to the patient while the nurses were obtaining the reversal medications from the locked pyxis. Upon arrival, the code blue team took over the patient's care and instructed the room not to administer the Narcan that Dr. Doran had ordered. Instead, the patient was intubated, and it was this intubation that required the patient to be transferred to an outside non-VA hospital.

Dr. Doran stated that her supervisor took advantage of the patient's outside hospitalization and initiated a suspension against her, despite the fact that the supervisor agreed that before this time there had been no issues with Dr. Doran's clinical skills or patient safety record. The supervisor made multiple additional allegations against Dr. Doran that were not sustained. Dr. Doran also noted that many outside hospitals, including another VA hospital's gastroenterology supervisor, all supported her care decisions. Dr. Doran stated that at that point the employment relationship between herself and her supervisor was not retrievable and the VA agreed to remove Dr. Doran. In that process, the VA also revoked Dr. Doran's privileges.

Regarding the patient, Dr. Doran visited him in the hospital a day or two later. At that time, the patient was alert, eating, smiling, and was indicating a desire to go home soon. At that point, the patient had no sustained damage or injuries. However, a few days later the patient experienced other issues at the hospital that were not related to his care at the VA hospital, and these issues necessitated a longer stay.

In summary, Dr. Doran stated that due to this patient's noticeable rigidity after receiving sedation, Dr. Doan believed he experienced rigid chest syndrome, an unexpected and idiopathic reaction. Dr. Doran had used a standard weight-based sedation dose, the exact same dose the patient had received on multiple prior occasions without incident. Dr. Doran disagreed that this one sedation reaction should have resulted in the revocation of her privileges. However, Dr. Doran stated that regardless of the impropriety of the VA's actions against her, a patient was harmed and she will forever be deeply regretful for his harm.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated the he wished to respond.

Mr. Wilcox stated that the facts in this matter are clear of the documentation in the hearing record. Dr. Doran's VA privileges were formerly suspended and later revoked in a formal action wherein she was notified of the allegations against her and given due process. The VA has determined that Dr. Doran erred in the treatment of one patient in January 2015 and that approximately six weeks later she inappropriately documented in the patient's record that she made a verbal order for Narcan. Although Dr. Doran has continued to dispute those determinations, they were subsequently upheld following an appeal process that included multiple layers of review.

Mr. Wilcox stated that pursuant to 4731.22(B)(24), Ohio Revised Code, the Board is authorized to pursue discipline when a physician's clinical privileges are revoked or terminated by the U.S. Department of Veterans Affairs. Mr. Wilcox disagreed with Mr. Plinke's statement that these cases are rare, noting that there have been several such cases during his career working with the Board. Mr. Wilcox noted that Dr. Doran has continually refused to accept responsibility for this matter and has continued to attempt to relitigate the issues that the VA has determined and upheld on appeal. Mr. Wilcox opined that Dr. Doran's failure to accept responsibility is an aggravating factor in this case, as well as the vulnerability of the patients and her refusal to acknowledge the wrongful nature of the conduct.

Mr. Wilcox agreed with the Hearing Examiner that the Board has no information that Dr. Doran has had any similar incident. Mr. Wilcox stated that the Board will have to determine if the aggravating factors in this matter warrant anything other than the reprimand that the Hearing Examiner has proposed.

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Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Doran:

Motion	Dr. Kakarala
2 nd	Dr. Johnson

Dr. Schottenstein stated that he will now entertain discussion in the above matter.

Dr. Schottenstein stated that this case is a bootstrap based on action take against Dr. Doran by the Veteran's Administration (VA). Dr. Schottenstein stated that this is not an occasion to relitigate the actions of the VA or weigh in regarding Dr. Doran's opinion that the VA had been unfair to her. Dr. Schottenstein added that this is also not a minimal standards case in which the Board assesses whether the doctor's practice of medicine fell within the minimal standards of care.

Dr. Schottenstein continued that this is a case of mitigation. The State has shown, and Dr. Doran has acknowledged, that her privileges were revoked by the VA ambulatory center. That action triggered potential disciplinary action on Dr. Doran's medical license pursuant to 4731.22(B)(24), Ohio Revised Code. The Board has the right to discipline Dr. Doran based solely on that violation, and therefore Dr. Schottenstein is confining himself to consideration of the possible aggravating or mitigating circumstances so as to avoid any procedural due process issues.

Dr. Schottenstein appreciated the distinction that defense counsel made between the employment action and the (B)(24) violation. Dr. Schottenstein noted the defense counsel's concern that the Medical Board, in its good-faith effort to obtain information that was not relevant to the peer review process, may have been erroneously provided such information by the VA. Dr. Schottenstein stated that either the VA made a mistake by releasing some of its peer review information to the Board, or the Hearing Examiner made a mistake by interpreting the information as peer review. Dr. Schottenstein felt that the Hearing Examiner did not make a mistake.

Dr. Schottenstein appreciated the Hearing Examiner's ruling that since it has been given this information, the Board is entitled to consider it because, having been released, the information is by definition no longer protected under the peer review process. However, Dr. Schottenstein commented that because he wants to be fair to Dr. Doran, it did not quite sit right with him to consider information that should not have been released to the Board. Dr. Schottenstein felt that he can base his opinion in this matter on two main sources of information that are relatively non-controversial: Dr. Doran's license renewal application, in which she answered "yes" to questions regarding loss of privileges; and the transcript of Dr. Doran's testimony at her hearing, in which she admitted that her privileges had been revoked by the VA. Dr. Schottenstein stated that the exhibits to which the defense counsel has objections do not substantially inform his opinion of this matter, but only corroborate that opinion.

Dr. Schottenstein had the sense that this matter is not representative of Dr. Doran's career as a whole, noting that she had excellent performance reviews during her time at the VA from 2008 to 2013. Dr. Doran also has good reviews from her current employer and her colleague refer their complex patients to her because of her good safety record. Dr. Schottenstein identified this as a substantially mitigating factor and listed several other mitigating factors:

- Absence of a prior disciplinary record.
- Absence of a selfish or dishonest motive.
- This appears to be an isolated incident that is unlikely to recur.
- Dr. Doran has made full and free disclosure to the Board.
- Dr. Doran did not try to use the confidentiality inherent in the VA peer review process as a shield regarding her behavior when she was answering questions on her renewal application.

