

June 11, 2014

MINUTES

THE STATE MEDICAL BOARD OF OHIO

JUNE 11, 2014

Anita M. Steinbergh, D.O., Immediate Past President, called the meeting to order at 9:50 a.m. in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, with the following members present: Donald R. Kenney, Sr., Acting Vice President; Mark A. Bechtel, M.D., Acting Secretary; Bruce R. Saferin, D.P.M, Acting Supervising Member; Amol Soin, M.D.; Sushil M. Sethi, M.D.; Michael L. Gonidakis; and Robert P. Giacalone. The following member was absent from the meeting: Krishnamurthi Ramprasad, M.D.

Also present were: Jonathan Blanton, Interim Executive Director and Deputy Director, Investigations and Enforcement; Kimberly Anderson, Chief Legal Counsel; Michael Miller, Deputy Director, Licensure and Operations; Mary Courtney Ore, Deputy Director of Communications; Sallie Debolt, Senior Counsel; William Schmidt, Senior Counsel for Investigations, Compliance and Enforcement; Susan Loe, Assistant Executive Director, HR and Fiscal; Joan Wehrle, Education and Outreach Program Manager; K. Randy Beck, Acting Chief of Investigations; Dawn Smith and Jan Sussex, Enforcement Investigators; Rebecca Marshall, Chief Enforcement Attorney; Mark Blackmer, Andrew Lenobel, Marcie Pastrick, Cheryl Pokorny, and Greg Tapocsi, Enforcement Attorneys; Jonithon LaCross, Director, Public Policy and Governmental Affairs; Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Melinda Snyder and James Wakley, Assistant Attorneys General; Gary Holben, Operations Administrator; Danielle Bickers, Compliance Supervisor; Annette Jones and Angie Moore, Compliance Officers; Kay Rieve, Administrative Officer; Barbara Jacobs, Senior Staff Attorney; Tamara Spencer, Licensing Assistant; Jacqueline A. Moore, Legal/Public Inquiries Assistant; Judy Rodriguez, Legal Department Secretary; Cathy Hacker, P.A. Program Administrator; Benton Taylor, Business Office Assistant; and Paula Farrell, Executive Assistant to the Executive Director.

MINUTES REVIEW

Dr. Saferin moved to approve the draft minutes of the May 14, 2014, Board meeting and the June 2, 2014 Special Board Meeting, as written. Dr. Soin seconded the motion. All members voted aye. The motion carried.

ELECTION OF SECRETARY, SUPERVISING MEMBER AND VICE PRESIDENT

Dr. Steinbergh noted that Dr. Ramprasad was unable to attend the meeting and requested that she preside over it. Dr. Steinbergh stated that because of the loss of the Secretary to the Board, Dr. Bechtel had been serving as Acting Secretary, Dr. Saferin as Acting Supervising Member, and Mr. Kenney as Acting Vice President.

Dr. Soin moved to elect Dr. Bechtel as Secretary, Dr. Saferin as Supervising Member and Mr. Kenney as Vice President, effective June 12, 2014 with their terms ending on

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December 31, 2014. Mr. Gonidakis seconded the motion. All members voted aye. The motion carried.

Dr. Steinbergh thanked Doctors Bechtel and Saferin and Mr. Kenney for their willingness to serve in these leadership roles in the interim and through the remainder of 2014.

ADMINISTRATIVE REPORT

Mr. Blanton stated that the newest member of the Board Dr. Kim Rothermel, a pediatrician from the Columbus area, had been appointed on May 19, 2014 for a term ending on March 18, 2017, filling the position formerly held by Dr. Amato.

Mr. Blanton said that the Board lost two employees last month to retirement. Mr. Blanton noted that the office received approximately 95 applications for the vacant enforcement attorney position and approximately 300 applications for the Chief of Licensure position.

Mr. Blanton stated that the office received an Inspector General's Report on May 21, 2014 and office staff has discussed the recommendations with the Ohio Ethics Commission. Mr. Blanton noted that the office is preparing for the required annual ethics training and will include the appropriate information in that training.

Mr. Blanton congratulated Dr. Sethi for successfully completing the American Board of Preventive Medicine Maintenance of Certification (MOC) examination in the area of Occupational Medicine.

Mr. Blanton thanked staff for their assistance and efforts on preparing the E-News, which replaces the Your Report. The E-News was recently emailed to the Board's licensees with an 85% email receipt rate and staff had received good feedback on the newly designed communication document.

Mr. Blanton reviewed a list of presentations that staff had given and meetings that staff attended over the last month. Mr. Blanton touched on the rent increase and indicated that it is uncertain what the increase will be for the next fiscal year, but noted that staff will continue to monitor the situation.

Mr. Blanton stated that Board staff attended a Common Sense Initiative (CSI) meeting regarding Office-Based Opioid Treatment Rules and the Board will be hosting an interested parties meeting to allow for comments regarding those rules.

Mr. Blanton thanked the Investigators for their efforts and hard work on the complaints and cases. Mr. Blanton announced that the Investigators hand delivered 1,418 letters to licensees who had not signed up on the Ohio Automated Rx Reporting System (OARRS). Mr. Blanton stated that the OARRS compliance has since improved. He also noted that the Chief of Investigations position is vacant as Mr. Beck is serving as Acting Chief of Investigations.

Mr. Blanton thanked the entire staff for their efforts and commitment, saying their work does

not go unnoticed.

RULES AND POLICIES

Per Diem Policy

Dr. Steinbergh noted that the *Per Diem* Policy would be discussed at the next Board meeting on July 9, 2014.

Adoption of Rules

Ms. Debolt stated that staff did a five-year review of rules for the Anesthesiologist Assistant (AA) and Physician Assistant (PA) and noted that approval of the changes was needed by the Board.

Dr. Soin moved to approve the Findings and Order rescinding the current version of Rule 4731-24-04, adopting new Rule 4730-2-10, and adopting amended rules 4730-1-03, 4730-1-07, 4730-2-02, 4730-2-06, 4730-2-07, 4730-3-01, and 4730-3-02, and that the adopted and rescinded rules be final filed with an effective date of June 30, 2014. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

REPORTS BY ASSIGNED COMMITTEES

Physician Assistant/Scope of Practice Committee

Dr. Steinbergh indicated that the Physician Assistant Policy Committee (PAPC) met on June 10, 2014 and elected Jim Fry as Chair of the Committee.

Physician Assistant Matters

Formulary Review

Ms. Debolt stated that a packet was distributed to the Board members and the first portion of that documentation was informational only, regarding an inquiry as to whether or not Physician Assistants (PA) can prescribe Fioricet, which is for migraine headaches. Ms. Debolt noted that the Committee sent the request to the two PAPC pharmacists who are on the Committee for formulary issues only and it was determined that all of the components in the drug are on the formulary. Therefore, PAs may prescribe that drug.

