

November 4, 2015

MINUTES**THE STATE MEDICAL BOARD OF OHIO****November 4, 2015**

Donald R. Kenney, Sr., President, called the meeting to order at 10:05 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: Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Anita M. Steinbergh, D.O.; Amol Soin, M.D.; Sushil Sethi, M.D.; Robert P. Giacalone; Andrew P. Schachat, M.D.; Michael Schottenstein, M.D.; and Richard Edgin, M.D. The following member arrived at a later time: Michael L. Gonidakis, Vice President.

Also present were: Anthony J. Groeber, Executive Director; Kimberly Anderson, Assistant Executive Director; Michael Miller, Assistant Executive Director for Licensure and Renewal; David Fais, Assistant Executive Director; Sallie J. Debolt, Senior Counsel; William Schmidt, Chief of Investigations; David Katko, Assistant Legal Counsel; Joan K. Wehrle, Education and Outreach Program Manager; Rebecca Marshall, Chief Enforcement Attorney; Marcie Pastrick, Mark Blackmer, Angela McNair, Cheryl Pokorny, Gregory Taposci, James Roach, and Kimberly Lee, Enforcement Attorneys; Kyle Wilcox, Melinda Snyder, and James Wakley, Assistant Attorneys General; R. Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Danielle Bickers, Compliance Supervisor; Annette Jones and Angela Moore, Compliance Officers; Alexandra Murray, Managing Attorney for Standards Review, Experts, and Intervention; Mitchell Alderson, Administrative Officer; Chantel Scott, Chief of Renewal; Stuart Nealis, Project Manager; Christine Schwartz, Legal and Policy Staff Attorney; Jacqueline A. Moore, Legal/Public Affairs Assistant; and Benton Taylor, Board Parliamentarian.

MINUTES REVIEW

Dr. Sethi moved to approve the draft minutes of the September 9, 2015, Board meeting, as written. Dr. Rothermel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion carried.

APPLICANTS FOR LICENSURE

Dr. Saferin moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the anesthesiologist assistant applicants listed in Exhibit "A", the genetic counselor applicants listed in Exhibit "B," the massage therapist applicants listed in Exhibit "C," and the physician and physician assistant applicants listed in Exhibit "D." as listed in the agenda supplement and handout. Dr. Steinbergh seconded the motion.

A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Mr. Kenney announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Mr. Kenney 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: Frank Edmidio Barone, M.D.; and Justin Matthew Rodebaugh, M.D.

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

Mr. Kenney asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from

dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

Mr. Kenney 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 matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Mr. Kenney 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.

Mr. Gonidakis entered the meeting at this time.

Mr. Gonidakis affirmed that he 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: Frank Edmidio Barone, M.D.; and Justin Matthew Rodebaugh, M.D. Mr. Gonidakis further affirmed that he understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation.

FRANK EDMIDIO BARONE, M.D.

Mr. Kenney directed the Board's attention to the matter of Frank Edmidio Barone, M.D. No objections have been filed. Ms. Clovis was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Barone. Five minutes will be allowed for that address.

Dr. Barone was represented by his attorney, Eric Plinke.

Mr. Plinke stated that Dr. Barone is a well-respected physician in the Toledo area and is a specialty board-certified plastic surgeon with no prior disciplinary history with the Board. Mr. Plinke stated that in 2012 Dr. Barone self-reported his prior non-compliance with the Board's rules regarding light-based medical

devices. Mr. Plinke stated that this is not a matter of laser procedures being scheduled specifically with a nurse to be performed while Dr. Barone is performing separate procedures. Rather, Dr. Barone had his nurse assist him and the non-compliance occurred whenever Dr. Barone was called away from the room or the nurse handled the laser with Dr. Barone's direct supervision. Mr. Plinke stated that Dr. Barone has taken responsibility for this by self-reporting to the Board and cooperating with the Board.

Mr. Plinke agreed with the Hearing Examiner's Proposed Order to take no further action in this case. Mr. Plinke opined that the Proposed Order is a proper balance in a case in which the practitioner self-reported, there are pervasive mitigating factors, and there is no evidence of harm to the public. Mr. Plinke noted that an Order of no further action is still a disciplinary action and it sends the message that there was a violation in this matter. Mr. Plinke opined that if the Board imposes a more severe sanction it would send a negative message to those practitioners who may be considering self-reporting.

Dr. Barone stated that he takes full responsibility for this situation and that it is his job to know the intent of the law. Dr. Barone stated that he had mistakenly assumed that a licensed nurse who had been trained and certified in laser care could assist with a laser device under his direct supervision. Dr. Barone stated that the nurse who had assisted him had previously used a laser device in Michigan, where it was legal for her to do so. Therefore, the nurse had quite a bit of experience with a laser and had, in fact, helped train Dr. Barone on using the device.

Dr. Barone continued that when he was informed about the Ohio law by ProMedica in 2012, he immediately ceased the practice and self-reported to the Board. Dr. Barone noted that no patient had been adversely affected and there had been no serious complications. Dr. Barone also stated that he had evaluated every patient, determined the settings of the medical device, saw the patients before and after the procedure, and did most of the procedures himself with the assistance of the nurse.

Dr. Barone stated that he self-reported to the Board because he thought it was the right thing to do. Dr. Barone stated that this process has been difficult for him personally and professionally, especially in the form of associated expenses and time away from patient care as a solo practitioner. Dr. Barone stated that he has learned a great deal from this experience and he thanked the Board for its consideration and understanding.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Mr. Wakley stated that he would like to respond.

Mr. Wakley stated that the issue in this matter is what the Board intends to do with cases involving light-based medical devices, which are becoming more frequent. Mr. Wakley noted that John Ross, M.D., will appear before the Compliance Committee today for his first probationary appearance after having his medical license suspended for, among other violations, delegating operation of a light-based medical device to a non-physician. Mr. Wakley stated that under Ohio law delegation of treatment by a light-based device to a non-physician is a felony in the course of practice.

Mr. Wakley opined that though there was no indication of patient harm, the Board should send a message that it takes these obligations under the law seriously and that these rules will be enforced. Mr. Wakley

suggested that a reprimand of Dr. Barone would be appropriate.

Dr. Steinbergh moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Frank Edmidio Barone, M.D. Mr. Gonidakis seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Dr. Sethi stated that Dr. Barone has been practicing as a plastic and reconstructive surgeon in the Toledo area since 1989 and, consequently, he is familiar with the rules of the Medical Board. Between 2007 and about 2012, Dr. Barone allowed Cathy Glanz, L.P.N., a non-physician, to treat Patients 1 through 31 with a light-based medical device for purposes other than hair removal, in violation of Ohio law. Dr. Barone also admitted that Ms. Glanz had performed Fraxel laser treatments when Dr. Barone was present in the office but not present in the procedure room.

