

MINUTES**THE STATE MEDICAL BOARD OF OHIO****August 10, 2016**

Amol Soin, M.D., Acting President, called the meeting to order at 9:58 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.; Donald R. Kenney, Sr.; Robert P. Giacalone; Andrew P. Schachat, M.D.; and Richard Edgin, M.D. The following members did not attend: Michael L. Gonidakis, President; and Michael Schottenstein, M.D.

Also present were: Anthony J. Groeber, Executive Director; Kimberly Anderson, Assistant Executive Director; David Fais, Assistant Executive Director; Susan Loe, Director of Human Resources and Fiscal; Sallie J. Debolt, Senior Counsel; Joan K. Wehrle, Education and Outreach Program Manager; Jonithon LaCross, Public Policy & Governmental Affairs Program Administrator; Rebecca Marshall, Chief Enforcement Attorney; Marcie Pastrick, Angela McNair, Gregory Tapocsi, James Roach, and Kimberly Lee, Enforcement Attorneys; Kyle Wilcox, Melinda Snyder, and Emily Pelphrey, Assistant Attorneys General; R. Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Alexandra Murray, Managing Attorney for Standards Review, Experts, and Intervention; Annette Jones and Angela Moore, Compliance Officers; Mitchell Alderson, Administrative Officer; Chantel Scott, Chief of Renewal; Julie Williams, Public Information Officer; Jacqueline A. Moore, Legal/Public Affairs Assistant; and Benton Taylor, Board Parliamentarian.

MINUTES REVIEW

Dr. Steinbergh moved to approve the draft minutes of the July 13, 2016, Board meeting, as amended. Dr. Saferin seconded the motion. All members voted 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 acupuncturist applicants listed in Exhibit "A", the genetic counselor applicants listed in Exhibit "B," the massage therapist applicants listed in Exhibit "C," the Oriental medicine practitioners listed in Exhibit "D," the physician assistant applicants listed in Exhibit "E," and the physician applicants listed in Exhibit "F" 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
	Dr. Soin	- aye
	Mr. Kenney	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion carried.

REPORTS AND RECOMMENDATIONS

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

Dr. Soin 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: Ryan S. Fryman, D.O.; and Lindsey Marqueen Grimes, L.M.T. A roll call was taken:

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

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

Dr. Soin 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.

Dr. Soin 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.

RYAN S. FRYMAN, D.O.

Dr. Soin directed the Board's attention to the matter of Ryan S. Fryman, D.O. Objections have been filed to Mr. Porter's Report and Recommendation and were previously distributed to Board members.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Ryan S. Fryman, D.O. Mr. Giacalone seconded the motion.

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

Dr. Schachat stated that this case regards Dr. Fryman's impairment due to alcoholism. Dr. Schachat stated that it became apparent during Dr. Fryman's fellowship training that he had a problem with alcohol. At that time Dr. Fryman self-referred to the Woods at Parkside for a 28-day inpatient treatment program. Two days after his discharge from the treatment program, Dr. Fryman consumed alcohol and this consumption was detected. Dr. Fryman self-reported to the Medical Board and was admitted to a second 28-day inpatient treatment. In December 2005, following his discharge from the second treatment, Dr. Fryman entered into a Step I Consent Agreement with the Medical Board in which he admitted to having relapsed. However, Dr. Fryman later testified that he had not understood the implications of the term "relapse" in that document. Dr. Fryman entered into a Step II Consent Agreement in June 2006 and was released from monitoring in June 2011.

Dr. Schachat continued that in April 2016, while celebrating at his wife's 40th birthday dinner, Dr. Fryman, according to his testimony, drank one-half of his wife's margarita. Two days later, investigators from the Medical Board came to Dr. Fryman's office to investigate an unrelated complaint alleging that he had been impaired. Dr. Fryman admitted that he had consumed alcohol, which was confirmed by a positive urine screen. Dr. Schachat noted that there was some discussion of whether the positive result was related Dr. Fryman's recent diagnosis of diabetes; however, the result was determined to be positive due to alcohol consumption.

Dr. Schachat stated that the key issue for him is whether Dr. Fryman's alcohol consumption represents a first relapse or a second relapse. Dr. Schachat stated that the Assistant Attorney General and the Hearing Examiner believe it was a second relapse and that Dr. Fryman's 2005 Step I Consent Agreement alludes to a first relapse in 2005. Both the State's expert, Richard Whitney, M.D., and Dr. Fryman's expert, Harry Nguyen, M.D., testified that the 2005 alcohol consumption was not a relapse because Dr. Fryman had not yet gone into remission at that time. Dr. Whitney and Dr. Nguyen testified that initial inpatient therapy is part of treatment but it is not sufficient to achieve remission until intensive outpatient therapy is initiated. Therefore, according to these testimonies, Dr. Fryman's 2016 alcohol consumption should be considered his first relapse.