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Based on the foregoing, Dr. Schottenstein opined that the Proposed Order of a reprimand is appropriate.

Mr. Giacalone agreed with Dr. Schottenstein. Mr. Giacalone observed that Dr. Doran has an immaculate track record until this point. Mr. Giacalone stated that he will not relitigate the VA matter, but he felt that Dr. Doran's explanation made sense, especially regarding the difficulty of obtaining Narcan from the Pyxis. Mr. Giacalone opined that Dr. Doran's make sense in the overall context and he felt that the Proposed Order of a reprimand was appropriate.

Dr. Feibel agreed with most of what Dr. Schottenstein and Mr. Giacalone said, but he struggled with this case because it concerns one incident in an otherwise perfect track record. While Dr. Feibel did not want to relitigate the VA's actions, he stated that there are times when people are treated unfairly by institutions. Dr. Feibel acknowledged that the Board is authorized to take action on Dr. Doran's medical license, but the Board could choose to take no further action based on the mitigating circumstances. Dr. Feibel felt that the mitigating circumstances in this matter are too great for him to support a reprimand.

Ms. Montgomery agreed with Dr. Feibel and stated that she is troubled by this case. Ms. Montgomery stated that Dr. Doran does not have a history other than the bootstrap action that indicates a reprimand is warranted. Ms. Montgomery stated that Dr. Doran has been through the organizational process, which carries a cost both emotionally and financially, and she opined that Dr. Doran has been made aware of any deficiencies she may or may not have had. Ms. Montgomery supported the idea of taking no further action.

Dr. Soin also supported an Order of no further action. Dr. Soin stated that he did not want to relitigate the VA matter, but he found Dr. Doran's explanation of this isolated incident to be reasonable and something that could happen to anyone. Dr. Soin stated that as an anesthesiologist himself, he understands that when heavily-sedated patients begin to desaturate, things happen very rapidly and one must have all materials available at all times. However, over the past ten years facilities have been locking medications in a pyxis and putting them in locations where the anesthesiologist does not have access to them, and this sometimes happens without the anesthesiologist's knowledge. This leads to a situation in which an anesthesiologist is trying to take care of a patient in a chaotic environment and must find the needed medicine somewhere.

Dr. Soin did not believe that Dr. Doran was nefarious or trying to do anything to harm patients. Dr. Soin also did not believe that Dr. Doran represents a risk of harm to the public in the future. Dr. Soin opined that Dr. Doran had been in a very difficult situation, which seemed likely to Dr. Soin to have been more of a process issue and not necessarily a patient care issue.

Dr. Soin further opined that Dr. Doran has suffered enough already, having lost her VA privileges and having to appear before the Medical Board, which must be very stressful. Dr. Soin stated that Dr. Doran has already been punished and he did not understand what the Board would gain by punishing her further. Dr. Soin strongly supported the suggestion to take no further action on Dr. Doran.

Dr. Kakarala agreed with Dr. Soin and stated that this seems more like a systems problem. Dr. Kakarala stated that as someone who has to intubate people in emergent situations, there are times when the physician needs something immediately that is not available and the physician has no recourse other than to do his or her best, and this affects outcomes. Dr. Kakarala agreed with Dr. Feibel's suggestion to remove the reprimand from the Order and take no further action.

Motion to amend the Proposed Order to No Further Action:

Motion	Dr. Feibel
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain

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Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Abstain
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order, as amended, in the matter of Dr. Doran:

Motion	Dr. Feibel
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Abstain
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Marissa Maia Mertz, M.D

Dr. Schottenstein directed the Board’s attention to the matter of Marissa Maia Mertz, M.D. Objections have been filed and were previously distributed to Board members. Ms. Shamansky was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Mertz. Five minutes will be allowed for that address.

Dr. Mertz was represented by her attorney, Todd Newkirk.

Mr. Newkirk stated that Dr. Mertz is not with him today and he has not spoken with her for some time. Mr. Newkirk added that no one was able to contact Dr. Mertz regarding this matter. Mr. Newkirk stated that he has proceeded in what he thinks is Dr. Mertz’s best interests, and that is why he is appearing before the Board on her behalf today

Mr. Newkirk agreed with the Proposed Order to non-permanently revoke Dr. Mertz’s medical license, which would allow her to seek reinstatement in the future. Mr. Newkirk stated that Dr. Mertz is not in a position to argue for her medical license at this time, but people can and do recover from substance abuse and mental health issues. If Dr. Mertz recovers, Mr. Newkirk felt that she should have an opportunity to apply for

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reinstatement and show the Board that she is worthy of a license. Mr. Newkirk asked that the \$1,000 fine included in the Proposed Order not be due immediately, but rather be due upon her reinstatement. Mr. Newkirk opined that Dr. Mertz is unlikely to receive notice of the fine, and non-payment would put her in violation and begin the disciplinary process all over again.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated the he wished to respond.

Mr. Wilcox opined that the Hearing Examiner's Report and Recommendation is appropriate. Mr. Wilcox felt that everyone hopes that Dr. Mertz obtains sobriety and is able to pursue medicine again, but she is obviously not in that position now. Mr. Wilcox agreed that someone in Dr. Mertz's position is unable to pay a fine and he had no objections to eliminating the fine from the Proposed Order completely.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Mertz:

Motion	Mr. Giacalone
2 nd	Dr. Johnson

Dr. Schottenstein stated that he will now entertain discussion in the above matter.

Dr. Feibel agreed with both the defense counsel and the Assistant Attorney General. Dr. Feibel stated that this is a sad situation and he respected Mr. Newkirk for representing Dr. Mertz before the Board today. Dr. Feibel opined that the fine does not serve any purpose in this case. Dr. Feibel agreed with revoking Dr. Mertz's license, but recommended that the fine be removed from the Proposed Order.

Motion to amend the Proposed Order to remove the requirement to pay a fine:

Motion	Dr. Feibel
2 nd	Dr. Kakarala

Mr. Giacalone agreed with Dr. Feibel's comments regarding the proposed fine. Mr. Giacalone commented that Dr. Mertz seems to be in a difficult battle already and that the Board does not need to pile on.