Dr. Sethi stated that Dr. Barone is a highly respected plastic surgeon. However, his actions in allowing a non-physician to treat patients with a light-based medical device violated the law and the rules of the State Medical Board of Ohio. In addition, Dr. Barone allowed laser treatments to be performed when he was not present in the procedure room. Dr. Sethi suggested that rather than the Proposed Order to take No Further Action, it would be more appropriate to issue a Reprimand to Dr. Barone.

Dr. Sethi moved to amend the Proposed Order to a Reprimand. Dr. Steinbergh seconded the motion.

Dr. Steinbergh agreed with Dr. Sethi's comments. Dr. Steinbergh stated that it had been inappropriate for Dr. Barone to assume that Michigan law, which allows nurses to use light-based medical devices, would apply to his practice in Ohio which was near Michigan. Dr. Steinbergh also expressed concern that Dr. Barone had left the procedure room during laser treatments in order to work on other things such as chart work, according to his testimony. Dr. Steinbergh stated that during the procedure, there is nothing more important than taking care of the patient.

Dr. Soin also agreed with reprimanding Dr. Barone, noting that his acts constitute a felony. Dr. Soin appreciated the fact that Dr. Barone self-reported these issues to the Board and that Dr. Barone has taken steps to prevent this from happening again. Dr. Soin further noted that there was no known harm to patients and that Dr. Barone seems genuine in his comments. Dr. Soin opined that the Board is now considering a reprimand rather than a suspension of Dr. Barone's medical license because of these mitigating factors. Dr. Soin recognized that there is concern that taking an action against Dr. Barone may discourage other practitioners from self-reporting; however, Dr. Soin felt that the fact that Dr. Barone self-reported has helped him avoid a license suspension.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Frank Edmidio Barone, M.D. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion to approve carried.

JUSTIN MATTHEW RODEBAUGH, M.D.

Mr. Kenney directed the Board's attention to the matter of Justin Matthew Rodebaugh, M.D. Objections to Mr. Porter's Report and Recommendation have been filed and were previously distributed to Board members.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Rodebaugh. Five minutes will be allowed for that address.

Dr. Rodebaugh was represented by his attorney, Jonathan Good.

Mr. Good requested that the Board accept the Hearing Examiner's Proposed Order in this matter. Mr. Good stated that the Board had previously indicated that Dr. Rodebaugh should take time out from medicine and return when he has achieved a period of stable sobriety. Mr. Good stated that Dr.

Rodebaugh is a talented young man and a talented physician, as indicated by the fact that the Cleveland Clinic is ready to accept him back into their residency program.

Mr. Good continued that David Stroom, M.D., an addiction psychiatrist, has opined that Dr. Rodebaugh has achieved stable sobriety. Three other physicians have examined Dr. Rodebaugh and have also concluded that Dr. Rodebaugh's sobriety is stable and that he is able to practice medicine according to the prevailing standards of care. Mr. Good further noted that Dr. Rodebaugh underwent a 28-day inpatient treatment at the Center for Chemical Addiction and Treatment (CCAT). Mr. Good stated that Dr. Stroom has formulated a treatment compliance program for Dr. Rodebaugh and Dr. Rodebaugh remains compliant with that program. Dr. Rodebaugh undergoes weekly urine screens and all screens have been negative for the past 18 months.

Mr. Good stated that Dr. Rodebaugh represents an affirmation of the Board's processes of self-reporting, rehabilitation, and coming into compliance. Mr. Good stated that Dr. Rodebaugh is willing to comply with any recommendations made by the Board.

Dr. Rodebaugh stated that the last time he appeared before the Board it was suggested that he take time out and work towards obtaining health in his life. Dr. Rodebaugh stated that he has done this and he has been in weekly aftercare therapy for the last 18 months, as well as attending caduceus meetings with Dr. Joe Janesz at the Cleveland Clinic. Dr. Rodebaugh stated that all his urine screens for the past 18 months have been negative. Dr. Rodebaugh also sees Dr. Stroom quarterly for follow-up psychiatric care. Dr. Rodebaugh stated that he completed a 28-day inpatient treatment program at CCAT and all the counselors, as well as the medical director, support his return to practice. Dr. Rodebaugh further noted that the internal medicine residency program at the Cleveland Clinic supports him and is holding a spot for him pending his relicensure.

Dr. Rodebaugh stated that he wants to return to what he has a passion for, which is taking care of patients safely. Dr. Rodebaugh thanked the Board for giving him a time-out from practice and advising him to get some help. Dr. Rodebaugh stated that his life is now on course socially, personally, and hopefully professionally. Dr. Rodebaugh asked the Board to approve the Hearing Examiner's Report and Recommendation and allow him to return to his residency program.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he would like to respond.

Mr. Wilcox remarked that Dr. Rodebaugh's history is one of the most significant histories of alcoholic behavior he has seen. Mr. Wilcox noted that Dr. Rodebaugh's history includes alcohol-related arrests including Operating a Vehicle while Impaired (OVI), passing out in public, and public intoxication while having custody of his three young children. Mr. Wilcox stated that this behavior is an indication that Dr. Rodebaugh is a profoundly sick man.

Mr. Wilcox continued that according to his testimony, Dr. Rodebaugh reached "rock bottom" in June 2013 when he was arrested for disorderly conduct and obstructing official business when he refused to check out of a Cleveland hotel. Mr. Wilcox noted that that was Dr. Rodebaugh's ninth alcohol-related arrest. Dr.

Rodebaugh claims that when he was taken to the police station and placed into a restraint chair, he decided that he did not want to live like that anymore. Dr. Rodebaugh claims to have been sober since that time, though his documented sobriety begins in April 2014.

Mr. Wilcox stated that Dr. Rodebaugh's application for a new training certificate is currently pending. Mr. Wilcox opined that the most important questions for the Board is whether Dr. Rodebaugh can be trusted should he be granted a training certificate and whether the public be safe. Mr. Wilcox noted that the program directors of the Cleveland Clinic internal medicine residency program appear to support Dr. Rodebaugh and are willing to take him back into their program. Further, Mr. Wilcox stated that in a residency program Dr. Rodebaugh would be closely monitored. Mr. Wilcox opined that when the Board chose not to permanently revoke Dr. Rodebaugh's training certificate in 2012, it sent the apparent message that Dr. Rodebaugh may be given another chance if he turns his life around. However, Mr. Wilcox also noted that in 2012 Dr. Rodebaugh stood before the Board and lied about how long he had been sober at that time.