Dr. Schachat stated that under the Board's rules, a first relapse requires a suspension of at least 90 days, while a second relapse requires a suspension of at least one year. Dr. Schachat quoted a portion of Rule 4731-16-01(B): "An instance of use that occurs during detoxification treatment or inpatient or residential treatment before a practitioner's disease of addiction has been brought into remission does not constitute a relapse." Dr. Schachat commented that it makes sense that one cannot relapse until one has achieved remission. However, Dr. Schachat also noted a portion of Rule 4731-16-02: "... an individual who has relapsed during or following treatment shall be ineligible to apply for reinstatement for at least ninety days..." Dr. Schachat observed that this phrase acknowledges that there can be a relapse during treatment.

Dr. Schachat stated that the duration of the suspension is less important than the fact that Dr. Fryman will be under intense monitoring following reinstatement, and therefore the citizens of Ohio will be protected in any case. Dr. Schachat stated that he intends to propose a suspension for less than one year, but he

wanted to hear the opinions of his fellow Board members.

Mr. Giacalone stated that he agrees with Dr. Schachat's comments. Mr. Giacalone questioned whether it was necessary for the Board to question whether Dr. Fryman had a first relapse or a second relapse, noting that Dr. Fryman's previous problems occurred ten years ago. Mr. Giacalone suggested that Dr. Fryman's license be suspended for at least one year and that all but 90 days of that suspension should be stayed.

Mr. Giacalone moved to amend the Proposed Order so that all except 90 days of the minimum one-year suspension would be stayed. Dr. Steinbergh seconded the motion.

Dr. Steinbergh stated that Dr. Fryman had about ten years between relapses. Dr. Steinbergh stated that the Board has learned a great deal about impairment and the definition of "relapse" over the last ten years. Dr. Steinbergh opined that Dr. Fryman did relapse in 2005 and that relapse formed the basis of his 2005 Consent Agreement. Because of the length of time between relapses, Dr. Steinbergh agreed with the proposed amendment to reduce the duration of suspension, with all other stipulations of the Proposed Order remaining in place. Dr. Steinbergh noted that the proposed amendment will not change the Findings of Fact or the Conclusions of Law.

Mr. Taylor noted that the Proposed Order specified that the suspension of Dr. Fryman's license would commence from May 11, 2016, the date of his summary suspension. Mr. Taylor asked if Mr. Giacalone intends for the proposed minimum 90-day suspension time to commence from the same date. Mr. Taylor noted that it has already been about 90 days since May 11, 2016, though Dr. Fryman would still have to fulfill the conditions for reinstatement. Mr. Giacalone opined that the suspension should begin on the date of the summary suspension since that is the Board's usual practice.

Ms. Anderson suggested that this matter be tabled so that the proposed amendment can be drafted for the Board's review.

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

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

The motion to table carried.

LINDSEY MARQUEEN GRIMES, L.M.T.

Dr. Soin directed the Board's attention to the matter of Lindsey Marqueen Grimes, L.M.T. No objections have been filed. Mr. Porter was the Hearing Examiner.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law,

and Proposed Order in the matter of Lindsey Marqueen Grimes, L.M.T. Dr. Edgin seconded the motion.

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

Dr. Steinbergh stated that Ms. Grimes was first licensed to practice massage therapy in Ohio in August 2008. Prior to attending massage therapy school, Ms. Grimes had two alcohol-related traffic convictions. In October 2003, Ms. Grimes pleaded guilty to Operating a Motor Vehicle While Intoxicated (OMVI); in April 2005, Ms. Grimes pleaded guilty to Reckless Operation of a Motor Vehicle. As part of the 2005 plea, Ms. Grimes was admitted for a 72-hour evaluation in August 2008 and was diagnosed with alcohol abuse. There were no treatment recommendations at that time. Ms. Grimes was subsequently granted a license.

In November 2014 Ms. Grimes submitted an application for renewal of her massage therapy license. On the application, Ms. Grimes disclosed that she had pleaded guilty to a misdemeanor. Ms. Grimes provided documents from the Licking County Municipal Court that she had pleaded guilty to OMVI in August 2014, as well as documentation of her attendance at Alcoholics Anonymous (AA) meetings from March through June 2014. Based on her guilty plea and statements she had made to Board investigators regarding alcohol consumption, the Board ordered Ms. Grimes to an outpatient chemical dependency assessment at Glenbeigh Hospital. Dr. Steinbergh stated that Ms. Grimes was honest and sincere during her assessment and was diagnosed with alcohol dependence and cannabis abuse. Consequently, Ms. Grimes was found to be impaired and not capable of practicing massage therapy at acceptable and prevailing standards of care. Glenbeigh recommended that Ms. Grimes attend an intensive outpatient program at a Board-approved facility and follow the recommendations of the treatment provider and the Board.