Ms. Montgomery thanked Mr. Newkirk, who has been a remarkable representative for Dr. Mertz when she has been absent or non-responsive. Ms. Montgomery opined that Mr. Newkirk represents the best of his profession, in light of his client's absence and obvious need. Ms. Montgomery concurred that the fine should be removed from the Proposed Order, stating that the Board needs to rescue Dr. Mertz and not bury her in another fine.

Dr. Schottenstein agreed with Ms. Montgomery and appreciated Mr. Newkirk's service to his client. Dr. Schottenstein appreciated Mr. Newkirk's suggestion to delay the fine until Dr. Mertz reapplies for licensure, but stated that the Board cannot put conditions on future license applications. Therefore, the right thing to do is to simply forego the fine.

Vote on Dr. Feibel's motion to amend:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y

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Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order, as amended, in the matter of Dr. Mertz:

Motion	Dr. Bechtel
2 nd	Mr. Giacalone
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Vernon Proctor, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Vernon Proctor, M.D. No objections were filed. Mr. Porter was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Proctor. Five minutes will be allowed for that address.

By way of background, Dr. Proctor stated that in 2008 Michigan was the first Midwestern state to adopt a ballot initiative for medical marijuana. Three years later, the Michigan Attorney General decided that since he could not stop patients from getting recommendations for medical marijuana, he would instead take action against the physicians who were providing the recommendations. Dr. Proctor stated that addiction medicine was in its infancy at that time. Dr. Proctor practiced for at least 1200 hours with a physician who was board-certified in addiction medicine, took the addiction medicine board examinations, and passed. Dr. Proctor stated that it had taken him three years to find out what the allegations against him in Michigan were because the allegations had been internally generated.

Dr. Proctor continued that the interesting thing about addiction medicine is that one works with a patient population which is basically criminal; the patients are deceptive as a defense mechanism. Dr. Proctor stated that he has had colleagues who have gone to jail or committed suicide. Dr. Proctor stated that when the first addiction medicine practice that he has worked for closed in Michigan, the State came after him for records that he did not personally possess because they had belonged to the practice. Dr. Proctor had great difficulty obtaining the records, which caused problems with the State.

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Dr. Proctor stated that most of the actions against him in Ohio, Florida, and New York are reciprocal actions based on that action in Michigan. Dr. Proctor has completed his probationary period in Michigan and he is still waiting to go through reinstatement in that state. Administrative hearing have been held, but the ruling have been delayed due to shutdowns caused by the COVID-19 pandemic. Dr. Proctor stated that the Michigan Board of Medicine has restricted his ability to write recommendations for medical marijuana. Dr. Proctor added that his suspension in Michigan expired a year ago, but another suspension was put in place which expires next month. Dr. Proctor commented that it seems that this matter is buried in the Michigan Attorney General's office and it seems like no one can stop the train.

Regarding his practice history, Dr. Proctor stated that he completed residencies in obstetrics and gynecology as well as preventative medicine. This supports Dr. Proctor's holistic approach in letting patients manage their own problems and educating them about the positive benefits of holistic medicine. Dr. Proctor stated that he has been practicing medicine for 20 years, but for now he may only be able to practice in Ohio because the other states in which he is licensed have been very punitive. Dr. Proctor stated that addiction medicine is a complicated field because the patients practice to deceive, and this is part of why Dr. Proctor is still struggling with things in Michigan.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated the he did not wish to respond.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Proctor:

Motion	Dr. Bechtel
2 nd	Dr. Soin

Dr. Schottenstein stated that he will now entertain discussion in the above matter.

Ms. Montgomery stated that as a former prosecutor, it seemed that the case in Michigan against Dr. Proctor was not put together well and seemed to be the result of an anxious investigation. Ms. Montgomery stated that the Administrative Law Judge (ALJ) in Michigan found that numerous accusations against Dr. Proctor were not proven and there was a discussion between the ALJ and the Michigan Board of Medicine about seeking to at least find something. This seems to indicate an anxiety to find something on Dr. Proctor and to continue to look for problems. Ms. Montgomery agreed with the Michigan findings that Dr. Proctor's documentation was poor and she did not wish to minimize that, but opined that that seems minor compared to all the allegations that were made against Dr. Proctor. Ms. Montgomery commented that she would be interested in hearing Dr. Soin's opined since he practices in a similar field of medicine as Dr. Proctor.

Ms. Montgomery stated that she can concur with the Proposed Order, despite the fact that the investigation in Michigan had not been ideal, because the Attorney General's office has appropriately established that action had been taken on Dr. Proctor's Michigan medical license,

Dr. Soin stated that having been through the medical marijuana legalization process in Ohio and casually observing the same process in Michigan, he can sympathize with Dr. Proctor on some issues. Dr. Soin stated that during the legalization process, the rules and regulations seemed to be a moving target as different laws were passed. Consequently, it can be difficult to keep track of what a physician can and cannot do. Dr. Soin commented that he has served on medical marijuana commissions in Ohio many times and feels like he personally has a lot of information, but he often finds himself having to check to see were the laws and regulations stand at any particular time. Dr. Soin could not imagine how much more difficult it must be for a private physician to navigate these waters without the access to information that he has. Dr. Soin sympathized with Dr. Proctor's statements about how complications this issue is.

Dr. Schottenstein stated that this case is a bootstrap based on action taken by the Michigan Board of Medicine and the Michigan Board of Pharmacy based on minimal standards concerns. For the State Medical Board of

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Ohio this is not a minimal standards case, but a bootstrap case. Dr. Schottenstein appreciated Dr. Soin's and Ms. Montgomery's thoughts, but he felt that he could in general understand why the Michigan boards took action based on legitimate concerns about prescribing patterns and medical documentation. Dr. Schottenstein opined that the Proposed Order was fair. The Proposed Order reprimands Dr. Proctor and establishes probationary terms for a minimum of three years. The probationary terms include requirements to comply with the Michigan orders, take courses in controlled substance prescribing and medical documentation, and to have a practice plan approved by the Ohio Board should he begin practice in Ohio. Dr. Schottenstein opined that the Proposed Order is fair and protects the citizens of Ohio.