Dr. Steinbergh said that the Committee also discussed mucolytics. Dr. Steinbergh stated that one drug was Xolair®, which is a last line therapy used for moderate to severe persistent asthma in patients more than 12 years old. Dr. Steinbergh noted that the warnings

are Anaphylaxis after any dose was possible. Dr. Steinbergh said that the PAPC and the PA/Scope of Practice Committee discussed and made a recommendation to the Board that there would be no prescriptive authority for PAs for this particular drug.

Dr. Steinbergh continued to say that the PAPC and the PA/Scope of Practice Committee then discussed Mucolytic Agents, Pulmozyme®, as well as Acetadote®, which is acetylcysteine. Dr. Steinbergh noted that it was felt that both should be physician initiated. The PAPC made a recommendation to the PA Committee and the PA Committee concurred. Dr. Steinbergh asked the Board to approve Mucolytic Agents as physician initiated on the formulary and Xolair® as “may not prescribe”.

Dr. Saferin moved to designate Xolair® as “may not prescribe” and mucolytic agents as “physician initiated/consulted” on the physician assistant formulary. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

Review of Special Services Plan

Dr. Steinbergh indicated that the Physician Assistant Policy Committee (PAPC) reviewed a Special Services Plan for Family Medical Group for Cryotherapy. Dr. Steinbergh reminded the Board that this matter was tabled by the PAPC because there was no quorum to vote, but the matter was sent on to the PA Committee for discussion and consideration.

Dr. Steinbergh said that Family Medical Group was looking to do Cryotherapy of benign and superficial malignant lesions, utilizing 100% on site supervision, observing the physician in performing 30 procedures and the physician observing the PA in 30 procedures. Dr. Steinbergh noted that the PAPC and the PA Committee of the Board had suggested that the group remove the request for superficial malignant lesions or pre-cancerous lesions and the group indicate that Cryotherapy will not be done on the face and genital region, which is consistent with past decisions of the Committee. Additionally, the Committee did not find language in the request stating the physician would determine that the procedure needed to be done. Therefore, Family Medical Group would be asked to make that indication in their request.

Dr. Bechtel said the recommendations made by the Committees are very appropriate and will ensure public protection. Dr. Bechtel noted that Cryosurgery on superficial malignant lesions was rarely ever done and requires very special cryoprobes to determine adequate freezing. Dr. Bechtel said that the success rate is less than 80% in curing superficial malignancies, where surgery may be approximately 98-99% effective. Dr. Bechtel said he felt the group’s request to perform Cryotherapy would put the public in danger of developing progressive skin cancer and metastatic lesions. Dr. Bechtel also agreed that it is appropriate for the physician to first examine a lesion before that lesion is treated with Cryosurgery, as the PAs may have very limited experience in identifying skin cancer and skin lesions. Dr. Bechtel stated that he concurred with the recommendation of not performing Cryosurgery on the face, as it may lead to potential scarring. Dr. Bechtel acknowledged that he thought the safeguards the Committee put in place were appropriate.

Dr. Steinbergh said that the matter was tabled at the PAPC with the recommendations until a

completed application is done by Family Medical Group, but the Committee wanted to document the reasoning for requesting an amended plan.

Dr. Steinbergh indicated that the Vein Care Center also requested a Special Services Plan for Ambulatory Phlebectomy, utilizing 100% onsite supervision, with the physician observing 25 and the PA performing 25. Dr. Steinbergh noted that at this particular time, the PAPC voted to deny the request and made that recommendation to the PA Committee, which agreed with the denial of the procedure.

Dr. Sethi commented as a vascular surgeon, saying that the procedure is very complicated. Dr. Sethi said that many times the branches of the nerves accompany the vein and severe pain becomes a common complication. Therefore, this procedure should not be done by PAs.

Dr. Saferin moved to deny the Vein Care Center's Special Services Plan request for Ambulatory Phlebectomy. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Review Changes to the Model Orthopaedic Plan

Ms. Debolt noted that the Model Orthopaedic Plan has been weaving its way through the appropriate process. In May, the PA Committee had a guest physician who suggested that there should be a log of the training of the PA before that individual is able to perform various injections provided for in the plan. The Medical Board, as a whole, agreed with the recommendation and the PAPC reviewed the request this month, as required. The PAPC amended the plan and a copy of it was distributed to the Board for review. The PA Committee recommended the plan be approved.

Dr. Steinbergh noted that there was a change on page 32, line 129, changing the word "and" to the word "or" where it speaks about the Ohio Association of PAs.

Dr. Bechtel moved to approve the Model Orthopaedic Plan, as amended. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Review Changes to the PA Rules

Ms. Debolt noted that the Ohio Revised Code says that any rules regarding Physician Assistants (PA), particularly PA prescribing, must first go to the PAPC, who must have involvement and the opportunity to make recommendations to the Board as to the wording of the rules. Ms. Debolt continued by saying that this was a draft for controlled substances and utilization for chronic weight management, a new rule that the Board approved last month to be submitted for comments. Ms. Debolt said the PAPC had no negative comments about the rule.

Finance Committee

Mr. Kenney gave a brief synopsis of the meeting, stating that the major function they have

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been working on is the Fining Authority legislation. Mr. Kenney noted that the legislation passed through the House Health and Aging Committee with bipartisan support. The Board will now have to wait until November to get the legislation passed and the Board hopes to have it signed by the Governor later in the year.

Mr. Kenney indicated that he, Mr. Gonidakis and staff members met with the Attorney General's Office (AG) again to discuss the collection method for the fines, once the legislation was passed. The Board understands there may be instances when it will take six to seven months to collect some fines from licensees.

Mr. Kenney said the Committee briefly talked about the *per diem* policy and that matter would be discussed with the Board at the July meeting. Mr. Kenney indicated that Ms. Loe also gave a fiscal report during the meeting.

Dr. Steinbergh thanked Mr. Kenney and Mr. LaCross for their tenaciousness and efforts.

Policy Committee

Mr. Gonidakis asked Mr. LaCross to give a summary of the meeting, as he was unable to attend.

Mr. LaCross gave an update stating that the Legislature is on break and will not return to session until later in the year. He gave updates on several Bills, including 314, 341, 412, 501, 519 and 531, that the Board is working on.

Mr. LaCross informed the Board that the office can now collect portions of federal forfeiture money on cases that our staff has worked on. Mr. Blanton explained why the office can receive federal forfeiture money, but not state forfeiture money. The reason being, that the Board is not considered a law enforcement entity.