During her hearing, Ms. Grimes testified that after working for Massage Envy for almost four years she returned to her previous work as a server in a restaurant. Ms. Grimes testified that she no longer had the same interest in massage therapy that she once had. In December 2014 Ms. Grimes and her boyfriend moved to Florida, where she continued to work as a server and hoped to become an assistant manager for the restaurant.

Dr. Steinbergh stated that Ms. Grimes recognizes her illness, but Ms. Grimes does not feel that she can afford the necessary treatment at this time. Ms. Grimes testified that she has not consumed any alcohol since September 2015. Ms. Grimes indicated that she has no current plans to return to Ohio, but she would like to retain her Ohio massage therapy license because of the time and effort she had put into her career. Ms. Grimes further indicated that she may want to return to Ohio and practice massage therapy in the future. Ms. Grimes stated that she will eventually be willing to undergo intensive outpatient therapy when she can afford it. Ms. Grimes stated that she is willing to have her license suspended until she can follow through with the recommendations.

Dr. Steinbergh stated that she agrees with the Findings of Fact and the Conclusions of Law in the Report and Recommendation. Dr. Steinbergh stated that she also agrees with the Proposed Order to indefinitely suspended Ms. Grimes' license, conditions for reinstatement that include demonstration of the ability to resume practice and other standard stipulations, and probationary terms for five years following reinstatement. Dr. Steinbergh opined that, because of Ms. Grimes' desire for a suspension and the fact that she has been cooperative and understanding of what needs to be done, a suspension of her massage therapy license is appropriate.

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

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

The motion to approve carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Soin stated that in the following matter, the Board issued a Notice of Opportunity for Hearing. No timely request for hearing was received. This matter was reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and is now before the Board for final disposition. Dr. Soin stated that these matters are disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In this matter, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

MICHAEL LEE HINES

Dr. Steinbergh moved to find that the allegations as set forth in the April 8, 2015 Notice of Opportunity for Hearing in the matter of Mr. Hines have been proven to be true by a preponderance of the evidence and to adopt Mr. Porter's Proposed Findings and Proposed Order. Mr. Giacalone seconded the motion.

Dr. Soin stated that he will now entertain discussion in the matter of Mr. Hines.

Mr. Giacalone stated that Mr. Hines submitted an application for a license to practice massage therapy in November 2013. On his application, Mr. Hines made the following disclosures:

- In 2002 Mr. Hines was charged with Driving Under the Influence of Alcohol (DUI) in San Diego, California, and spent about eight hours in jail.
- In or about May 2003, Mr. Hines was again charged with DUI in San Diego, California. Mr. Hines spent the night in jail and was required to attend a 30-day inpatient treatment program by the U.S. Navy, to which he belonged at the time. Mr. Hines was also required to attend Alcoholics Anonymous (AA) meetings.
- In or about February 2005, Mr. Hines was again charged with DUI in Chula Vista, California. Mr. Hines served 60 days in jail and was required to attend a 30-day outpatient rehabilitation program through the U.S. Navy. Afterwards, Mr. Hines was given an "other than honorable" discharge from the Navy.
- In or about November 2006 in Columbus, Ohio, Mr. Hines pled guilty to criminal misdemeanors, one for Forgery and one for Possessing Criminal Tools. As a result, Mr. Hines served additional jail time. Mr. Hines claimed that he had been an unknowing participant in a fake money order scheme used to

defraud a bank.

- In or about February 2011, Mr. Hines was again charged with DUI in Columbus, Ohio. As a result, Mr. Hines was ordered to attend a six-week outpatient drug and alcohol program; given one year of probation; and was required to continue AA meetings. Mr. Hines has indicated that he successfully completed a rehabilitation program and he continued AA meetings until he obtained additional employment.

Mr. Giacalone continued that on or about May 16, 2014, the Board sent interrogatories to Mr. Hines via certified mail. Mr. Hines signed for the interrogatories and contacted a Board representative to request an extension of time to answer. An extension was granted until June 23, 2014. To date, no answers have been received from Mr. Hines. Subsequent interrogatory requests were sent to Mr. Hines in September 2014, November 2014, January 2015, and March 2015, all without success. On April 8, 2015, the Board issued a Notice of Opportunity for Hearing to Mr. Hines, but no response or other information has been received to date.