Dr. Feibel asked if the Board could restrict Dr. Proctor's controlled substance prescribing in Ohio as had been done in Michigan. Dr. Schottenstein recalled that the restriction in Michigan was time-limited. Dr. Schottenstein stated that the Board could amend the Proposed Order to include such a restriction if it so chose.

Mr. Giacalone identified three significant issues that brought this matter to the forefront:

- Dr. Proctor signed a medical marijuana certificate without a face-to-face encounter with the patient.
- Dr. Proctor prescribed a controlled substance in Michigan when he only had Drug Enforcement Administration (DEA) registration for his New York office.
- There is a question of whether Dr. Proctor tried to wean a patient down on methadone and started the patient on suboxone.

Mr. Giacalone did not see these issues as major issues. However, Mr. Giacalone expressed concern about Dr. Proctor's recent comments about having to trust his patients. Mr. Giacalone stated that Dr. Proctor's patients are addicts who have significant issues and it is difficult for one to rely upon them to be trustworthy. Mr. Giacalone commented that this statement could be an excuse for sticking one's head in the ground. Mr. Giacalone found the statement puzzling.

Mr. Giacalone stated that he could accept the Proposed Order. Mr. Giacalone stated that the Order could be amended to temporarily restrict Dr. Proctor's controlled substance prescribing in Ohio, but that would prevent him from practicing in his field of addiction medicine in Ohio. Mr. Giacalone cautioned Dr. Proctor that taking addiction patients at face value is troublesome and could lead to further scrutiny.

Dr. Feibel commented that he is nervous that under the Proposed Order with no restriction on his prescribing of controlled substances, Ohio would become the only state that Dr. Proctor could practice addiction medicine. Dr. Feibel stated that if the Board does not establish good parameters around Dr. Proctor's practice and something happens, the citizens of Ohio could be disappointed that the Board did not do more to protect them.

Dr. Bechtel noted that medical documentation has been a major concern with Dr. Proctor. Dr. Bechtel stated that it is critical that Dr. Proctor complete the courses on documentation and controlled substance prescribing, as required by the Proposed Order. Dr. Bechtel supported the Proposed Order.

In response to questions from Ms. Montgomery, Dr. Schottenstein stated that the Secretary and Supervising Member preliminarily approve or disapprove of the courses Dr. Proctor chose to fulfill the course requirements, but it will come to the full Board as a probationary request for final approval.

The Board continued to discuss different options of limiting or suspending Dr. Proctor's license until the completion of the required courses. Mr. Giacalone suggested that Dr. Proctor's ability to prescribe controlled substances in Ohio could be limited until the completion of the courses, rather than suspending his license. Noting that Dr. Proctor has already taken courses to comply with the Michigan order, Dr. Schottenstein asked if Dr. Proctor should be required to take courses focused on Ohio laws or if the courses in Michigan should suffice. Dr. Feibel recommended that Dr. Proctor take courses that would focus on Ohio.

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Motion to amend the Proposed order to restrict Dr. Proctor from prescribing controlled substances in Ohio until the completion of approved courses on controlled substance prescribing and medical documentation, and that the courses must be taken in Ohio:

Motion	Dr. Feibel
2 nd	Dr. Bechtel

The Board discussed the proposed amendment. Ms. Montgomery commented that if the courses that Dr. Proctor has already taken are sufficient in terms of hours and subject matter, it seems punitive to require him to take courses again. Mr. Giacalone stated that while there would be some overlap between Ohio courses and Michigan courses, the Ohio course would focus on Ohio law while the Michigan course would have focused on Michigan law. Dr. Feibel stated that he included the requirement to take the courses in Ohio so that the Board would be certain that Dr. Proctor is up-to-date on Ohio prescribing laws.

Vote on Dr. Feibel's motion to amend:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order, as amended, in the matter of Dr. Proctor:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

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PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Schottenstein stated that in the following matters, the Board issued Notices of Opportunity for Hearing. No timely requests for hearing were received. The matters were reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and they are now before the Board for final disposition. These matters are disciplinary in nature, and therefore the Secretary and Supervising Member cannot vote. In these matters, Dr. Rothermel served as Secretary, Dr. Saferin served as Supervising Member, and Dr. Bechtel served as Secretary and/or Supervising Member.

Mohamad Moutaz Almawaldi, M.D.

Motion to find that the allegations as set forth in the November 13, 2019 Notice of Opportunity for Hearing in the matter of Dr. Almawaldi have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Johnson
2 nd	Dr. Kakarala

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Almawaldi. No Board member offered discussion.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Alan Arnold Godofsky, M.D.

Motion to find that the allegations as set forth in the November 13, 2019 Notice of Opportunity for Hearing in the matter of Dr. Godofsky have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Edgin
2 nd	Dr. Kakarala

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Godofsky. No Board member offered discussion.

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

Dr. Rothermel	Abstain
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Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

David Blaine Harding, M.D.

Motion to find that the allegations as set forth in the December 11, 2019 Notice of Opportunity for Hearing in the matter of Dr. Harding have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Kakarala
2 nd	Dr. Johnson

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Harding. No Board member offered discussion.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Schottenstein stated that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of Service was received for each. There were no timely requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. These matters are therefore before the Board for final disposition. These matters are non-disciplinary in nature, and therefore all Board members may vote.

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Jennifer Ann Kokosinski, M.T.

Dr. Schottenstein stated that on January 8, 2020, the Board issued a Notice of Opportunity for Hearing to Jennifer Ann Kokosinski, M.T., informing her that the State Medical Board of Ohio proposed to deny her application for a certificate to practice massage therapy because she does not hold a diploma or certificate from a school, college or institution in another state or jurisdiction that meets the Board's required course of instruction, and hasn't held a current license, registration or certificate of good standing for massage therapy in another state for at least the preceding five years.