Mr. LaCross indicated that while the legislature is on break, he will be working internally on creating a rule on Schedule II drugs and will participate in Opioid Committees that will be held around the state.

Dr. Steinbergh asked about the Legislative Service Commission (LSC) bill descriptions and asked that Mr. LaCross provide copies to the Board members.

Dr. Steinbergh asked Mr. Gonidakis to add Expedited Partner Therapy (EPT) to the Policy Committee agenda in July.

Mr. Gonidakis confirmed that they would add EPT to the July Committee agenda.

Compliance Committee

Dr. Steinbergh stated that Gateways completed a Treatment Provider Renewal Application. Dr. Steinbergh noted that the Compliance Committee further recommended the Renewal Application for Certificate of Good Standing from Gateways in Cincinnati, Ohio be

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approved. If approved, Gateways would be providing outpatient treatment and aftercare to the Board's licensees.

Dr. Saferin moved to approve that the Renewal Application for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Gateways. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Dr. Steinbergh stated that the Compliance Committee met with Sohail Aman, M.D., Patrick E. Muffley, D.O., and Tina Marie Nelson, M.D., and moved to continue them under the terms of their respective Board actions. The Compliance Committee further recommended that Doctor Aman's next appearance be scheduled again before them in three months.

The Compliance Committee accepted Compliance staff's report of conferences on April 7 and 8, 2014.

Applicants for Licensure

Dr. Sethi moved to approve licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the acupuncturist applicants, listed in Exhibit "A," the anesthesiologist assistant applicants, listed in Exhibit "B," genetic counselor applicants, listed in Exhibit "C," massage therapist applicants, listed in Exhibit "D," oriental medicine practitioner applicants, listed in Exhibit "E," and the physician assistant applicants listed in Exhibit "F," and physician applicants, listed in Exhibit "G" and the physician applicant handout. Dr. Soin seconded the motion. A roll call was taken.

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- aye
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

PROBATIONIONARY REQUESTS

Dr. Steinbergh advised that at this time the Board would consider the probationary requests on the consent agenda. Dr. Steinbergh asked if any Board member wished to discuss a probationary report or probationary request separately.

Dr. Steinbergh commented there were several cases that she had spoken to Ms. Bickers about and stated she was satisfied with the answers given.

Dr. Saferin moved to accept the Compliance staff's Reports of Conferences and the

Secretary and Supervising Member's recommendations as follows:

- **To grant Regis P. Burlas, D.O.'s request for permission to continue under the terms and conditions of the June 12, 2013 Superseding Step I Consent Agreement while residing in Arizona;**
- **To grant Gary Allan Dunlap, D.O.'s request for approval of John C. Sefton, D.O., to serve as the monitoring physician, reviewing 10 charts per week;**
- **To grant Michael D. Goodyear, II, M.D.'s request for release from the terms of the April 11, 2012 Consent Agreement effective immediately;**
- **To grant Brian F. Griffin, M.D.'s request for reduction in 12-step meeting attendance from three per week to two per week with a minimum of 10 per month, discontinuance of chart review requirement, and reduction in appearances to every six months;**
- **To grant JoAnna C. S. Kauffman, M.D.'s request for approval of Tamar L. Gur, M.D., Ph.D., to serve as the treating psychiatrist;**
- **To grant Mark Lamet, M.D.'s request for release from the terms of the August 9, 2006 Consent Agreement effective immediately;**
- **To grant Paul D. Lopreato, P.A.'s request for reduction in appearances from every three months to every six months;**
- **To grant Joseph Francis Lydon, Jr., M.D.'s request for reduction in alcohol and drug rehabilitation meetings from three per week to two per week with a minimum of 10 per month;**
- **To grant Tina Marie D. Nelson, M.D.'s request for approval of Andrew B. Hall, PCC, to serve as the treating psychotherapist;**
- **To grant Ronica A. Neuhoff, M.D.'s request for discontinuance of the chart review requirement;**
- **To grant Anthony M. Ruffa, D.O.'s request for reduction in personal appearances from every three months to every six months;**
- **To grant Neil A. Salas, M.D.'s request for approval of Sergio J. Vignali, M.D., to serve as the new monitoring physician;**
- **To grant Alvaro D. Waissbluth, M.D.'s request for approval of *Medical Record Keeping Seminar*, administered by the Center for Personalized Education for Physicians.**

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Dr. Soin seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

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

Dr. Steinbergh indicated that Dr. Bechtel served as Acting Secretary and Dr. Saferin served as Acting Supervising Member on the Notices of Opportunity for Hearing before the Board.

Rebecca Joy Carpenter – Citation Letter

Dr. Soin moved to send a Citation Letter to Ms. Carpenter. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Matthew Aaron Colflesh, M.D. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Colflesh. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye

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Dr. Bechtel:	- abstain
Dr. Saferin:	- abstain
Dr. Soin:	- aye
Mr. Kenney:	- aye
Dr. Steinbergh:	- aye

The motion carried.

Douglas Allyn Dunham, D.O. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Dunham. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Matthew Reid Harris, D.O. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Harris. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Paul Edward Jackson, M.D. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Jackson. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye

Mr. Giacalone: - aye
Dr. Bechtel: - abstain
Dr. Saferin: - abstain
Dr. Soin: - aye
Mr. Kenney: - aye
Dr. Steinbergh: - aye

The motion carried.

Cassandra Rose Parrott, D.O. – Notice of Summary Suspension and Opportunity for Hearing

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

Dr. Soin moved to send the Notice of Summary Suspension and Opportunity for Hearing to Dr. Parrott. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL: Dr. Sethi: - aye
Mr. Gonidakis: - aye
Mr. Giacalone: - aye
Dr. Bechtel: - abstain
Dr. Saferin: - abstain
Dr. Soin: - aye
Mr. Kenney: - aye
Dr. Steinbergh: - aye

The motion carried.

Todd Louis Samuels, M.D. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Samuels. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL: Dr. Sethi: - aye
Mr. Gonidakis: - aye
Mr. Giacalone: - aye
Dr. Bechtel: - abstain
Dr. Saferin: - abstain
Dr. Soin: - aye
Mr. Kenney: - aye
Dr. Steinbergh: - aye

The motion carried.