Mr. Giacalone supported the Hearing Examiner's Proposed Order to deny Mr. Hines' application for a license to practice massage therapy in Ohio, based on evidence that Mr. Hines has failed to fully comply with the Board's investigation and on Mr. Hines' questionable past involving substance abuse and alleged criminal activity. Mr. Giacalone stated that it is not in the public's best interest to simply take Mr. Hines' word that "I am not the same person I was. I have been clean and sober from alcohol (drug free my whole life) since my last incident February 11, 2011."

Dr. Steinbergh agreed with Mr. Giacalone's comments, but suggested that the Proposed Order be amended to a permanent denial. Dr. Steinbergh noted that the Board has had no response from Mr. Hines since 2014 after repeated attempts to obtain interrogatories and he did not request a hearing. Dr. Steinbergh opined that this pattern is severe enough to warrant permanent denial. Mr. Giacalone stated that he is not opposed to a permanent denial. Dr. Soin also agreed that, though the Board does not take permanent denial of an application lightly, it is appropriate in this case.

Dr. Steinbergh moved to amend the Proposed Order to a permanent denial to Mr. Hines' application for a license to practice massage therapy in Ohio. Mr. Kenney seconded the motion.
A vote was taken:

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

The motion to amend carried.

Dr. Steinbergh moved to find that the allegations as set forth in the April 8, 2015 Notice of Opportunity for Hearing in the matter of Mr. Hines have been proven to be true by a preponderance of the evidence and to adopt Mr. Porter's Proposed Findings and Proposed Order,

as amended. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion to approve carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Soin stated that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of Service was received for each. There were no timely requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. These matters are therefore before the Board for final disposition. Dr. Soin stated that these matters are disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In these matters, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

CARLOS GUSTAVO TERAN MIRANDA, M.D.

Dr. Soin stated that on September 9, 2015, the Board issued a Notice of Opportunity for Hearing to Dr. Miranda based upon prior action by the Medical Board of California. On or about April 1, 2015, Dr. Miranda entered into a Stipulation and Order with the Medical Board of California prohibiting Dr. Miranda from practicing as a physician and surgeon throughout the pendency of a criminal action. The California Board based its Order on findings that Dr. Miranda was charged with a felony violation of Possession of Matter Depicting a Minor Engaging in Sexual Conduct, as well as a misdemeanor violation of Unauthorized Invasion of Privacy.

Dr. Steinbergh stated that, due to the serious charges against Dr. Miranda in California, she would favor a revocation of Dr. Miranda's Ohio medical license. Dr. Steinbergh opined that Dr. Miranda should be discouraged from applying for another Ohio medical license until he has a full and unrestricted medical license in California.

Dr. Steinbergh moved to find that the allegations set forth in the September 9, 2015 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and to issue an Order, effective immediately upon mailing, revoking Dr. Miranda's license to practice medicine and surgery in Ohio. Mr. Kenney seconded the motion.

Mr. Giacalone asked if the Board should consider an indefinite suspension of Dr. Miranda's license, noting that the allegations against him, while serious, are only allegations at this time. Dr. Steinbergh stated that an indefinite suspension would require the Board to spend time developing stipulations and conditions for reinstatement. Dr. Steinbergh stated that a non-permanent revocation achieves essentially the same result of keeping Dr. Miranda from practicing in Ohio until his situation in California has been resolved. Mr. Giacalone agreed.

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

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

The motion carried.

MARCIO ALEJANDRO CASTILLO, M.T.

Dr. Soin stated that on October 14, 2015, the Board issued a Notice of Opportunity for Hearing to Mr. Castillo based upon his conviction in the Court of Common Pleas, Cuyahoga County, Ohio, on one count of Sexual Battery, a felony of the third degree.

Dr. Steinbergh moved to find that the allegations set forth in the October 14, 2015 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and to issue an Order, effective immediately upon mailing, permanently revoking Mr. Castillo's license to practice massage therapy in Ohio. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion carried.

J. DEREK HOLLINGSWORTH, D.O.

Dr. Soin stated that on June 8, 2016, the Board issued a Notice of Opportunity for Hearing to Dr. Hollingsworth based upon prior action by the West Virginia Board of Osteopathic Medicine. The West Virginia Board issued an Order on or about March 11, 2016, suspending Dr. Hollingsworth's license for a period of at least five years. The West Virginia Board based its Order on findings that Dr. Hollingsworth engaged in dishonorable and unethical conduct by attempting to maintain a pain management practice without being a licensed pain clinic under West Virginia law.

Mr. Giacalone moved to find that the allegations set forth in the June 8, 2016 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and is issue an Order, effective immediately upon mailing, permanently revoking Dr. Hollingsworth's license to

practice osteopathic medicine and surgery in Ohio and imposing a civil fine of \$20,000. Dr. Steinbergh seconded the motion.