Motion to find that the facts set forth in the January 8, 2020 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, denying Ms. Kokosinski's application:

Motion	Dr. Saferin
2 nd	Ms. Montgomery

Ms. Montgomery noted that in July 2020 Ms. Kokosinski will have held an out-of-state license for five years, assuming she keeps that license active until that time. Ms. Montgomery asked if Ms. Kokosinski would be able to reapply for Ohio licensure and qualify if she waits until July 2020. Ms. Anderson replied that if Ms. Kokosinski will have held continuous licensure for five years at the time of her reapplication, she will qualify. Mr. Turek agreed. At Mr. Giacalone's suggestion, Mr. Turek stated that he will inform Ms. Kokosinski that if she reapplies and holds active out-of-state licensure for five years at the time of the reapplication, she will qualify for a license.

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

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Aurora Lee VanNorman, M.T.

Dr. Schottenstein stated that on January 8, 2020, the Board issued a Notice of Opportunity for Hearing to Aurora Lee VanNorman, M.T., informing her that the State Medical Board of Ohio proposed to deny her application for a certificate to practice massage therapy because she does not hold a diploma or certificate from a school, college or institution in another state or jurisdiction that meets the Board's required course of instruction, and hasn't held a current license, registration or certificate of good standing for massage therapy in another state for at least the preceding five years.

Motion to find that the facts set forth in the January 8, 2020 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, denying Ms. VanNorman's application:

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Motion	Dr. Saferin
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Lindsey Danielle Wedge, L.D.

Dr. Schottenstein stated that on January 8, 2020, the Board issued a Notice of Opportunity for Hearing to Lindsey Danielle Wedge, L.D., informing her that the State Medical Board of Ohio proposed to deny her application for a limited permit to practice dietetics because she failed the examination given by the Commission on Dietetic Registration for registered dietician status on three occasions.

Motion to find that the facts set forth in the January 8, 2020 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, denying Ms. Wedge's application?

Motion	Dr. Kakarala
2 nd	Dr. Johnson

Mr. Giacalone asked if there is a limit to the number of times Ms. Wedge can fail the examination. Mr. Turek replied that there is no statutory limit to the number of times that an applicant can take the examination. Therefore, if Ms. Wedge passes the examination she will qualify for licensure regardless of how many times she had failed it in the past.

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

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

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EXECUTIVE SESSION

Motion to go into Executive Session to confer with the Medical Board’s attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board’s quasi-judicial capacity:

Motion	Dr. Edgin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

The Board went into Executive Session at 10:42 a.m. and returned to public session at 11:15 a.m.

SETTLEMENT AGREEMENTS

Geoffrey Lyle Heyer, M.D.

Motion to ratify the proposed Permanent Surrender with Geoffrey Lyle Heyer, M.D.:

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Leigh Allison Judge, P.A.

Motion to ratify the proposed Step I Consent Agreement with Leigh Allison Judge, P.A.:

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Motion	Mr. Giacalone
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Jornel Mirasol Rivera, D.O.

Motion to ratify the proposed Permanent Surrender with Jornel Mirasol Rivera, D.O.:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Luke Simmons, M.D.

Motion to ratify the proposed Step II Consent Agreement with Luke Simmons, M.D.:

Motion	Mr. Giacalone
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y

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Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Maneesh Lal Mehra, M.D.

Motion to ratify the proposed Addendum to the Step II Consent Agreement with Maneesh Lal Mehra, M.D.:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Raymond G. Stolarski, D.P.M.

Motion to ratify the proposed Consent Agreement with Raymond G. Stolarski, D.P.M.:

Motion	Mr. Giacalone
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Brittney T. Stone, D.P.M.

Motion to ratify the proposed Consent Agreement with Brittney T. Stone, D.P.M.:

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Motion	Dr. Bechtel
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Erik Lee Szmania, P.A.

Motion to ratify the proposed Permanent Surrender with Erik Lee Szmania, P.A.:

Motion	Mr. Giacalone
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

James David Megargel, M.D.

Motion to ratify the proposed Step I Consent Agreement with James David Megargel, M.D.:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y

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Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Mark Charles Nenow, M.D.

Motion to ratify the proposed Probationary Consent Agreement with Mark Charles Nenow, M.D.:

Motion	Dr. Bechtel
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Jeffrey C. Maludy, M.D.

Motion to ratify the proposed Permanent Retirement with Jeffrey C. Maludy, M.D.:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Robert Ficklin Ross, M.D.

Motion to ratify the proposed Permanent Surrender with Robert Ficklin Ross, M.D.:

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Motion	Dr. Bechtel
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

NOTICES OF OPPORTUNITY FOR HEARING, ORDERS OF SUMMARY SUSPENSION, ORDERS OF IMMEDIATE SUSPENSION, AND ORDERS OF AUTOMATIC SUSPENSION

Ms. Marshall presented the following Citations to the Board for consideration:

1. Kamel Abraham, M.D.: Based on allegations of violation of minimal standards of care related to prescribing for seven patients.
2. Linda Elaine Coleman, M.D.: Based on action taken by the Virginia Board of Medicine regarding an inappropriate relationship with a patient.
3. Stephen N. Crowe, M.D.: An immediate suspension, to be issued to a physician who received intervention in lieu of conviction for illegal processing of drug documents.
4. Larry Everhart, M.D.: Based on allegations of violation of minimal standards of care involving a failure to employ acceptable scientific methods.
5. Martha A. Johnston, M.D.: Based on allegations of violation of minimal standards of care involving prescribing to 15 patients.
6. Michael Stephen Lazaro, L.M.T.: Based on allegations of sexual misconduct and failure to cooperate with the Board's investigation.
7. Rosia McKnight: To be issued to a massage therapist applicant, based on prior revocation of her nursing license by the Ohio Board of Nursing.
8. Jacob Osterhues, L.M.T.: Based on violation of the probationary terms of the Board's August 2019 Order. Ms. Marshall noted that this practitioner's license is already under suspension.
9. Monica Lynn Richardson: To be issued to a massage therapist who is seeking restoration of her Ohio massage therapy license and was determined to be unable to practice currently due to schizophrenia.
10. Inderpal Singh, M.D.: To be issued to an applicant for a full medical license, based on failure to attend an evaluation regarding a physical condition that is impacting his ability to practice.
11. Rosia McKnight: To be issued to a massage therapist applicant, based on failure to attend a Board-ordered evaluation.