Bruce A. Spero, M.D. – Citation Letter

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Dr. Soin moved to send a Citation Letter to Dr. Spero. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Chad W. Ulmer, M.D. – Citation Letter

Dr. Soin moved to send a Citation Letter to Dr. Ulmer. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

Kevin T. McGinnis, M.D. – Voluntary Permanent Withdrawal of Application to Practice Medicine and Surgery

Mr. Giacalone moved to ratify the Voluntary Permanent Withdrawal of Application to Practice Medicine and Surgery in Ohio for Dr. McGinnis. Mr. Kenney seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Julia I. Lucente, M.D. – Voluntary Permanent Surrender/Permanent Revocation of Certificate to Practice Medicine and Surgery

Dr. Soin moved to ratify the Voluntary Permanent Surrender/Permanent Revocation of Certificate to Practice Medicine and Surgery in Ohio for Dr. Lucente. Dr. Sethi seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Michelle Q. Lai, M.D. – Voluntary Permanent Surrender/Permanent Revocation of Certificate to Practice Medicine and Surgery

Dr. Sethi moved to ratify the Voluntary Permanent Surrender/Permanent Revocation of Certificate to Practice Medicine and Surgery in Ohio for Dr. Lai. Dr. Soin seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

The Board recessed at 10:35 a.m. and resumed at 10:55 a.m.

EXECUTIVE SESSION

Dr. Sethi moved 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. Mr. Kenney seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- aye
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Blanton, Ms. Anderson, Mr. Miller, Ms. Marshall, Mr. Schmidt, Ms. Snyder, Mr. Taylor and Ms. Farrell.

The Board recessed at 11:00 a.m. for lunch and resumed at 1:00 p.m., returning to public session.

REINSTATEMENT REQUESTS

Steven F. Brezny, M.D.

Dr. Steinbergh stated that Steven F. Brezny, M.D., has requested reinstatement of his license to practice medicine in Ohio.

Dr. Saferin moved that the request for the restoration of the license of Steven F. Brezny, M.D., be approved, upon successful completion of the Special Purpose Examination (SPEX), or board specialty recertification; and upon receipt of two written reports of evaluations conducted by the previously approved psychiatric assessors, or as otherwise approved by the Board, indicating that Dr. Brezny's ability to practice has been currently assessed and that Dr. Brezny has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such evaluations shall have been performed within 60 days upon successful completion of the SPEX or board recertification; upon restoration, Doctor Brezny's license will be subject to the probationary terms and conditions as outlined in the July 13, 2011 Board Order and the May 14, 2014 Board Order, for a minimum of five years. Mr. Kenney seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- abstain

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The motion carried.

Anthony D. Zucco, D.O.

Dr. Steinbergh stated that Anthony D. Zucco, D.O. has requested reinstatement of his license to practice osteopathic medicine in Ohio.

Dr. Saferin I move that the request for the reinstatement of the license of Anthony D. Zucco, D.O., be approved, effective immediately, subject to the probationary terms and conditions as outlined in the November 13, 2013 Board Order for a minimum of two years. Dr. Soin seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Steinbergh announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Steinbergh asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Aiyappan Menon, M.D.; Stephen L. Pierce, M.D.; Christina Louise Summers; Elizabeth Sauter Unk, M.D.; and Jennifer Marie Weaver, P.A.

A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- aye
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

Dr. Steinbergh 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

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in each matter runs from dismissal to permanent revocation or permanent denial.

A roll call was taken:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis:	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- aye
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

Dr. Steinbergh noted 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 Reports and Recommendations before the Board, Dr. Bechtel served as Supervising Member.

Dr. Steinbergh noted that Dr. Saferin served as the Acting Supervising Member in the case involving Dr. Unk and is not eligible to vote in that case. However, Dr. Steinbergh stated that Dr. Saferin did not serve as Acting Supervising Member in the remaining cases and is eligible to vote in the matters involving Dr. Menon, Dr. Pierce, and Ms. Summers. On all other disciplinary matters before the Board today, Dr. Bechtel served as the Acting Secretary and Dr. Saferin served as Acting Supervising Member.

Dr. Steinbergh asked Dr. Saferin to affirm that he did not serve as the Acting Supervising Member on the Reports and Recommendations for Dr. Menon, Dr. Pierce and Ms. Summers that are before the Board.

Dr. Saferin answered in the affirmative.

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

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

Aiyappan Menon, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Aiyappan Menon, M.D., and stated that no objections have been filed. Ms. Clovis was the Hearing Examiner.

Dr. Steinbergh continued in saying that a request to address the Board had been filed timely on behalf of Dr. Menon. Five minutes would be allowed for that address.

Dr. Menon was represented by his attorney, Beth Collis.

Ms. Collis addressed the Board saying they did not file objections as they felt the Hearing Examiner did an excellent job on the case, summarizing the evidence and making an appropriate recommendation of the matter. Ms. Collis stated that she and Dr. Menon fully supported the Report and Recommendation (R&R).

Dr. Menon addressed the Board, thanking them for the opportunity and indicating that he has been sober for the past five and one-half years. Dr. Menon said that he has been monitored by the Board since March of 2009 and has never tested positive on a drug screening. Dr. Menon stated that he sought residential treatment at Glenbeigh in 2009, which he believed saved his life and he has worked very hard to remain sober. Dr. Menon said he understands that all the steps required in his Step II Consent Agreement were designed for him to continue to maintain his sobriety and provide evidence of that to the Board. Dr. Menon stated that he works long hours in Cleveland and has had a hard time balancing his busy workload with his family life. Dr. Menon noted that he sees one hundred dialysis patients or more a week at three different offices and four different dialysis centers. Dr. Menon indicated that he has made himself available 24 hours a day to be accessible to his patients.

Dr. Menon said that since 2009, he has he has attended over 750 Alcoholics Anonymous (AA) meetings over the past five years, called First Lab approximately 1,750 times, and provided over 200 observed urine screens, when instructed to do so. Dr. Menon stated that all of the screens have been negative. Dr. Menon said that the Board is charging him with failing to call First Lab 11 times, failing to provide one screen when instructed to do so, and failing to attend three AA meetings. Dr. Menon stated that he did not dispute the allegations and said, in some instances, he was unable to provide a screen because there was no male observer. Dr. Menon declared that on one instance, he provided a sample the next day as he had called the facility too late to provide a sample on the scheduled day. Dr. Menon indicated that on some dates he failed to attend the AA meeting because he had an exceptionally difficult work schedule and one instance, he was on vacation and did not have access to a meeting or screening location. Dr. Menon said that he has added a second First Lab location for urine screenings so that he will always be close to a location in case a male observer is not present at one of the labs.

Dr. Menon told the Board that he takes full responsibility for his conduct and takes his sobriety and the Consent Agreement very seriously and he continues to attend AA meetings with his friends and colleagues from Glenbeigh. He said those friends are helping to keep him focused and grounded. Dr. Menon stated that he continues to work closely with his AA sponsor and will continue to make compliance a top priority. Dr. Menon expressed that he supports the R&R and said if the Board chooses to suspend his license for even a few days, it will have a devastating effect on several hundred patients, as he is the only nephrologist that covers patients in all of Geauga County. Dr. Menon asked the Board not to take any action that would deny his patients appropriate and timely medical care.