In summary, Mr. Wilcox stated that Dr. Rodebaugh has had four relapses and has failed to remain sober through multiple consent agreements with the Board. Mr. Wilcox stated that the Board must decide if Dr. Rodebaugh is healthy today, if Dr. Rodebaugh can be trusted with a training certificate, and if it is worth it to use the Board's resources to continue monitoring Dr. Rodebaugh.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Justin Matthew Rodebaugh, M.D. Dr. Soin seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Mr. Giacalone briefly reviewed Dr. Rodebaugh's medical career. Mr. Giacalone stated that Dr. Rodebaugh first entered into a 28-day inpatient treatment program at Glenbeigh Hospital in October 2009. However, Dr. Rodebaugh was only able to maintain sobriety for about two weeks after discharge before relapsing on alcohol in December 2009. In July 2010, Dr. Rodebaugh re-entered inpatient treatment for 45 days. Dr. Rodebaugh entered into a Step I Consent Agreement with the Board in September 2010 which suspended his training certificate. Dr. Rodebaugh entered into a Superseding Step I Consent Agreement in October 2010 based, in part, on his admission that he had violated his September 2010 Consent Agreement by consuming alcohol and getting arrested for OVI. The October 2010 agreement revoked Dr. Rodebaugh's training certificate, stayed the revocation, and suspended his training certificate for a minimum of one year.

Mr. Giacalone continued that on or about September 10, 2010, Dr. Rodebaugh entered into a 90-day inpatient treatment program at Glenbeigh Hospital, but he failed to maintain sobriety following discharge. On or about December 17, 2010, Dr. Rodebaugh received treatment at the inpatient detoxification unit at the Cleveland Clinic. After being discharged from the Cleveland Clinic on or about December 23, 2010, Dr. Rodebaugh again consumed alcohol and was arrested for OVI on or about the same day. Dr. Rodebaugh reentered treatment at the Cleveland Clinic on or about December 29, 2010, followed by a 30-day treatment at Hazelden, a Board-approved treatment provider in Minnesota. In March 2011 Dr.

Rodebaugh entered into another Superseding Step I Consent Agreement with the Board with revoked his training certificate, stayed the revocation, and suspended his training certificate for a minimum of three years.

Mr. Giacalone continued that in August 2011 the Board issued a Notice of Opportunity for Hearing to Dr. Rodebaugh alleging that he had failed to comply with the terms of his March 2011 Superseding Step I Consent Agreement. In April 2012, the Board issued an Order that non-permanently revoked Dr. Rodebaugh's training certificate. In or around June 2014, Dr. Rodebaugh submitted an application for a new training certificate, which is currently pending. Subsequently, the Board issued a Notice of Opportunity for Hearing to Dr. Rodebaugh in November 2014.

Mr. Giacalone stated that of the five allegations set forth in the November 2014 Notice of Opportunity for Hearing, Dr. Rodebaugh only disputes the allegation that he had provided untruthful information when he appeared before the Board on April 11, 2012. Specifically, Dr. Rodebaugh told the Board members that he had been sober at that time for one year and one day, when in fact Dr. Rodebaugh had consumed alcohol on multiple occasions during that time period between April 10, 2011, and April 11, 2012. Mr. Giacalone noted the following instances:

- On or about July 17, 2011, Dr. Rodebaugh was charged with Disorderly Conduct and Endangering Children. According to the police report, Dr. Rodebaugh appeared intoxicated at the pool area of an apartment complex with his three young children. During this event, Dr. Rodebaugh verbally threatened the arresting officers and used vulgar language. Dr. Rodebaugh was found guilty of Direct Contempt of Court and was sentenced to 30 days in jail, with 23 days suspended. With respect to the other charges, Dr. Rodebaugh was sentenced to 30 days in jail, which was suspended, and he was fined and placed on probation for one year. Dr. Rodebaugh was also ordered to have no alcohol or drug use.
- On or about August 19, 2011, Dr. Rodebaugh was charged with Disorderly Conduct (Intoxicated/Risk of Harm). The police report indicated that Dr. Rodebaugh was found intoxicated lying down in a field. Dr. Rodebaugh pled no contest to the charge, was found guilty, and was ordered to pay a fine and costs.
- In Dr. Rodebaugh's response to the Board's interrogatories, he stated that he had consumed alcohol from April 10, 2011, to April 13, 2011, and from May 19, 2011, to May 24, 2011.

At his most recent hearing, Dr. Rodebaugh testified that when he addressed the Board in April 2012, he may have confused his April 10, 2011 sobriety date with the date that his father died. Mr. Giacalone, however, noted this assessment from the Hearing Examiner:

However, based upon the detailed information Respondent discussed at the meeting, including mentioning his father's death, and reiterating that he maintained his sobriety and was attending recovery group meetings and seeing an addictionologist, the Hearing Examiner is convinced that, at that moment, he had intended to mislead the Board. All of the attendant circumstances point to deception.

Mr. Giacalone further noted that on Dr. Rodebaugh's pending application for a training certificate, he

made the following disclosures:

- On or about April 28, 2012, Dr. Rodebaugh was charged with Disorderly Conduct. The police report indicated that there was a disturbance at a child care facility between Dr. Rodebaugh and his children. Dr. Rodebaugh was intoxicated, falling into lockers, and responded vulgarly when the employees asked him to put a shirt and his shoes on.
- On or about August 15, 2012, Dr. Rodebaugh was charged with Disorderly Conduct. According to the police report, Dr. Rodebaugh was intoxicated and was pounding on and/or trying to kick in a door at an apartment complex where he lived.
- On or about October 12, 2012, Dr. Rodebaugh was charged with Voluntary Intoxication. Dr. Rodebaugh was fined and required to pay costs.
- On or about April 8, 2013, Dr. Rodebaugh was charged with Disorderly Conduct While Intoxicated. According to the police report, Dr. Rodebaugh caused a disturbance at a restaurant when he allegedly "... yelled an obscenity, threw his drink glass on the ground, pushed pass a waitress, and kicked open the door and left" the restaurant. Dr. Rodebaugh was fined and required to pay costs.
- On or about June 10, 2013, Dr. Rodebaugh was charged with Obstructing Official Business and Disorderly Conduct. The police report indicated that Dr. Rodebaugh refused to check out of his room at an inn. When police arrived, Dr. Rodebaugh was intoxicated. Dr. Rodebaugh refused to follow the orders of the police, drank a bottle of vodka in front of them, called one officer a vulgarity, and challenged one officer to a fight. Dr. Rodebaugh was sentenced to 20 days in jail, fined, and placed on probation for two years which included attending Alcoholics Anonymous or Narcotics Anonymous meetings and completing random drug and alcohol testing.