Mr. Giacalone stated that, in an effort to circumvent West Virginia's recently-enacted law on the licensure of pain clinics, Dr. Hollingsworth had instructed his pain patients that he could continue to treat them if they referred two new patients who did not need controlled substance prescriptions. Mr. Giacalone stated that Dr. Hollingsworth's efforts to maintain his pain management practice without the proper license under West Virginia law show that he does not care about his patients and is only in practice for monetary purposes. Mr. Giacalone stated that there was no need for another physician of this kind in Ohio.

Dr. Steinbergh agreed with Mr. Giacalone's comments. Dr. Steinbergh further noted that Dr. Hollingsworth was sued by one of his patients who had suffered withdraw from narcotics that Dr. Hollingsworth no longer had access to. Dr. Steinbergh stated that she agrees with the motion to permanently revoke Dr. Hollingsworth's Ohio license and to impose a \$20,000 fine.

Mr. Giacalone opined that the most telling statement in the West Virginia Order is the following: "The only witnesses in this matter were Diane Shepard, the Executive Director of the Board [the West Virginia Board of Osteopathic Medicine], and the Respondent, who appeared without counsel and presented a rambling, mostly irrelevant monologue on the actions of OHFLAC [the Office of Health Facility Licensure and Certification], the State of West Virginia, and the Board. The Respondent ultimately conceded that he operated the pain clinic and the family practice clinic as described by the Board in its Complaint and Statement of Charges."

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

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

Mr. Kenney	- aye
Dr. Schachat	- 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, Ms. Pollock, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Murray, Ms. Williams, Ms. Moore, and Mr. Taylor in attendance.

The Board returned to public session.

RATIFICATION OF SETTLEMENT AGREEMENTS

TONY LEE CAMPBELL, P.A. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Mr. Campbell. Mr. Kenney seconded the motion. A vote was taken:

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

The motion to ratify carried.

JOSEPH PETER BURICK, D.O. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

REGIS BURLAS, D.O. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Burlas. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

THOMAS MICHAEL BENDER, A.A. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Mr. Bender. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion to ratify carried.

CHRISTOPHER PHILIP CAIOLA, M.D. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Dr. Caiola. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion to ratify carried.

CANDICE J. DOSS, M.T. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MASSAGE THERAPY

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Ms. Doss. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

BEN LOMAS, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion to ratify carried.

ROSS ROSARIO LENTINI, M.D. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Dr. Lentini. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

WILLIAM STANTON RICHARDSON, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Richardson. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

REZIK ABDUL AZIZ SAQER, M.D. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

JOE J. TREVINO, M.D. – VOLUNTARY PERMANENT RETIREMENT FROM THE PRACTICE OF MEDICINE AND SURGERY

Dr. Steinbergh moved to ratify the Proposed Voluntary Permanent Retirement with Dr. Trevino. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

ALY MOHAMED ALY ZEWAIL, M.D. – SUPERSEDING STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Superseding Step I Consent Agreement with Dr. Zewail. Dr. Edgin seconded the motion. A vote was taken:

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

The motion to ratify carried.

DAWN NICOLE SELLHEIM, L.M.T. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MASSAGE THERAPY

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Ms. Sellheim. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion to ratify carried.

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

Dr. Steinbergh moved to send the Notices of Opportunity for Hearing to Anna G. Pollack, M.D. Mr. Giacalone seconded the motion. A vote was taken:

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

Dr. Schachat	- aye
Dr. Edgin	- aye

The motion to send carried.

REPORTS AND RECOMMENDATIONS

RYAN S. FRYMAN, D.O.

Dr. Steinbergh moved to remove the matter of Ryan S. Fryman, D.O., from the table. Mr. Giacalone seconded the motion. All members voted aye. The motion carried.

Written copies of Mr. Giacalone's proposed amendment were provided to the Board members. The proposed amended order would suspend Dr. Fryman's medical license for a minimum of one year from May 11, 2016 and would stay all but 90 days of the suspension. Ms. Anderson reiterated that 90 days have already elapsed since May 11, 2016, but Dr. Fryman will still need to fulfill the conditions for reinstatement in order to have an active license.

Dr. Schachat stated that he favors staying all but 90 days of the suspension, but questioned how the Board can effectively suspend a license for 90 days when its Rule mandates a suspension of at least one year if it finds that there has been a second relapse. Dr. Steinbergh replied that the Board would be issuing an order for a minimum one-year suspension, but it will be suspending a portion of the suspension due to mitigating circumstances. Mr. Giacalone opined that this action would satisfy the Rule's requirements and that it is unlikely to be challenged. Regarding concerns of setting a precedent, Mr. Giacalone stated that every case that comes before the Board is different and that the facts of Dr. Fryman's case justifies the partial stay. Dr. Soin agreed with Mr. Giacalone.