Dr. Steinbergh asked if the Assistant Attorney General wished to respond.

Mr. Wakley indicated that the state would not be addressing the Board regarding the matter.

Dr. Sethi moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Aiyappan Menon, M.D. Dr. Saferin seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the matter.

Mr. Gonidakis reviewed Dr. Menon's credentials and said Dr. Menon is currently working at the Geauga Medical Center. Mr. Gonidakis said that Dr. Menon entered into a Step I Consent Agreement in 2009, which suspended his certificate for not less than 90 days for chemical dependency and bipolar disorder. In August of 2009, Dr. Menon entered into a Step II Consent Agreement and violated it by failing to submit to required random urine/drug tests ten or more times in 2013. Mr. Gonidakis said that on two of those occasions, the physician did check in but did not take the test. Mr. Gonidakis also stated that Dr. Menon missed five Alcoholics Anonymous (AA) meetings from June through August of 2013. Mr. Gonidakis stated he appreciated Dr. Menon's commitment to sobriety and that there was no evidence of relapse. Mr. Gonidakis said that Dr. Menon's employer and monitoring physician reported no problems and Dr. Menon's wife made wonderful statements about him. Mr. Gonidakis said that Dr. Menon's actions of missing numerous drug screenings is inappropriate and concerning and questioned if Dr. Menon understood the seriousness of the matter.

Mr. Gonidakis moved to amend the Proposed Order in the matter of Aiyappan Menon, M.D. to reflect that Dr. Menon shall not request termination of the Consent Agreement for a minimum of six years after the initial ratification of the Consent Agreement, with all other terms and conditions of the Consent Agreement remaining in full force and effect. Dr. Saferin seconded the motion.

Mr. Giacalone stated that he agreed with the amendment because of the numerous drug screenings Dr. Menon missed. Mr. Giacalone said that Dr. Menon should be adhering to the Consent Agreement, which protects the public.

Dr. Steinbergh added that Dr. Menon must demonstrate that he is competent and is going to continue to be well. Dr. Steinbergh said that Dr. Menon needs to modify his lifestyle so not to be overworked and overburdened. Dr. Steinbergh stated that if Dr. Menon does not modify his lifestyle, he runs the risk of relapse and possibly the loss of his license. Dr. Steinbergh suggested that during his healing process, Dr. Menon should learn how to modify his lifestyle so that he can stay well and be successful in sobriety.

Mr. Kenney stated that the actions of Dr. Menon give the appearance that he is not taking the Consent Agreement seriously. Mr. Kenney said Dr. Menon should adhere to the Consent Agreement and if he does not, the Board will take harsher actions against him.

ROLL CALL:	Dr. Bechtel	- abstain
	Dr. Saferin	- aye
	Dr. Soin	- aye
	Mr. Kenney	- aye

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Dr. Steinbergh	- aye
Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye

The motion carried.

Dr. Saferin moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Aiyappan Menon, M.D. Dr. Soin seconded the motion.

A roll call was taken:

ROLL CALL:	Dr. Bechtel	- abstain
	Dr. Saferin	- aye
	Dr. Soin	- aye
	Mr. Kenney	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye

The motion carried.

Stephen L. Pierce, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Stephen L. Pierce, M.D., and stated that objections have been filed. Ms. Shamansky was the Hearing Examiner.

Dr. Sethi moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Stephen L. Pierce, M.D. Mr. Gonidakis seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the matter.

Mr. Kenney reviewed the case with the Board by stating Dr. Pierce's credentials and work history. Mr. Kenney said in 2010, Dr. Pierce accepted a position at Trinity Medical Care, LLC in Columbus, which was owned by a man who Mr. Kenney believed had no medical education. Mr. Kenney said that Dr. Pierce stated that most of the patients were diagnosed with back conditions and testified that the center required patients to pay cash for their services. Dr. Pierce's testimony also reflected that some patients of the clinic traveled long distances – some coming from as far as Florida and Georgia.

Mr. Kenney continued by saying that Dr. Pierce said he argued with Ms. Hawthorn regarding the patients' medication, but continued to write prescriptions for over 300 patients over a four-week period. Mr. Kenney said, at one point, the local pharmacist called and refused to fill the prescriptions Dr. Pierce had written. Around April 22, 2010, a DEA agent

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and a representative from the pharmacy board appeared at the clinic. Mr. Kenney said that after the encounter Dr. Pierce never returned to the clinic.

Mr. Kenney stated that on April 18, 2012, the U.S. District Court filed an indictment against Dr. Pierce. On December 14, 2012, Dr. Pierce appeared in Federal Court with his attorney and entered a plea of guilty to Count 6 of the indictment against him, pursuant to a plea agreement signed November 15, 2012. Mr. Kenney continued by saying that the Court had advised Dr. Pierce of his rights and if he chose to plead guilty, would face up to four years in prison and a fine of up to \$250, 000. Furthermore, the Court advised Dr. Pierce that if he pled guilty, there could be an action against him by the State Medical Board. Mr. Kenney indicated that with those advisements, Dr. Pierce pled guilty to one felony count of conspiring to knowingly acquire or obtain controlled substances by misrepresentation, fraud or deception, namely OxyCotin and Percocet, Schedule II controlled substances. Mr. Kenney said on November 15, 2012, Dr. Pierce signed a Voluntary Surrender of Controlled Substances Privileges, giving up his DEA certificate to prescribe.

Mr. Kenney stated that Dr. Pierce did not dispute the fact that he was convicted of a felony, but he answered that he had no prior history of discipline with the Board and had no prior experience with pain management. Mr. Kenney said that Dr. Pierce emphasized that he only worked with Trinity for four weeks. Mr. Kenney agreed with the Hearing Examiner that Dr. Pierce was disingenuous. Mr. Kenney said that at the time he took the job at Trinity, Dr. Pierce was an educated physician with a medical degree of almost 30 years of practice. Mr. Kenney continued by saying that Dr. Pierce's medical education and experience provided all the knowledge he needed to know that what he was doing was wrong and that Trinity was not a legitimate medical clinic. Mr. Kenney noted that Dr. Pierce only stopped prescribing after the DEA raid.

Mr. Kenney stated that he agreed with permanent revocation and requested it be effective immediately and upon mailing of the notification of approval by the Board.

A vote was taken on Dr. Sethi's motion to approve:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion to approve carried.

Christina Louise Summers

Dr. Steinbergh directed the Board's attention to the matter of Christina Louise Summers, and stated that no objections have been filed. Ms. Blue was the Hearing Examiner.

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Dr. Steinbergh continued in saying that a request to address the Board had been filed timely on behalf of Ms. Summers. Five minutes would be allowed for that address.