Mr. Giacalone continued that on February 4, 2015, Dr. Rodebaugh successfully completed 28 days of inpatient treatment at CCAT, a Board-approved provider. Dr. Rodebaugh has admitted to being diagnosed with Alcohol Dependence, In Recovery. Dr. Rodebaugh has documented sobriety since April 2014, is enrolled in treatment at the Cleveland Clinic, and participates in a structured monitoring program.

Mr. Giacalone suggested, based on the evidence and testimony, that the Hearing Examiner's Proposed Order be amended so that Dr. Rodebaugh's application for a training certificate is granted, but is suspended for at least four years from April 22, 2014, rather than two years. Copies of a written version of Mr. Giacalone's proposal were provided to the Board members.

Mr. Giacalone stated that he based his proposal on the following factors: Dr. Rodebaugh's past alcohol use and his violence and risk-prone actions when consuming; Dr. Rodebaugh's numerous relapses and treatment, amounting to eight to nine months of in-patient treatment; Dr. Rodebaugh's numerous Board disciplinary events; and the comments of Dr. Stroom, an addiction psychiatrist and one of Dr. Rodebaugh's witnesses, that after five years of sobriety the rate of relapse becomes less than the prevalence of alcoholism in the general population.

Mr. Giacalone moved to amend the Proposed Order so that Dr. Rodebaugh's application for a training certificate is granted and the training certificate is suspended for a minimum of four years from April 22, 2014. Dr. Schottenstein seconded the motion.

Dr. Steinbergh stated that she opposes the proposed amendment. Dr. Steinbergh acknowledged Dr. Rodebaugh's history of addiction, but noted that three addiction specialists have examined him and found him ready to return to work. Dr. Steinbergh further noted that the internal medicine residency program at the Cleveland Clinic is willing to accept Dr. Rodebaugh back into their program.

Dr. Steinbergh stated that in 2012 the Board chose to revoke Dr. Rodebaugh's training certificate rather than permanently revoke it because the Board had a desire to see Dr. Rodebaugh heal if he could. Dr. Steinbergh stated that Dr. Rodebaugh has been through a terrible life, but he has worked hard to come back to this point. Dr. Rodebaugh also has the support of his family and friends, who no longer see him as impaired. Dr. Steinbergh stated that Dr. Rodebaugh knows he is an addict and he is working his program, which is what the Board has asked him to do. Dr. Steinbergh did not feel that the Board should continue to punish Dr. Rodebaugh after he has done what was asked of him.

Dr. Steinbergh opined that Dr. Rodebaugh is not a risk to the public, especially since he would be practicing with his training certificate in a residency program that has very strong internal monitoring, in addition to the Board's monitoring. Dr. Steinbergh felt that if the Board does not think Dr. Rodebaugh should be a physician, it should permanently deny his application rather than suspend him for four years. Dr. Steinbergh suggested that Dr. Rodebaugh is ready to return to practice in a training program and stated that it would be appropriate to grant his application without any suspension.

Dr. Schottenstein observed that the central question the Board is struggling with is whether Dr. Rodebaugh has had a sufficiently long period of documented sobriety to address the Board's concerns for public safety. Dr. Schottenstein stated that this case is particularly worrisome because it appears that there is a risk of violence when Dr. Rodebaugh becomes intoxicated. Dr. Edgin stated that the Board recommends that respondents go through the treatment programs that Dr. Rodebaugh has completed. Dr. Edgin stated that it is difficult to ignore the experts who say that Dr. Rodebaugh is ready to return to practice.

Dr. Schachat prefaced his comments by stating that he is employed by the Cleveland Clinic, but he has never met Dr. Rodebaugh and he intends to vote on this matter. Dr. Schachat stated that he is reassured that a physician in a busy residency program will be properly supervised and will have staff around them virtually constantly, even when on call at night. Dr. Schachat opined that it is extremely likely that if a problem arose with Dr. Rodebaugh, it would be detected quickly. Mr. Gonidakis noted that Dr. Rodebaugh had previously been in a residency program for one-and-a-half years without anyone suspecting his alcoholism problem. Dr. Schachat responded that Dr. Rodebaugh may not have had any problems previously while he was practicing and his patient care may have been uncompromised.

Dr. Schachat pointed out that the Order states that in the event that Dr. Rodebaugh is out of practice for more than two years, the Board may require additional evidence of fitness to resume practice. Dr. Schachat noted that will certainly have been out of practice for more than two years if and when his training certificate becomes active and suggested that the Order specify what additional documentation

would be required. Dr. Steinbergh commented that this language is standard for Board orders.

A vote was taken on Mr. Giacalone's motion to amend:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- nay
	Mr. Gonidakis	- nay
	Mr. Kenney	- nay
	Dr. Sethi	- nay
	Dr. Soin	- nay
	Dr. Schachat	- nay
	Dr. Schottenstein	- nay
	Dr. Edgin	- nay

The motion to amend did not carry.

Dr. Steinbergh moved to amend the Proposed Order so that the portions related to suspending Dr. Rodebaugh's training certificate and the interim monitoring conditions are deleted, with the portions related to probationary terms remaining. Dr. Sethi seconded the motion.

Mr. Kenney suggested that this matter be tabled so that the Board's staff can draft Dr. Steinbergh's proposed amendment in writing for the Board's review. Dr. Steinbergh agreed.

Dr. Steinbergh moved to table this topic. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- nay
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to table carried.

REMAND IN THE MATTER OF STEVEN R. ANGERBAUER, M.D.

Mr. Kenney stated that on December 23, 2014, Dr. Angerbauer filed a Notice of Appeal of the Board's

December 10, 2014 Order permanently denying Dr. Angerbauer's application for a license to practice medicine and surgery in Ohio. Dr. Angerbauer and the State Medical Board filed a Joint Motion to dismiss Dr. Angerbauer's appeal, vacate the December Order, and remand the matter to the Board for an administrative hearing. On October 20, 2015, Judge Brown of the Franklin County Court of Common Pleas issued a Judgment Entry which does the following:

- Vacates the December 10, 2014 Board Order
- Remands the matter to the Board to schedule an administrative hearing on the August 13, 2014 Notice of Opportunity for Hearing; and
- Dismisses the administrative Appeal of the Board's December 10, 2014 Order

Dr. Steinbergh moved to remand this matter to the Hearing Unit to schedule a hearing on the August 13, 2014 Notice of Opportunity for Hearing. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

REMAND IN THE MATTER OF DUANE LEE GRIFFITH, M.D.