Dr. Feibel expressed concerns about Citation #6 and questioned why the citation did not include a summary suspension. Ms. Marshall explained that the events in the citation occurred three years ago and this is why there is no summary suspension. Ms. Marshall added that the Board's attempts to vet the allegation was hampered by the respondent's failure to cooperate with the investigation.

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Motion to approve and issue proposed Citation #3, an Immediate Suspension:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Motion to approve and issue proposed Citations #'s 1 and 4:

Motion	Dr. Kakarala
2 nd	Mr. Giacalone
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Motion to approve and issue proposed Citations #'s 2 and 5 through 11:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y

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Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

OPERATIONS REPORT

Budget: Ms. Loucka stated that the State hiring freeze is still in effect and is expected to continue for some time. Ms. Loucka commented that the Board is set for this fiscal year, but there will need to be a conversation about staffing in the next fiscal year, and that will depend on what guidance is issued from the Office of Budget and Management (OBM).

In response to questions from Mr. Gonidakis, Ms. Loucka stated that the Board is subject to the order to reduce budget by 20% even though the Board is not supported by the General Revenue Fund (GRF). Ms. Loucka stated that historically in these financial situations, the OBM will author legislation that will allow for movement of non-GRF funds from agencies in lieu of normal allocations. Consequently, some funds could possibly be moved from the Board's fund in the next fiscal year. Ms. Loucka stated that the Board was able to meet the 20% budget reduction for this fiscal year by absorbing costs.

Ms. Loucka continued that the Board's investigators have done a very good job using the downtime caused by the COVID-19 pandemic to get caught up and to seek out training opportunities. One training that the Board has put off is the prescribing training offered by Case Western Reserve University (CWRU), due to the expense of that program. However, Mr. Roach has been able to work out an arrangement by which the Board's staff will take the training via the internet and CWRU will allow the Board to pay what the Board feels is fair at the time given the budget situation. Ms. Loucka stated that the prescribing training will be very valuable for the Board's enforcement attorneys and investigators.

Licensure: Ms. Loucka stated that though it is not ideal to have the Board's entire licensure staff working from home, the staff has been keeping up with the work and there is no significant backlog. The statistics show normal variances in the licensure numbers and the staff has been working very hard to get applications approved quickly. Ms. Loucka commended Mr. Turek and the entire licensure staff for their work.

Ms. Montgomery observed that the average time to license applicants seems to have increased. Ms. Loucka stated that there have been some delays in completing background checks because of many outside offices being closed due to the COVID-19 pandemic. Mr. Turek agreed and added that there has been a significant increase in training certificate applications, noting that 2,000 applications were received in one month. Ms. Loucka stated that medical training programs in the state are pushing their residents to file their applications sooner rather than later this year, so more are being received sooner than in other years.

Mr. Gonidakis asked if the policies adopted by the Board in March had had any positive or negative effects, generally speaking. Ms. Loucka stated that at this time the Board has not seen any negative effects from the relaxation of enforcement of telehealth rules. Ms. Loucka added that though the legislature has delayed the requirement for licensees to be license renewal fees until December or until 90 days after the lifting of the pandemic-related orders, she has not seen much delay in the payment of renewal fees. Ms. Loucka was uncertain how many licensees are complying with continuing medical education (CME) requirements even though the Board suspended that requirement, though she opined that people are catching up on online training opportunities.

Complaints: Ms. Loucka noted that the operations report includes complaint information this month. Additional data on complaints will be reviewed in the near future.

Communications: Ms. Loucka stated that the communications is putting out a great deal of information and many state agencies are looking at the Board's website as a model. Ms. Loucka was pleased with the work

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the communications team has done to keep the Board's licensees and consumers aware of what is happening through email pushes, social media, and other means. Ms. Loucka extended special thanks to Jill Reardon, Cierra Lynch, and Jerica Stewart, who answered over 1,200 emails in April and a few hundred phone calls as well. Many inquiries are being received at this time and every effort is being taken to answer them in real time and keeping them from escalating to the office of a legislator or the Governor.

Ms. Loucka stated that the Board has issued practice guidelines for massage therapists, acupuncturists, and cosmetic therapist. The Board will continue to educate licensees with the goal of keeping them in compliance. The Board will also work with local health departments and the Ohio Department of Health to ensure that licensees are following the guidelines.

Dr. Soin opined that the staff did a great job on the guidelines, stating that they were comprehensive and help to protect the public. Dr. Soin also thanked Dr. Schottenstein and Dr. Feibel for helping the staff with the guidelines. Dr. Soin questioned if there may be confusion because the mandatory items are listed side-by-side with the recommendations. Dr. Soin also asked if some of the items should be in bold font or otherwise highlighted due to there being so much content in the guidelines. Ms. Loucka stated that the guidelines document uses the same layout that all other agencies have used as part of the Responsible Restart Ohio program. The staff is also working with the Ohio Chapter of the American Massage Therapy Association on an FAQ document to flesh out some of the bullet points in the guidelines.

REPORTS BY ASSIGNED COMMITTEES

Dr. Schottenstein stated that this month the Board's committee work will be incorporated into the full Board meeting.

Finance Committee Report

Fiscal Update

Dr. Schottenstein stated that in March 2020 the Board's revenue was \$1,325,847. Dr. Schottenstein commented that months of revenue greater than 1,000,000 are very good months for the Board. Dr. Schottenstein commented that the month of March in even-numbered fiscal years are the biggest month of the two-year cycle, simply as a function of renewal dates based on the first letters of licensees surnames. The net fiscal revenue was \$455,387 and the Board's cash balance increased to \$5,780,690. Dr. Schottenstein observed that this cash balance is a record high for the Board.

Dr. Schottenstein continued that the board had been anticipating additional high-revenue months for the rest of the fiscal year, especially in June when respiratory care professionals and dietitians renew their licenses. However, the passage of House Bill 197 has extended the deadline for license renewals to as late as December, so it is likely that many licensees will wait until the deadline to renew. This could result in a decrease in revenue for several months, followed by an upsurge in revenue towards the end of the calendar year.

The Board's expenditures are down 2.5% year-to-date compared to one year ago. Dr. Schottenstein stated that with revenue is up and expenditures are down, the Board is in a financially health place right now.