Ms. Summers addressed the Board referring to her horrible childhood, but said she felt that she fortunately made it through. Ms. Summers stated that she understands her case is about the felony conviction from 15 years ago and said she just wanted to be loved and did what the man she loved asked her to do – sell drugs. Ms. Summers indicated that she knows what she did was wrong, but said that being loved was more important to her at that point in her life. She also indicated that she truly forgot about the misdemeanor on her record and said regarding that charge that she only put her hands up to protect herself from a woman who was attacking her. Ms. Summers said she is now proud of whom she had become and feels that she had found her purpose in life – massage therapy – helping to relieve the pain and suffering of her patients. She said she has worked very hard for the past 10 or 11 years and even enrolled in school when she was 40 years old, where she received a 4.0 GPA one quarter.

Ms. Summers asked that the Board grant her license, asking the Board to take a chance on her. Ms. Summers stated she will not disappoint herself and, therefore, will not disappoint the Board. Ms. Summers indicated that the Assistant Attorney General (AAG) suggested a 30-day suspension with two years of probation, and said that whatever the Board deems appropriate she will comply with, because she wants to be a massage therapist.

Dr. Steinbergh asked if the Assistant Attorney General wished to respond.

Ms. Snyder indicated that she did wish to respond and said she is the AAG Ms. Summers was referring to in her remarks. Ms. Snyder reminded the Board that Ms. Summers felony conviction was for trafficking in cocaine and asked how someone could forget they had been arrested. Ms. Snyder stated that she believed Ms. Summers was credible in the hearing and that both Ms. Summers and her son were very candid with the Hearing Examiner. Ms. Snyder concluded by saying that she supports the proposed R&R.

Dr. Sethi moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Christina Louise Summers. Dr. Soin seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the matter.

Dr. Saferin reviewed the case with the Board reviewing Ms. Summers credentials, saying that she did extremely well in training and received letters of recommendation from Stautzenberger College. Dr. Saferin indicated that Ms. Summers submitted to the Board, an application for certificate to practice limited branch of medicine, massage therapy, which remains pending. Dr. Saferin stated that Ms. Summers answered "yes" to question 14, which asked if she had ever been arrested. Dr. Saferin noted that Ms. Summers submitted all the documentation regarding her felony conviction. Dr. Saferin reviewed her conviction information and reiterated that Ms. Summers indicated that she forgot about the misdemeanor charge, which was amended to Negligent Assault. Dr. Saferin said that the

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issue was Ms. Summers' credibility and if she was being deceptive or misleading with the Board. Dr. Saferin noted that Ms. Summers testified that was not her intention and the Hearing Examiner believed her. Dr. Saferin stated that Ms. Summers received support from her current employer, the owner of the chiropractic center in Michigan where she is currently practicing massage therapy, saying Ms. Summers is an extremely good employee. Dr. Saferin concluded by stating that he supports the proposed order.

Dr. Steinbergh noted that she would support the proposed order, but reiterated the seriousness of her felony conviction, saying that the massage therapy profession expects the highest degree in morals and ethics. Dr. Steinbergh said that the ethics course that Ms. Summers will be taking will be important and that Ms. Summers should demonstrate to the Board that she understands professional and personal ethics.

Dr. Soin stated that he also supported the proposed order and commented that Ms. Summers life could have gone in a different direction, had she not started making better choices. Dr. Soin said that he was pleased that Ms. Summers was making an effort to do the right thing.

A vote was taken on Dr. Sethi's motion to approve:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion to approve carried.

Elizabeth Sauter Unk, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Elizabeth Sauter Unk, M.D., and stated that objections had been filed. Ms. Blue was the Hearing Examiner.

Dr. Steinbergh continued in saying that a request to address the Board had been filed timely on behalf of Dr. Unk. Five minutes would be allowed for that address.

Dr. Unk was represented by her attorney, Douglas Graff.

Mr. Graff addressed the Board and said that Ms. Blue found strong support in the summary of the evidence from Dr. Whitney at Shepherd Hill, Mr. Lutz at OPHP and from Dr. Unk's employer and partner, as well as her sponsor. Mr. Graff continued by saying that Ms. Blue found Dr. Unk to be credible and remorseful. Mr. Graff indicated that the order was appropriate and asked the Board to consider that Dr. Unk, since entering Shepherd Hill, had voluntarily kept herself out of practice even before her Step I Consent Agreement that was approved by the Board in December.

Dr. Unk addressed the Board and said she appreciated the opportunity. She said she is very sorry for her awful and irresponsible behavior on September 12, 2012, that resulted in an innocent man being injured. Dr. Unk said she realized that she never should have been driving after drinking that evening and takes full responsibility for her actions. Dr. Unk said that she will regret those actions for the rest of her life and, although it is a very serious situation, she thanks God every day that it was not worse. Dr. Unk expressed her sorrow for the physical and emotional pain and suffering she had caused the victim and his family and indicated her remorse for what she had put them through. Dr. Unk said, as a physician she has spent her life trying to help people and it had been awful to know that she was capable of hurting someone. Although the victim wishes to remain anonymous, Dr. Unk has been told that he continues to recover. Dr. Unk indicated that she is grateful for the victim's compassion and will continue to pray for him every day. Dr. Unk said she is sorry for the embarrassment she had caused the Board and the medical community, as well as for the time and resources that has been spent on her case.

Dr. Unk indicated that she has wanted to be a physician since she was a young girl and has always considered it her vocation. Looking back, Dr. Unk said, she realized that she was beginning to take her professionalism and her responsibilities for granted, and she realizes what a terrible lapse in judgment her actions were the evening of the accident. Dr. Unk said she is ashamed that she let down her husband, children, extended family, friends, her practice, patients, and the entire medical community. However, Dr. Unk said that she is forever grateful for the unconditional love, support and forgiveness that she had received. Dr. Unk indicated that she wished she could take back the actions of that night, but said that she has learned from her mistake and tries to do the right thing since then. Dr. Unk said that she has been and will continue to be fully honest and willing to change for the better. She indicated that she has not consumed alcohol since the night of the accident and is actively involved in her treatment and recovery. Dr. Unk said that she is so appreciative of the support those in the recovery community have given her and for the ongoing education she has been receiving. Dr. Unk said that she is beyond grateful that through her recovery she had the opportunity for spiritual growth and healing to help her deal with the immense guilt and shame that she struggles with. All of that is helping her to become the person God has intended for her to be.