Mr. Kenney stated that on October 31, 2013, Dr. Griffith filed a Notice of Appeal of the August 14, 2013 Board Order revoking Dr. Griffith's license to practice medicine and surgery in Ohio. The matter was referred to Magistrate Broer Browning, who issued a decision that Dr. Griffith was not properly served with the Notice of Opportunity for hearing because the employee who had signed the certified mail receipt did not provide the document to Dr. Griffith.

Mr. Kenney continued that on August 25, 2015, Judge McIntosh of the Franklin County Court of Common Pleas issued a Decision and Judgment Entry ordering that the August 14, 2013 Board Order revoking Dr. Griffith's medical license is not valid and must be vacated. The Judgment Entry also remanded the matter to the Board for further proceedings consistent with the Judgment Entry.

Dr. Steinbergh moved to dismiss the May 8, 2013 Notice of Opportunity for Hearing. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- abstain
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Mr. Kenney stated that in the following matter, the Board issued a Notice of Opportunity for Hearing, and documentation of Service was received. There were no timely request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. The matter is therefore before the Board for final disposition. Mr. Kenney stated that this matter is non-disciplinary, and therefore all Board members may vote.

KEVIN ROBERT LYNCH, M.T.

Mr. Kenney stated that Kevin Robert Lynch, M.T., has applied for restoration of his license to practice massage therapy in Ohio. The Board notified Mr. Lynch that it proposed to approve his application, provided that he take and pass the Massage and Bodywork Licensing Examination (MBLEX) due to the fact that Mr. Lynch has not engaged in the active practice of massage therapy for more than two years.

Dr. Saferin moved to find that the allegations set forth in the July 10, 2015 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, granting Mr. Lynch's application for restoration, provided that he takes and passes the Massage and Bodywork Licensing Examination within six months of September 16, 2015. Dr. Steinbergh seconded the motion. A vote was taken:

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

Dr. Schachat - aye
Dr. Schottenstein - aye
Dr. Edgin - aye

The motion carried.

EXECUTIVE SESSION

Dr. Steinbergh 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. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel - aye
Dr. Saferin - aye
Mr. Giacalone - aye
Dr. Steinbergh - aye
Mr. Gonidakis - aye
Mr. Kenney - aye
Dr. Sethi - aye
Dr. Soin - aye
Dr. Schachat - aye
Dr. Schottenstein - aye
Dr. Edgin - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Groeber, Ms. Anderson, Mr. Miller, Ms. Loe, Ms. Debolt, Mr. Katko, Mr. Schmidt, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Schwartz, Mr. Nealis, Ms. Murray, and Mr. Taylor in attendance.

The Board returned to public session. Mr. Gonidakis, Dr. Rothermel, and Dr. Saferin were not present when the Board returned to public session.

RATIFICATION OF SETTLEMENT AGREEMENTS

DENISE IDA GILMAN, D.O. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Gilman. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:

Mr. Giacalone - aye
Dr. Steinbergh - aye

Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion to ratify carried.

MATTHEW ALLEN SNYDER, L.M.T. – PERMANENT SURRENDER

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Mr. Snyder. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to ratify carried.

R.S.H., M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with R.S.H., M.D. Dr. Sethi seconded the motion.

Mr. Giacalone stated that he opposes this proposed Consent Agreement, which involves a voluntary surrender of a Drug Enforcement Administration certificate and only imposes a 60-day suspension. Mr. Giacalone noted that the proposed Consent Agreement had been rejected by the Board in the past and there have been no changes in the Agreement since that time.

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

ROLL CALL:	Mr. Giacalone	- nay
	Dr. Steinbergh	- nay
	Mr. Kenney	- nay
	Dr. Sethi	- nay
	Dr. Soin	- nay
	Dr. Schachat	- nay
	Dr. Schottenstein	- nay

Dr. Edgin - nay

The motion to ratify did not carry.

JEFFERY C. NORTHUP, D.O. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Northup. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion to ratify carried.

NICHOLAS CONSTANTINE DIAMANTIS, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Diamantis. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion to ratify carried.

MATTHEW J. GOLDSCHMIDT, M.D. – CONSENT AGREEMENT

Dr. Soin moved to ratify the Proposed Consent Agreement with Dr. Goldschmidt. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Kenney	- aye

Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion to ratify carried.

GARY WILLIAM MATTHEWS, L.M.T. – PERMANENT SURRENDER

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Mr. Matthews. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to ratify carried.

DEBORAH L. COOK, D.P.M. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Cook. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to ratify carried.

NON-DISCIPLINARY SETTLEMENT AGREEMENTEMMANUEL ADEKUNLE ADEDOKUN, M.D. – WITHDRAWAL OF APPLICATION FOR CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

Dr. Steinbergh moved to ratify the Proposed Withdrawal of Application with Dr. Adedokun. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to ratify carried.

CITATIONS AND ORDERS OF SUMMARY SUSPENSION, IMMEDIATE SUSPENSION, AND AUTOMATIC SUSPENSION

Dr. Rothermel and Dr. Saferin returned to the meeting at this time.

Dr. Edgin exited the meeting at this time.

Dr. Steinbergh moved to send the Notices of Opportunity for Hearing to the following: Jayaprakash Ayillath Gosalakkal, M.D.; Duane Lee Griffith, M.D.; Lindsey Marqueen Grimes, L.M.T.; Paul N. Montalto, M.D.; Harry Persaud, M.D.; Onyinyechi Rose Uradu, M.D.; and Alexander Ryan Venne, L.M.T. Dr. Schottenstein seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye (abstain in the matter of Dr. Griffith)
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye

The motion to send carried.

The Board recessed at 11:45 a.m. The meeting resumed at 12:50 p.m. Mr. Gonidakis and Dr. Edgin had

rejoined the Board when the meeting resumed.

REPORTS AND RECOMMENDATIONS

JUSTIN MATTHEW RODEBAUGH, M.D.