As mentioned last month, the Board has been asked by the Office of Budget and Management (OBM) to make a budget reduction of \$259,209 for Fiscal Year 2020, and as noted earlier today, the Board has done that. Dr. Schottenstein stated that the fiscal summary page shows an uptick in expenditures for historical case review. The Board is now 50% of the way through its historical case review regarding sexual misconduct cases and about \$82,580 has been spent on that. Dr. Schottenstein further noted that the Board is about 76% of the way through the working group tasks as a whole.

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Fines received in March 2020 are from three sources: Disciplinary fines, CME non-disciplinary fines, and money received from collections. These sources totals about \$30,000. The Board has received \$168,109 in total fines year-to-date out of a total assessed fines of \$252,000. Dr. Schottenstein stated that there will be a decrease in CME fines related to the Board's motion to suspend enforcement of CME requirements in light of the COVID-19 pandemic.

Medical Marijuana Expert Review Committee Report

Dr. Bechtel stated that the Board has voted to move forward with an expert review of the petition to add cachexia to the list of qualifying conditions for treatment with medical marijuana. The Board has contracted with an expert to review the petition. The report is expected to be available by the end of this month so that Committee members may review it and discuss it at the June 10th Committee meeting, at which time the Committee expects to vote on the petitions regarding cachexia, anxiety, and autism. The full Board will take action on the Committee's recommendations at the July Board meeting. Official adjustments to statutory timelines will be made at the June Board meeting.

Sexual Misconduct Committee Report

FSMB Audit

Dr. Schottenstein stated that this morning the Committee talked about the Federation of State Medical Boards (FSMB) consultation review, which is an auditing of the Board's processes. The FSMB review team includes members from the FSMB itself and from different state medical boards. The team has been provided with a great deal of documentation regarding the Board's organization and workflow. Next, the team will interview staff members, as well as the Secretary, Supervising Member, and President of the Board. The team expects to issue a final report by the end of this fiscal year.

Dr. Schottenstein noted that the original cost for the FSMB audit was going to be about \$30,000. However, the cost as been reduced to about \$15,000 due to savings in travel expenses and a discount that the FSMB has given to the Board. Dr. Schottenstein commented that the FSMB process is encouraging so far.

When the FSMB audit is concluded, the Office of Budget and Management (OBM) will conduct its own audit. It is not known what cost, if any, the OBM audit will entail.

Victim Advocate Training.

Dr. Schottenstein stated that Mr. Roach has been working with the Ohio Victim Witness Association to provide training for investigators. The investigators will complete a half-day training webinar that will be tailored to the Board's needs.

Dr. Schottenstein commented that the Board had originally envisioned using victim advocates that were contract workers regionally based around the state. However, the Board staff has learned that it is more comfortable using internal resources because it is a more dedicated resource. Contractors have not been ideal because there is less continuity and availability in real time.

Historical Case Review

Dr. Schottenstein stated that the historical case review is progressing well. The Committee was thankful that about ten assistant attorneys general were kind enough to aid in the review at no expense to the Board. In addition, another ten contractors are continuing to review cases as well. As the reviews continue, the average length of time it takes to complete a review has gone down substantially because the most complex cases were reviewed first. The reviewers also started with cases involving active licensees first, and those cases are nearly complete. The staff has spent about 3,000 hours on the workgroup action plan, and 2,000 of those hours are on historical case review and does not count contractor review time. The current review time is

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about one to one-and-a-half hours per review. It is hoped that the review time will continue to decrease and the project will be completed in a timely manner.

Policy Committee Report

Dr. Soin stated that due to the COVID-19 pandemic, the Policy Committee items have been wrapped into the full Board meeting today and have already been addressed.

Licensure Committee Report

Licensure Application Reviews

Erin Ruskiewicz

Dr. Saferin stated that Ms. Ruskiewicz has applied to restore her massage therapy license in Ohio. Ms. Ruskiewicz has not practiced massage therapy within the last five years and has never taken the Massage and Bodywork Licensing Examination (MBLEx).

Motion to approve Ms. Ruskiewicz's application for restoration of her Ohio license contingent on her passing of the MBLEx within twelve months from the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Bechtel
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Aamer Chughtai, M.D.

Dr. Saferin stated that Dr. Chughtai has applied for a medical license and has requested that his experience and training in the United Kingdom and United States be deemed equivalent to twenty-four months of graduate medical education through the second-year level of graduate medical education.

Motion to grant the graduate medical education equivalence, as outlined in 4731.09(A)(4)(b), Ohio Revised Code, so that Dr. Chughtai may be granted a license:

Motion	Dr. Rothermel
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y

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Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Tasadooq Hussain, M.D.

Dr. Saferin stated that Dr. Hussain has applied for a medical license and has requested a waiver of the United States Medical Licensing Examination (USMLE) ten-year rule. Dr. Hussain has also requested that his experience and training in the United Kingdom and United States be deemed equivalent to twenty-four months of graduate medical education through the second-year level of graduate medical education.

Motion to approve the good cause exception of the 10-year rule as outlined in 4731-6-05(C)(2), Ohio Revised Code, and accept the examination sequence, and grant the graduate medical education equivalence, as outlined in 4731.09(A)(4)(b), Ohio Revised Code, so that Dr. Hussain may be granted a license:

Motion	Dr. Kakarala
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

Muhammad-Atif Zubairi, M.D.

Dr. Saferin stated that Dr. Zubairi has applied for a medical license and has requested a waiver of the United States Medical Licensing Examination (USMLE) ten-year rule.

Motion to approve the good cause exception to the 10-year rule as outlined in 4731-6-05 (C)(2), Ohio Administrative Code, and accept the examination sequence so that Dr. Zubairi may be granted a license:

Motion	Dr. Rothermel
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y

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Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

COMPLIANCE

Office Conference Review

Motion to approve the Compliance staff's Reports of Conferences for April 7, 9, 10, and 13, 2020:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

Probationary Requests

Motion to approve the Secretary and Supervising Member's recommendations for the following probationary requests:

- a) Michael T. Bangert, M.D.: Request for reduction in appearances to every six months.
- b) Rebecca T. Cirino, D.O.: Request for release from the terms of the May 9, 2018 Consent Agreement.
- c) Michael J. Howkins, D.O.: Request for discontinuance of the drug log and audit and assay requirements.
- d) Susan Donna Lawrence, D.O.: Request for approval of L. Todd Hawkins, M.D. for the psychiatric assessment.
- e) David O'Connell, M.D.: Request for release from the terms of the May 13, 2015 Step II Consent Agreement.
- f) Daniel W. Palmer, M.D.: Request for release from the terms of the May 9, 2018 Consent Agreement.
- g) Joshua D. Palmer, M.D.: Request for release from the terms of the November 9, 2016 Consent Agreement.