Dr. Unk humbly requested that the Board reinstate her license to practice family medicine. Dr. Unk said that she has been in full compliance with all suggestions and requirements since the accident and said that thankfully, her practice and patients are anxiously awaiting her return. Dr. Unk stated that she has caused her family and practice significant worry and financial hardship and she is committed to being there for those who depend on her. Dr. Unk indicated that she has served her sentence, paid her fines, and has more than one-third of her community service completed - volunteering at Good Will, Amethyst, Helping Hands Free Medical Clinic and St. Michael's School, where their children attend. Dr. Unk said that she will continue to work a strong recovery program on a daily basis and is doing everything she can to improve her life, help others, and ensure this does not happen to someone else. Dr. Unk stated that she looked forward to using what she had learned about the disease of chemical dependency to help her continue to become a more balanced person and mother, as well as a better and more informed physician.

Dr. Steinbergh asked if the Assistant Attorney General wished to respond.

Mr. Wakley indicated that he did wish to respond on Mr. Wilcox's behalf and thanked Ms. Blue for her thorough and detailed report. Mr. Wakley indicated that the State yields to the Board's experience in determining the appropriate sanction for Dr. Unk's conduct.

Dr. Soin moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Elizabeth Sauter Unk, M.D. Dr. Sethi seconded the motion.

Dr. Steinbergh indicated that she would entertain discussion in the matter.

Dr. Soin reviewed the case with the Board saying the case involves Dr. Unk and a vehicular assault situation involving alcohol and a bicyclist who was injured. Dr. Soin reviewed Dr. Unk's credentials and work history. Dr. Soin stated that on December 11, 2013, Dr. Unk entered into Step I Consent Agreement with the Board, which suspended her certificate to practice medicine and surgery in Ohio for an indefinite period of time, based on the self-reporting by Dr. Unk. Dr. Soin stated that Dr. Unk admitted that she was impaired in her ability to practice medicine and surgery due to alcohol abuse. Dr. Soin reviewed the accident, the vehicular assault charge information and the sentence that was imposed for Dr. Unk.

Dr. Soin said that Dr. Unk testified that the first time she drank alcohol was in High School and she admitted that she did not handle it very well. Her testimony also said that Dr. Unk considered herself to be a social drinker, however, about two months prior to the accident her drinking had increased. Dr. Soin stated that Dr. Unk denied that she ever went to work drunk or hungover and further added that her drinking never impacted the quality of care that she provided to her patients. Dr. Soin said that Dr. Unk denied seeing the bicyclist the night of the accident, as it was dark, and said when she heard an impact she immediately stopped her vehicle and went over to help the victim. Dr. Soin stated that Dr. Unk testified that she failed field sobriety tests, was placed under arrest and was taken to the Ohio State Highway Patrol office on Route 23 where she took a breathalyzer. Dr. Soin indicated the test results showed Dr. Unk's blood alcohol level was 0.17.

Dr. Soin said that Dr. Unk testified that although she made several attempts, she never specifically learned the extent of the victim's injuries. However, after the civil case against her settled, Dr. Unk learned that the victim had been at Ohio State University Hospital, Dodd Hall for a few weeks with broken wrists and a traumatic brain injury that caused short term memory problems. Dr. Soin reviewed the steps Dr. Unk took after the accident to aid in her recovery, saying that Dr. Unk continued to utilize her sponsor to provide negative random drug and alcohol screens.

Dr. Soin reiterated that Dr. Unk notified the Board of her indictment and admitted that she pled guilty to vehicular assault. Dr. Unk said the Delaware County Prosecutor spoke to the victim to ensure he approved of her accepting a lesser charge of a fourth degree felony. Dr. Soin indicated that Dr. Unk sent the patient a letter, saying that she was deeply sorry for the

pain and suffering that she had caused him and his family. Dr. Soin reviewed more of Dr. Unk's testimony and said that she was required to submit to an alcohol and drug treatment evaluation at Shepherd Hill. That facility advised Dr. Unk that she had been previously diagnosed with alcohol abuse at Second Chance and said they concurred with the diagnosis and would admit her to 28 days of inpatient treatment. Dr. Whitney, from Shepherd Hill ultimately diagnosed Dr. Unk with alcohol dependency, as opposed to alcohol abuse. Dr. Soin read Dr. Whitney's definition of alcohol dependency, stating "People who are diagnosed with alcohol abuse can successfully continue to drink in a controlled manner or can cut back and stay cut back. People who fulfill the criteria for alcohol dependence or alcoholism must have abstinence from alcohol as an absolute, complete requirement, and we believe that that fits Dr. Unk's history more completely than a diagnosis of alcohol abuse."

Dr. Soin continued by saying that Dr. Whitney also testified that Dr. Unk was a model patient and wished every physician that went to Shepherd Hill would take the matter as seriously as she did. Dr. Whitney's testimony also indicated that Dr. Unk was going to be an outstanding physician when she was back in practice and probably a better physician than she was before, saying that he would emphatically endorse Dr. Unk getting back to practice as soon as possible. Dr. Soin also read part of Mark Lutz's testimony, saying that since the day of the hearing, Dr. Unk's urine drug screens have been negative.

Dr. Soin indicated that Dr. Unk had multiple letters of support that are available in the R&R and concluded by saying that he agrees with the proposed order. Dr. Soin said the incident was horrible and life altering and that an innocent man was injured due to the lack of judgment on Dr. Unk's part. However, Dr. Soin said that Dr. Unk had taken positive steps since the incident, voluntarily notified the Board of the incident, and expressed remorse over the incident.

Mr. Kenney noted that it took Dr. Unk nine months from the time of the accident to notify the Board and questioned the lapse in time before the notification. He asked if Dr. Unk was practicing during that time.

Dr. Steinbergh stated that Dr. Unk was assessed with alcohol abuse and said it is important to remember that the Board realized the seriousness of the case. The Board decided to bifurcate the case so it could follow the criminal conviction and also to assess Dr. Unk for impairment. Dr. Steinbergh said it is horrible to think that a physician would commit this act that caused pain and suffering and said she believes Dr. Unk now understands that point. Dr. Steinbergh indicated that throughout the materials the Board members have read, Dr. Unk had always been an appropriate physician.

Dr. Steinbergh concluded by saying that Dr. Unk should make a personal mission of going to medical staff meetings, to the MECs, to share her story. Dr. Steinbergh stated she is convinced that Dr. Unk has internalized the case and is going to be well. Dr. Steinbergh realizes that Dr. Unk may never forgive herself, but said that she has to move on and suggested Dr. Unk take her experience on the road to teach physicians and others the dangers of drinking and driving.

Dr. Steinbergh noted that she supports the proposed order but reiterated to Dr. Unk that she

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must take the matter seriously, because if she comes before the Board again, the outcome will be much tougher.