Dr. Steinbergh moved to remove the matter of Justin Matthew Rodebaugh, M.D., from the table. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

Dr. Steinbergh stated that the written version of her proposed amendment of the Proposed Order has been drafted and provided to Board members. Dr. Steinbergh stated that the amended Order, if passed, would grant Dr. Rodebaugh's application for a training certificate and immediately subject it to probationary terms for a minimum of five years without suspending the certificate. Dr. Steinbergh stated that her reasoning for offering the amendment is that Dr. Rodebaugh would be monitored by his residency program as well as by the Board and that a training certificate will not authorize Dr. Rodebaugh to practice medicine outside his residency program. Dr. Steinbergh stated that if Dr. Rodebaugh applies for a medical license in the future, the Board can review Dr. Rodebaugh's progress before granting the application.

Mr. Gonidakis wondered if the Board should consider the Hearing Examiner's Proposed Order, which seems to be a middle-ground between the courses advocated by Dr. Steinbergh and Mr. Giacalone. Dr. Steinbergh stated that she opposes suspending Dr. Rodebaugh's training certificate because she sees no purpose in a suspension. Dr. Steinbergh stated that Dr. Rodebaugh has done what the Board has asked him to do, Dr. Rodebaugh is in recovery, and addiction specialists have opined that Dr. Rodebaugh is ready to return to practice. Dr. Steinbergh opined that Dr. Rodebaugh is ready to return to training, while the Proposed Order would suspend his certificate for a minimum of two years after April 22, 2016. Mr. Gonidakis noted that under the Proposed Order Dr. Rodebaugh's training certificate would be eligible for reinstatement in April 2016, approximately five months from now.

Dr. Schottenstein opined that the value of suspending Dr. Rodebaugh's training certificate is that it would provide a longer track record of demonstrating sobriety. Dr. Schottenstein stated that each year of

demonstrated sobriety reduces Dr. Rodebaugh's risk of relapse, which is particularly important considering Dr. Rodebaugh's behavior when he relapses. Mr. Giacalone agreed with Dr. Schottenstein and opined that, given Dr. Rodebaugh's past, the suspension should be for at least two years. Dr. Soin also agreed with the Hearing Examiner's Proposed Order.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- nay
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- nay
	Mr. Kenney	- nay
	Dr. Sethi	- aye
	Dr. Soin	- nay
	Dr. Schachat	- aye
	Dr. Schottenstein	- nay
	Dr. Edgin	- aye

The motion to amend did not carry.

A vote was taken on Dr. Steinbergh's motion to approve the Hearing Examiner's Proposed Order:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- nay
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- nay
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- nay

The motion to approve carried.

RULES & POLICIES

PROPOSED RULE 4731-11-03

Dr. Saferin moved that revised Rule 4731-11-03 be re-filed with the Joint Committee on Agency Rule Review (JCARR). Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion to approve carried.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that three investigator positions are now open due to two promotions and one retirement. The interview process to fill these positions, two in Cuyahoga County and one in Franklin County, will begin soon. Mr. Groeber noted that one posting garnered 150 applications.

Budget: Mr. Groeber stated that the Board's overall revenue has increased compared to this time last year. Mr. Groeber noted that costs have also increased during that time period, but not at the pace of revenue increases. Mr. Groeber stated that the Board's fund has dropped to approximately \$4,200,000 following a transfer of \$518,000 to the Department of Administrative Services to pay the Board's portion of the E-License 3.0 system.

Information Technology: Mr. Groeber stated that development continues on the E-License 3.0 system. Mr. Groeber stated that discussions continue with the Office of Information Technology about ways to accelerate some of the functionality of E-License 3.0. Mr. Groeber expected that the SharePoint site, which will be utilized by the Board's investigators, will be tested in a pilot program next week.

Communications and Outreach: Mr. Groeber stated that a list of the Board's communications and outreach activities in the previous month has been included in the Operations Report.

Mr. Groeber stated that the staff has developed more quantitative surveys for the students from the Ohio University Heritage College of Osteopathic Medicine who attend the Board meetings as part of the Partners in Professionalism program. Over the last two months, the surveys have indicated that the greatest educational value for the students is when the probationers discuss their issues before the Board. The students' overall impression of the Board is very positive and they feel that the Board has the interests of both the public and physicians at heart.

Mr. Groeber noted that the students seem to be most confused about the Board's discussions of rules and that they may be generally unaware of the Board's rules governing the practice of medicine in Ohio. Mr. Groeber stated that this will be addressed as part of a packet that will be provided to the students as they

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schottenstein	- aye
Dr. Schachat	- aye
Dr. Edgin	- aye

The motion to approve carried.

REPORTS BY ASSIGNED COMMITTEES

FINANCE COMMITTEE

FISCAL REPORT

Ms. Loe stated that the Board's revenue for September was \$8,589,000 and the current balance of the Board's fund is \$4,200,000. Ms. Loe noted that there was a small increase in expenses due to bonuses paid to employees that totaled about \$60,000 that was mandated by the State's recent bargaining agreement. Ms. Loe noted that the Board still has ten vacant positions to be filled.

Mr. Kenney stated that the Committee discussed the Board's new magazine which will be published soon. Mr. Kenney opined that the magazine will be good for the Board and stated that it will not contain any inappropriate advertising.

POLICY COMMITTEE

RULES UPDATE PLAN

Mr. Gonidakis stated that the Policy Committee has outlined the rules that will be discussed at its December 2015 meeting. Mr. Gonidakis stated that each Board member will receive an email from Ms. Anderson which will contain a hyperlink allowing them to review proposed changes to the rules so they can bring up questions and issues ahead of time.

Mr. Gonidakis stated that at this morning's meeting, the Policy Committee approved three groups of rules to be circulated to interested parties for comment. The Policy Committee also discussed the One-Bite legislation and ways to move forward on that issue.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEE

Dr. Sethi stated that Ms. Debolt and the Physician Assistant/Scope of Practice Committee discussed the changes that will need to be made to the physician assistant rules due to the recent passage of Senate Bill

110. The Committee also discussed a draft guidance document provided by Ms. Debolt. The Committee recommended the following additions to the guidance document: The addition of a reference that physician assistants must receive a Drug Enforcement Administration (DEA) registration in order to prescribe controlled substances; and the addition of a statement that the supervision agreement between the physician assistant and the supervising physician must be maintained in the supervising physician's records and a copy must be submitted to the Medical Board. The Committee recommended approval of the guidance document, with the aforementioned additions, to be posted to the Board's website. The Committee further recommended that the draft physician assistant rules be made available to interested parties for comment.

Dr. Sethi moved to approve the draft guidance document, as approved by the Physician Assistant/Scope of Practice Committee, to be posted to the Board's website. Dr. Sethi further moved that the draft physician assistant rules be made available to interested parties for comment. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion carried.