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

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

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Ryan S. Fryman, D.O. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye

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

The motion to approve carried.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that the investigator position for the central Ohio area has been filled. Mr. Groeber reported that Christine Schwartz has left the Board to take a position with the Department of Taxation. Mr. Groeber stated that the position of Deputy Director for Licensure has been posted.

Budget: Mr. Groeber stated that the Board finished Fiscal Year 2016 with a slightly lower cash balance, partly due to \$1,500,000 utilized for IT-related purchases. Mr. Groeber noted that, thanks to the investment in the new E-Licensure system, the Medical Board has not had trouble migrating licensees to the new system like those experienced recently by the Board of Nursing and reported by the media.

Mr. Groeber stated that budget planning for the Fiscal Year 2018-2019 biennium will begin in September. Mr. Groeber asked Board members to let him know within a few weeks if they have any large initiatives or major issues which they think should be factored into the Board's initial budget submission.

Information Technology: Mr. Groeber stated that the E-License project continues on pace. Mr. Groeber stated that the staff continues to work through some issues with the new Board Member SharePoint site. Currently, six Board members are utilizing the site for agenda and meeting preparation.

Communications and Outreach: Mr. Groeber stated that publications and presentations by Board staff are listed in the Operations Report. Mr. Groeber noted that the Board has also been the subject of a couple of articles in the media, which the Board members had been given notice of.

Medical Marijuana: Mr. Groeber stated that medicalmarijuana.ohio.gov, the State's new website on medical marijuana, is now active. Mr. Groeber stated that the website provides the public with a timeline of the development of rules and regulations related to medical marijuana. Individuals can also sign-up for notifications and alerts.

Mr. Groeber stated that later in the meeting, Mr. Kenney will present the Board with the Finance Committee's recommendation to approve travel to Colorado and Illinois to learn about medical marijuana regulation in those states. Mr. Groeber noted that this travel is suggested by the Governor's office.

Agency Operations: Mr. Groeber stated that the Board's overall number of complaints has dropped 6.2% to just over 1,400. The Licensure Section has seen an 11% increase in total volume over last year, with a 10% increase in processing speed. Expedited licenses, which had been slowed by an issue with criminal background checks, have improved under an interim solution and are now being processed in an average of 28 days. The Compliance Section has seen a 3% decrease in the number of probationers. Mr. Groeber noted that that statistics from the Standards Review and Intervention Section have begun to improve following the addition to two more full-time nurses to the staff.

Mr. Groeber stated that the Board's political activity policy is about to be reiterated for the Board's bargaining unit and non-bargaining unit employees. Mr. Groeber stated that the Board members, as unclassified employees of the Board, should contact Ms. Debolt or the Ohio Ethics Commission if they have questions about any activity that may need to be reported or reimbursed.

REPORTS BY ASSIGNED COMMITTEES

LICENSURE COMMITTEE

LICENSURE APPLICATION REVIEW

JUAN ANTONIO JIMENEZ, M.D., PH.D.

Dr. Saferin stated that Dr. Jimenez is requesting a waiver of the Board's requirement to pass all steps of the United States Medical Licensing Examination (USMLE) within ten years in order to be licensed. Dr. Jimenez entered a combined M.D.-Ph.D. program at Indiana University School of Medicine in 2002 and completed the program in 2010. Dr. Jimenez advised the Board that the additional four years he took to complete the Ph.D. portion of the program extended the length of time between his USMLE Step 1 and USMLE Step 3 to twelve years. Dr. Saferin noted that Dr. Jimenez passed all steps of the USMLE on the first attempt. Dr. Saferin further noted that Dr. Jimenez specializes in general surgery and urology and that he recently successfully completed his sixth post-graduate training level in the urology program at the Cleveland Clinic.

Dr. Saferin stated that the Licensure Committee has recommended approval of Dr. Jimenez's request.

Dr. Saferin moved to approve the good-cause exemption of the 10-year rule, as outlined in 4731-6-14(C)(3)(b)(ii), and accept the examination sequence in order to grant Dr. Jimenez a license. Dr. Steinbergh seconded the motion.

Dr. Steinbergh stated that according to the documentation, Dr. Jimenez had undergone counseling as a young physician on issues of patient care and communication, while his medical knowledge had been relatively low on certain in-service examinations. Dr. Steinbergh stated that she brings this up in order to point out that young people can have "blips" and are able to move past them. Dr. Steinbergh stated that she admired Dr. Jimenez for working so diligently to correct the errors he had. Dr. Steinbergh also praised the program directors at the Cleveland Clinic for working with Dr. Jimenez so well.