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- h) Jaydutt Patel, M.D.: Request for acceptance of the drug test and recovery meeting monitoring completed by the PA PHP while the doctor resides in Pennsylvania; acceptance of the group therapy at St. Vincent Serenity to complete the aftercare requirement; approval of Rajendra Kattar, M.D. to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed.

Motion	Mr. Gonidakis
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.

ADJOURN

Motion to adjourn:

Motion	Dr. Edgin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

The motion carried.

The meeting adjourned at 12:29 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on May 13, 2020, as approved on June 10, 2020.

(SEAL)



SEXUAL MISCONDUCT COMMITTEE MEETING
May 13, 2020 – via video conference

<p>Committee Members Present: Michael Schottenstein, MD, Chair Robert P. Giacalone, JD, PhD Michael L. Gonidakis, Esq. Betty Montgomery</p> <p>Other Board Members Present: Richard Edgin, MD Kim Rothermel, MD Bruce Saferin, DPM Mark Bechtel, MD Jonathon Feibel, MD</p>	<p>Staff Present: Stephanie Loucka, Executive Director Stuart Nealis, Project Manager Tessie Pollock, Chief Communications Officer Benton Taylor, Board Parliamentarian Kimberly Anderson, Chief Legal Counsel</p>
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Dr. Schottenstein called the meeting to order at 8:30 a.m.

FSMB AUDIT UPDATE

Ms. Loucka stated that she and Mr. Nealis have been working with the Federation of State Medical Boards' (FSMB) audit team to review the Board's processes for the handling of complaints, with a focus on the handling of sexual misconduct cases. The FSMB audit team includes FSMB staff members as well as people from other state medical boards. The FSMB audit team has reviewed extensive documentation and scheduled 30 to 60 minute interviews with members of the Board's staff, Dr. Rothermel, Dr. Saferin, and Dr. Schottenstein. The FSMB audit team expects to complete its report by the end of this fiscal year.

Ms. Loucka commented that the Board had accepted a bid of \$30,000 for the FSMB audit. However, the FSMB has cut out travel expenses and provided a further discount that brought the cost down to about \$15,000. Ms. Loucka stated that the FSMB has been very generous during this difficult time and that it has been an engaging process. The Board will have an opportunity to review the report before it is finalized.

Responding to questions from Committee members, Ms. Loucka stated that after the FSMB audit is complete, the Office of Budget and Management (OBM) will perform its own audit. Ms. Loucka was uncertain of what OBM will charge the Board for its audit.

VICTIM ADVOCATE TRAINING UPDATE

Ms. Loucka stated that James Roach, the Board's Chief of Investigations, worked with the Ohio Victim Witness Association and scheduled a training tailored for the Medical Board. The training was a half-day webinar and included the Board's entire Investigation, Enforcement, and Legal sections. The training was part of the staff's continuing education on this topic and efforts to engrain it into the Board's culture. Ms. Loucka commented that Mr. Roach has done a great job working with local resources to schedule training for investigators during the downtime created by the COVID-19 pandemic.

Responding to Dr. Schottenstein's question about the Board's use of a victim advocate, Ms. Loucka stated that for a time the Board ran a pilot with two options for a victim advocate, one for

external contractors and one for Board staff. It was determined that the Board staff was more comfortable with the continuity of utilizing an internal resource. Ms. Loucka commented that utilizing the internal resources of Board staff is not a perfect solution due to the uncertainty of staff structure and budget in the next fiscal year. However, under the internal staff model, it would be a dedicated resource that could be possibly be utilized by other boards on a cost-sharing basis. Ms. Loucka commented that external contractors are not an ideal situation because of a lack of continuity, uncertain availability, and the difficulty of working with a contractor in real time.

Ms. Loucka stated that this function must continue, so a staffing solution will be worked out for the next fiscal year.

HISTORICAL CASE REVIEW

Ms. Loucka noted that when the Committee last met two months ago, it did not seem that the historical case review was proceeding as quickly as the Board wished. At this time, work is progressing quite well. Cases are being sent to outside experts for review and the Attorney General's office has provided assistance.

Mr. Nealis stated that as of yesterday, the Board has been invoiced for just under \$85,000 by the external contract reviewers, who have completed 630 of the reviews which is 50% of all cases to be reviewed. Reviewers from the Attorney General's office reviewed 40 cases, representing 80 hours of logged time and a savings of about \$4,000 by the Board. Over the last four weeks there have been an average of 55 reviews per week; over the last eight weeks, there have been an average of 52 reviews per week. These number illustrate the increasing consistency of the Board's process. Mr. Nealis stated that barring any unexpected changes, the entire review will be complete by the end of August or perhaps September.

Mr. Gonidakis asked if it would be safe to assume that the project will be complete by the end of this year. Ms. Loucka replied that that would be a safe assumption.

Ms. Loucka briefly outlined the next phase for the reviewed cases, which will include a preliminary investigation to determine the next steps for each case. Some cases may require more thorough investigation, while other cases may be suitable to refer directly to enforcement. Some cases may also be referred to law enforcement, if appropriate. Ms. Loucka commented that the most complicated cases were done first, and this is why the average review time for each case continues to shrink as the project continues to less complicated cases.

Responding to a question from Mr. Giacalone, Ms. Loucka stated that an estimate of how many cases will move forward in this process should be available next month.

Responding to a question from Ms. Montgomery, Ms. Loucka stated that the Assistant Attorney General reviewers were from the Attorney General's Office of Health and Human Services.

ADJOURN

Mr. Giacalone moved to adjourn. Ms. Montgomery seconded the motion. All members voted aye. The motion carried.

The meeting adjourned at 8:55 a.m.

Michael Schottenstein, MD

Chair
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