Dr. Sethi commented that Ms. Debolt did an excellent job making the guidance document thorough and easy to understand.

LICENSURE COMMITTEE

LICENSURE APPLICATION REVIEWS

ANGELA KAYE SAAM, M.T.

Dr. Saferin moved to approve Ms. Saam's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the Massage and Bodywork Licensing Examination. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye

Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye
Dr. Edgin	- aye

The motion carried.

Dr. Saferin stated that the Board will consider updates to the licensure rules beginning next year.

COMPLIANCE COMMITTEE

Dr. Steinbergh stated that on October 14, 2015, the Compliance Committee met with Rhonda L. Bever, M.T.; Maneesh L. Mehra, M.D.; and Mary Elizabeth Mudd, M.D., and moved to continue them under the terms of their respective Board actions. The Compliance Committee accepted Compliance staff's report of conferences on September 8th and 11th, 2015. The Compliance Committee further recommended that the applications for Certificate of Good Standing from Promises Professional Treatment Program, Saint Thomas – Ignatia Hall, and Talbott Hall be approved in accordance with Section 4731.25, Ohio Revised Code, and Chapter 4731-16, Ohio Administrative Code.

Dr. Steinbergh moved to approve the Renewal Application for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Talbott Hall. Dr. Steinbergh further moved to approve the Application for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Promises Professional Treatment Program and Saint Thomas – Ignatia Hall. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

PROBATIONARY REQUESTS

Mr. Kenney advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Mr. Kenney asked if any Board member wished to discuss a probationary request separately. Dr. Steinbergh stated that she would like to discuss the probationary requests of Philicia S. Duncan, M.D., and Erik J. Kraenzler, M.D., separately.

Dr. Steinbergh noted that Dr. Duncan has requested permission to travel between Ohio and Michigan without prior approval from the Board. Dr. Steinbergh felt that it should be made clear that Dr. Duncan must select a testing site in that vicinity which has been Board-approved. Ms. Bickers agreed and stated that Dr. Duncan has already chosen a testing facility that is Board-approved.

Regarding Dr. Kraenzler, Dr. Steinbergh commented that there was some confusion with Dr. Kraenzler's most recent sobriety date and his date of relapse. Dr. Steinbergh acknowledged that such information may not always be immediately available, especially with new probationers, but she asked that probationer's dates of sobriety and relapse be provided to the best of the staff's ability and be updated whenever there is a change. Dr. Steinbergh approved of Dr. Kraenzler's probationary request.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences and the Secretary and Supervising Member's recommendations as follows:

- **To grant Nicholas A. Atanasoff, D.O.'s request for discontinuation of the chart review requirement; discontinuation of the drug log requirement; reduction in the frequency of psychiatric sessions to every three months; and reduction in the frequency of psychotherapy sessions to monthly;**
- **To grant Thomas B. Benz, M.D.'s request for approval of the drug testing to be conducted by the Alabama Physician Health Program while practicing outside of Ohio;**
- **To grant Philicia S. Duncan, M.D.'s, request for permission to travel between Ohio and Michigan without prior approval, with documentation of an approved testing site in that vicinity;**
- **To grant Peter C. Johnson, M.D.'s request for approval of Stephen B. Levine, M.D., to serve as the treating psychiatrist; and approval of *Intensive Course in Medical Ethics, Boundaries and Professionalism*, offered by Case Western Reserve University, to fulfill both the professional physician/patient boundaries course requirement and the personal/professional ethics course requirement, required prior to reinstatement;**
- **To grant Erik J. Kraenzler, M.D.'s request for discontinuance of the drug log requirement; and discontinuance of the audit report requirement;**
- **To grant Bruce J. Merkin, M.D.'s request for approval of David W. Stroom, M.D., to serve as the new treating psychiatrist;**

- To grant John A. Ross, M.D.'s request for approval of four sessions offered during the Medical Group Management Association's Annual Conference held in Nashville: *Medical Practice Sustainability Strategies; Business Intelligence with Clinical and Operational Data; Compliance Update; and Practice Management Hot Topics: Six Critical Legal Developments*, to fulfill the office management course requirement for reinstatement; and
- To grant Alan D. Sabino, M.D.'s request for approval of personal appearances via internet meeting source;

Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

REINSTATEMENT REQUEST

MICHAEL CHRISTOPHER MACATOL, M.D.

Dr. Steinbergh moved that the request for the reinstatement of the license of Michael Christopher Macatol, M.D., be approved, effective immediately, subject to the probationary terms and conditions outlined in the December 10, 2014 Board Order for a minimum of five years. Dr. Soin seconded the motion. A vote was taken:

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

Dr. Edgin - aye

The motion carried.

FINAL PROBATIONARY APPEARANCES

REBECCA ANN BRAUCH, M.D.

Dr. Brauch was appearing before the Board pursuant to her request for release from the terms of her November 13, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Brauch's history with the Board.

Dr. Steinbergh asked what medications Dr. Brauch is currently taking. Dr. Brauch replied that she is currently on lithium, Seroquel, Synthroid, and birth control pills. Dr. Brauch also stated that she sees her psychiatrist about every two months.

Mr. Gonidakis asked Dr. Brauch to describe a typical day for her. Dr. Brauch responded that she is currently an infectious disease fellow at the University of Florida and is quite busy when she is on duty at the medical center. Dr. Brauch also does rotations in research and in an HIV outpatient clinic.

Dr. Steinbergh asked if the probation on Dr. Brauch's Florida medical license will be affected when she is release from the probation on her Ohio medical license. Dr. Brauch was uncertain of the length of her probation in Florida but believed that it was lifelong unless the Florida Board of Medicine decides otherwise. Dr. Steinbergh advised Dr. Brauch to review her Agreement with the Florida Board to determine the term of her probation and the conditions for release.

In response to questions from Dr. Schottenstein, Dr. Brauch stated that her overall level of stress in tolerable and she keeps a good schedule to ensure she gets adequate sleep and has time to exercise and do other things to reduce stress. Dr. Brauch stated that her daily schedule is not provoking mood swings. Dr. Brauch also stated that she sees a psychiatrist for medication and she has been released from counseling. Dr. Schottenstein asked if Dr. Brauch ever engages in drug or alcohol use. Dr. Brauch answered that she drinks a small amount of alcohol socially and that she has never had a problem with alcohol or drugs.