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

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Dr. Sojn	- aye
	Mr. Kenney	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion carried.

DRAFT RULESCHAPTER 4731-10, LICENSURE AND CONTINUING EDUCATION

Dr. Saferin moved to approve the rules in Chapter 4731-10, Ohio Administrative Code, as proposed, to be filed with the Common Sense Initiative office. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion carried.

LICENSURE APPLICATION QUESTIONS ON MENTAL AND PHYSICAL HEALTH

Dr. Saferin stated that in July 2016 the Board received a letter from the Ohio Psychiatric Physicians Association (OPPA) regarding recent proposed changes to Question #23 of the Board's application for physician licensure. Question #23 concerns the applicant's mental and physical health. The OPPA's letter requested additional changes to the wording of Question #23. The OPPA's request was supported by the Medical Associations Coalition (MAC).

Dr. Saferin stated that the Licensure Committee discussed this matter and recommends no changes to the initial proposal approved by the Board in June 2016. Dr. Steinbergh noted that Dr. Schottenstein, who is not present today, had expressed some concerns regarding the OPPA's requested changes and the timing of the request. Dr. Steinbergh stated that Dr. Schottenstein had favored moving forward with the initial proposal.

Dr. Saferin moved to approve the proposed changes to Question #23 of the application for physician licensure, as recommended by the Licensure Committee. Dr. Steinbergh seconded the motion.

Regarding Dr. Schottenstein's thoughts on this subject, Dr. Rothermel elaborated that Dr. Schottenstein acknowledged that the OPPA and the MAC had felt that adding the word "currently" to Question #23 was important. However, after careful consideration, Dr. Schottenstein felt that that change would not make a difference in the meaning of the rule.

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

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

Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Edgin	- aye

The motion carried.

COSMETIC THERAPY LICENSING EXAMINATION

Dr. Saferin stated that the current cosmetic therapy licensure examination, which is administered by the Board, has a written portion and a practical, hands-on portion. Dr. Saferin stated that the Licensure Committee has voted to recommend eliminating the practical portion of the examination and keeping only the written portion. Dr. Saferin stated that a document listing points in support of this proposal have been provided to the Board members. Dr. Saferin briefly reviewed the points:

- A practical, hands-on examination is part of the final examinations at the cosmetic therapy training programs and is part of the graduation requirement; therefore, giving such an examination again is redundant.
- The Board's practical examination is administered by non-Board staff members and can be deemed biased due to cosmetic therapist-peer relationships.
- The practical examination requires additional time for Board staff to be off-site to proctor the examination.
- The cost of administering the practical examination three to four times per year exceeds the revenue that the Board receives through the licensure process.
- The Rule was formally adopted by the Board in January 2012 and the Rule language was updated later that year to include the option of an alternative examination method. The Rule does not contain language indicating that the Board must administer a hands-on portion of the examination, nor has it been reviewed since it was implemented over ten years ago. At this point, the hands-on portion is expected to be part of the process.
- Members of the cosmetic therapist community support the elimination of the practical portion of the Board's examination.

Dr. Saferin moved to accept the recommendation of the Licensure Committee and eliminate the practical, hands-on portion of the Board's cosmetic therapist examination, effectively immediately. Mr. Giacalone seconded the motion.

Mr. Giacalone indicated that he seconded Dr. Saferin's motion for purposes of discussion.

Dr. Steinbergh opined that it is important for this discussion that Board members understand the scope of practice of a cosmetic therapist, which may include the use of lasers. Dr. Steinbergh stated that a practical examination demonstrates competency in a scope of practice. Dr. Steinbergh opined that whenever the Board is considering competency of potential licensees, there must be a test of clinical skills. Dr. Steinbergh stated that while she understands academic testing that the applicants undergo in their training programs, there is no means by which the Board tests their clinical skills except through its

practical examination. Dr. Steinbergh also noted that the various cosmetic therapy universal examinations which the Board is considering also do not test applicants' clinical skills with a practical test. Dr. Steinbergh asked if someone from the staff could explain the exact scope of practice of a cosmetic therapist in Ohio.

Ms. Scott stated that the current examination administered by the Board includes a written portion that addresses knowledge of clinical skills, in addition to the test of clinical skills required by the applicants' training programs for graduation. Dr. Steinbergh suggested that Board representative should go to the cosmetic therapy schools during their examinations and verify that the testing is appropriate, rather than simply trusting that the schools are testing clinical skills according to the scope of practice of cosmetic therapy in Ohio. Dr. Rothermel stated that the Board would need to hire a cosmetic therapist to go to the schools for this purpose since no one on the Board has the expertise to ascertain the appropriateness of a test. Dr. Steinbergh commented that the Board can ensure that the school examination is being given by qualified individuals and that the examinations are occurring.