Mr. Giacalone stated that he supports the proposed order but agrees with Mr. Kenney and found it interesting that it took Dr. Unk nine months to report it to the Board. However, Mr. Giacalone indicated that he was impressed that Dr. Unk reached out to the patient to apologize and indicated that does not happen often enough.

A roll call was taken on Dr. Soin's motion to approve:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- abstain
	Dr. Saferin:	- abstain
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion to approve carried.

Jennifer Marie Weaver, P.A.

Dr. Steinbergh directed the Board's attention to the matter of Jenifer Marie Weaver, P.A., and stated that no objections had been filed. Ms. Shamansky was the Hearing Examiner.

Dr. Steinbergh stated that the matter is non-disciplinary in nature, and therefore all Board members may vote.

Mr. Gonidakis moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Jennifer Marie Weaver, P.A. Dr. Soin seconded the motion.

Dr. Sethi reviewed the case with the Board saying the case is a non-disciplinary matter regarding credentials for a physician assistant Certificate to Prescribe. The issue is a proposed denial of Ms. Weaver's application for a Certificate to Prescribe because she does not hold a master's or higher degree from an ARC-PA approved program or any appropriately accredited program. Dr. Sethi indicated that the statute for this case is Section 4730.44(B), Ohio Revised Code, stating that an applicant must have at least a master's degree and must have authority in another state to prescribe therapeutic devices and drugs. Dr. Sethi stated that Ms. Weaver testified that she missed the requirement because she holds prescriptive authority in North Carolina. The Board found that Ms. Weaver does not meet the Ohio criteria and is not eligible to hold a certificate to prescribe. Dr. Sethi noted that a non-permanent denial is recommended, to allow Ms. Weaver the opportunity to meet all of the requirements and reapply at a later date.

A vote was taken on Mr. Gonidakis' motion to approve:

ROLL CALL:	Dr. Sethi:	- aye
	Mr. Gonidakis :	- aye
	Mr. Giacalone:	- aye
	Dr. Bechtel:	- aye
	Dr. Saferin:	- aye
	Dr. Soin:	- aye
	Mr. Kenney:	- aye
	Dr. Steinbergh:	- aye

The motion to approve carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Steinbergh noted that there was none.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Steinbergh noted that there was none.

The Board took a recess at 2:00 p.m. and returned at 3:30 p.m.

FINAL PROBATIONARY APPEARANCES

Thomas R. Merritt, M.D.

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

Dr. Steinbergh welcomed Dr. Merritt to the meeting and asked if he was still living in Toledo. Dr. Steinbergh asked Dr. Merritt if he was still retired and asked what type of insurance work he was considering doing.

Dr. Merritt indicated that he was retired and had the insurance work listed just in case he would decide to get back to work.

Dr. Steinbergh asked Dr. Merritt if he was aware that his license was currently inactive.

Dr. Merritt answered affirmatively.

Dr. Steinbergh asked Dr. Merritt to tell the Board about his participation in the PACE program and what he had learned through the processes he encountered.

Dr. Merritt noted that he personally did not think the PACE program was very viable, saying it was poorly organized. Dr. Merritt indicated as an orthopedic surgeon, the first part of the testing program would test an internist much better than it tests orthopedic surgeons. Dr. Merritt stated that during the second part of the program, he found himself hanging around a

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hospital for two weeks observing surgeries and not doing much else. Dr. Merritt felt that there is a better way of improving a licensee's ability to practice than what the PACE program offered.

Dr. Steinbergh asked Dr. Merritt if he had any suggestions for the Board, since he did not feel the program tested his competency as an orthopedist.

Dr. Merritt said that the PACE program in its conception is a good program, but it should be honed or tailored better to individual specialties.

Dr. Soin asked Dr. Merritt to tell the Board what his plans are for the future.

Dr. Merritt stated that he owns a shoe store and sells shoes there.

Dr. Soin moved to release Thomas R. Merritt, M.D., from the terms of the April 15, 2011 Consent Agreement, effective immediately. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

Jon Berkley Silk, Jr., M.D.

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

Dr. Steinbergh welcomed Dr. Silk to the meeting and asked about his health and recovery.

Dr. Silk said for the last two years he has been in a family medicine practice. He noted six years ago he made a call to the Board and admitted that he had an alcohol problem. Dr. Silk indicated that the Board gave him 48 hours to go to a treatment center and he was thankful for that and for what had happened since that time. Dr. Silk said his entire life has turned around and he felt that alcoholism needs a spiritual cure. Dr. Silk learned that in AA and said he has attended over 1,000 AA meetings in the past six years and passed hundreds of urine drug screens. Dr. Silk stated that the biggest part of his life that had changed was the way he feels inside. Dr. Silk said he met his wife in sobriety, they have two children, a home, a stable job, and his relationship with his parents is strong. Dr. Silk noted that everything has improved and he thanked the Board.

Dr. Steinbergh said she reviewed Dr. Silk's history and noted that the Board had been monitoring him since 2008. Dr. Steinbergh asked what Dr. Silk had planned after his release.

Dr. Silk said in approximately one week he is getting a contract for the Miami County Recovery Council and will be working one night a week there with others who are addicted, in addition to working at his family practice. Dr. Silk said he was looking forward to working in his hometown of Troy.

Dr. Steinbergh asked Dr. Silk if he had questions for the Board, thanked him for his comments and his letter to the Board and indicated that she enjoyed reading it. Dr.

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Steinbergh said that she hoped Dr. Silk was committed to his recovery, as there is no going back.

Dr. Sethi asked Dr. Silk how he regained the trust of his wife, family and father-in-law.

Dr. Silk said that he did not meet any of those individuals until after he was sober, so they did not know the man he used to be. Dr. Silk said he started over, moved to a new town, and did not have any of his old friends around. Dr. Silk stated his mother and father saw him at his worst. However, his parents had always supported him and are proud of where he is now. Dr. Silk said that at one point, his father stayed with him when he was very depressed and now they talk and relate in a different way.

Dr. Saferin stated that he is very excited when licensees appreciate and understand what has happened to them, when they embrace the positive changes and do not want to relapse, recognize that the Board helped them and that they have helped themselves. Dr. Saferin said it is rewarding for the Board to see licensees be successful and go back to doing what they were meant to do.

Dr. Saferin moved to release Jon Berkley Silk, Jr., M.D., from the terms of the June 10, 2009 Step II Consent Agreement, effective immediately. Dr. Sojin seconded the motion. All members voted aye. The motion carried.

Dr. Steinbergh, thereupon at 3:45 p.m. adjourned the June 11, 2014, meeting of the State Medical Board of Ohio.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 11, 2014, as approved on July 9, 2014.



Krishnamurthi Ramprasad, M.D., President



Mark Bechtel MD, Acting Secretary