Dr. Steinbergh moved to release Dr. Brauch from the terms of her November 13, 2013 Consent Agreement, effective November 13, 2015. Dr. Schottenstein seconded the motion. A vote was taken:

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

Dr. Schottenstein - aye
Dr. Edgin - aye

The motion carried.

DISCUSSION WITH MEDICAL STUDENTS

Since the final probationary appearance of Dr. Heyd was not scheduled to being for several minutes, the Board took the opportunity to begin a discussion with the medical students in attendance.

Dr. Sethi briefly described the matter of Dr. Barone which had been before the Board earlier in the meeting. In response to questions from students, Dr. Steinbergh explained that an order of reprimand, which the Board had issued in the matter of Dr. Barone, is a sanction that is permanently attached to a medical license. Dr. Steinbergh stated a reprimand does not require a physician to do anything, but it is a matter of public record and will be seen by outside parties such as credentialing committees and insurance companies. A reprimand is also reported to the National Practitioner Data Bank. Dr. Steinbergh stated that the Board issued a reprimand to Dr. Barone because he had broken the law.

Mr. Gonidakis stated that while it may seem lenient to simply issue a reprimand in the case of a physician who had broken the law, the Board made its decision after weighing the totality of the facts. Mr. Gonidakis added that a reprimand could affect a practitioner's insurance rates or ability to get credentialed by a hospital. Dr. Schachat stated that the matter of Dr. Barone concerned the fact that he had allowed a non-physician in his office to perform laser treatment, in contravention to the Board's rules on light-based medical devices. Dr. Schachat advised the students to be familiar with the laws and rules governing the practice of medicine in Ohio.

Dr. Rothermel, Dr. Saferin, Mr. Kenney, Mr. Gonidakis, and Dr. Steinbergh briefly introduced themselves and described their respective roles on the Board.

At this time, Dr. Heyd appeared for his final probationary appearance before the Board.

FINAL PROBATIONARY APPEARANCES

TIMOTHY J. HEYD, M.D.

Dr. Heyd was appearing before the Board pursuant to his request for release from the terms of his October 8, 2008 Consent Agreement. Ms. Bickers reviewed Dr. Heyd's history with the Board.

Dr. Steinbergh commented that Dr. Heyd had written a very good report on the course he had been required to take on physician/patient boundaries. Dr. Steinbergh asked if Dr. Heyd had anything to say as he was being released from his probation.

Dr. Heyd stated that he has learned many lessons since this began several years ago and he continues to learn lessons every day. Dr. Heyd stated that the most important lessons he has learned are humility and

respect for his co-workers, patients, and neighbors. Dr. Heyd also learned that he truly loves practicing medicine and he is thankful to be able to practice. Dr. Heyd stated that when he was a medical student he never dreamed that he would be practicing in a prison as he currently does, but he is very happy there. Dr. Heyd stated that he does not know if he will return to private practice in the future, but he feels that he is in corrections for a reason and it is probably the most rewarding work he has ever done.

Mr. Giacalone asked if Dr. Heyd would be willing to address the medical students in attendance. Dr. Heyd agreed. Dr. Heyd stated that he came to the attention of the Board due to some very bad decisions he had made. Specifically, Dr. Heyd developed a sexual relationship with a nurse for whom he had signed a prescription for a vaccine. These events eventually led to the end of Dr. Heyd's marriage and resulted in a two-month suspension of his medical license.

Dr. Heyd continued that he later saw a patient a handful of times before she returned to her regular physician. Some months later, Dr. Heyd began a relationship with the patient. Dr. Heyd stated that there was an investigation and he tried to answer the questions fully and honestly, but he did not get the details right. Dr. Heyd stated that in that instance the Board generously allowed him to be out of practice for only two years.

Dr. Heyd stated that to reinstate his license he had to undergo psychological testing, pass a competency examination, and take a course on physician/patient boundaries. Dr. Heyd wished that someone had educated him on proper boundaries when he had been in medical school. Dr. Heyd stated that due to his suspension, he lost virtually everything. Dr. Heyd spent his suspension selling clothes in a department store, delivering office supplies, working in manufacturing plants, and other forms of employment.

Dr. Heyd stated that his disciplinary history made it extremely difficult to find employment in the medical field when his license was reinstated. Dr. Heyd stated that he eventually found himself at the Department of Corrections and he feels that that is where he is supposed to be. Dr. Heyd hoped that the medical students have heard his message so they do not find themselves before the Board someday.

Mr. Kenney thanked Dr. Heyd for addressing the students.

Dr. Schottenstein asked if Dr. Heyd was currently dealing with any triggers that could potentially provoke a relapse of his behavior. Dr. Heyd replied that there may be triggers but he feels he had done a good job anticipating those triggers and building a network of accountability. Dr. Heyd stated that he only sees male patients in the prison, but he may see female patients when he works part-time at an urgent care. Dr. Heyd stated that there are chaperones at the urgent care. Dr. Schottenstein asked if Dr. Heyd engages in texting, emailing, or other forms of contact with patients outside his practice. Dr. Heyd replied that he does not contact patients, or even staff, outside of his practice.

Dr. Schottenstein asked if Dr. Heyd had a psychiatric disorder. Dr. Heyd stated that during the events in question he had a diagnosis of adjustment disorder and was prescribed Selective Serotonin Reuptake Inhibitors (SSRI). Dr. Heyd stated that he currently takes Celexa daily. Dr. Schottenstein asked if Dr. Heyd works a program such as Sex Addicts Anonymous. Dr. Heyd answered that he is not in a program. Dr. Schottenstein asked if Dr. Heyd uses alcohol or drugs. Dr. Heyd answered that he may have a drink on

New Year's or on special occasions, but alcohol has never been a part of his life.

Dr. Schottenstein stated that when people have an affair or act out sexually, it is often preceded by a lowering of social boundaries. Dr. Schottenstein stated that sharing things with people that are not really their business may be a trigger and advised Dr. Heyd to be careful about that. Dr. Heyd agreed.

Dr. Steinbergh moved to release Dr. Heyd from the terms of his October 8, 2008 Consent Agreement, effective November 10, 2015. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion carried.

ADJOURN

Dr. Steinbergh moved to adjourn the meeting. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- aye
	Dr. Edgin	- aye

The motion to adjourn carried.

Thereupon, at 2:25 p.m., the November 4, 2015 session of the State Medical Board of Ohio was adjourned.

November 4, 2015

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on November 4, 2015, as approved on December 9, 2015.



Donald R. Kenney, Sr., President



Kim G. Rothermel, M.D., Secretary

(SEAL)