Dr. Soin stated that as he reviews the listed reasons to eliminate the Board's practical examination, he discounts those reasons related to the convenience of or costs to the Board. Dr. Soin opined that, in the face of the Board's mandate to protect the public, such considerations should be set aside. Dr. Steinbergh agreed. Dr. Soin stated that the practical portion of the Board's cosmetic therapy examination is the Board's protective mechanism for the public to ensure that cosmetic therapists meet a certain standard. Dr. Soin stated that if it can be actually verified that the practical examination is redundant, then he would favor its elimination.

Ms. Scott stated that cosmetic therapy schools, like all limited-branch schools, must submit their curriculum to the Board and it must include portions which are required by the Board's rules. Ms. Scott stated that a diploma from a Board-approved cosmetic therapy school is confirmation that the student has satisfactorily met the requirements.

Mr. Kenney exited the meeting at this time.

Mr. Giacalone stated that it would be helpful to have a list of procedures that a cosmetic therapist is allowed to perform in Ohio. Ms. Scott stated that she can provide such a list to the Board members. Mr. Giacalone also requested a list of what applicants do in their schools' practical examinations and what they do in the Board's practical examination.

Dr. Saferin stated that he does not disagree with any of the previous comments made by Board members. Dr. Saferin observed that the Board does not give a practical examination to massage therapists. Instead, massage therapist applicants take the Massage and Bodywork Licensing Examination (MBLEX), a national written examination on a computer which has no practical component. Dr. Saferin stated that the Board licenses massage therapists on the basis of a written examination and the trust in Board-approved massage therapy schools that they are teaching the necessary skills. Dr. Saferin stated that the Licensure Committee's proposal will essentially do the same for cosmetic therapists. Dr. Soin commented that a massage therapist will not wield a knife or scissors near a patient's face, but a cosmetic therapist might and that is a concern.

Dr. Saferin suggested that a list, as recommended by Mr. Giacalone, be provided to the Board members for discussion at the next Board meeting. Dr. Saferin also stated that cosmetic therapists could be invited to the next Board meeting to discuss this matter. Dr. Soin agreed. Dr. Rothermel stated that the Board

members can be provided with information on the cosmetic therapist scope of practice in Ohio, what is covered currently in the Board’s practical examination, and what cosmetic therapy schools are testing students for prior to graduation.

Dr. Rothermel moved to table this topic. Dr. Saferin seconded the motion. A vote was taken:

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

The motion carried.

POLICY COMMITTEE

REVIEW OF RULES CIRCULATED FOR COMMENT

CHAPTERS 4731-15 AND 4731-16

Ms. Anderson stated that current discussions of the one-bite reporting exemption impact both Chapter 4731-15, concerning reporting requirements, and Chapter 4731-16, concerning impaired practitioners. However, as these rules are significantly out-of-date in the five-year review process, the Policy Committee has recommended filing them in their current forms with the Common Sense Initiative office with the forethought that they can be updated at a later time.

Dr. Steinbergh moved to filed the Rules in Chapter 4731-15 and Chapter 4731-16 as “no-change” rules with the Common Sense Initiative office. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion carried.

Mr. Kenney returned to the meeting at this time.

RULE 4731-28-01, MENTAL OR PHYSICAL IMPAIRMENT

Dr. Soin stated that the Policy Committee had a good discussion about this rule. However, the Committee determined that the discussion would benefit from Dr. Schottenstein’s expertise in this area.

The Committee will discuss this topic again when Dr. Schottenstein is present.

FINANCE COMMITTEE

BUDGET REVIEW

Ms. Loe stated that Fiscal Year 2016 ended on June 30. Revenue for Fiscal Year 2016 was nearly \$9,800,000 and expenses were \$9,200,000. Ms. Loe stated that the expenses for the year will increase slightly as encumbrances are expended. Ms. Loe stated that revenue was up 5% from two years ago. Ms. Loe stated that even-numbered fiscal years are always higher-revenue years, so revenue is expected to be lower in Fiscal Year 2017. Expenditures were up from the previous year, mostly due to substantial expenditures for the E-License system.

Ms. Loe stated that Fiscal Year 2016 ended with a balance of \$4,600,000, slightly less than the \$4,760,000 on hand at the beginning of the year.

FINING AUTHORITY

Ms. Loe stated that the Board has received payment of a \$500 fine from a massage therapist pursuant to the terms of a consent agreement; this fine was pursuant to a Consent Agreement with the massage therapist. The Board also approved two other fines last month: A \$5,000 fine for a physician and another \$500 fine for a massage therapist. Ms. Loe stated that payment of neither of these two fines have been received. Ms. Loe noted that these two fines accompanied a revocation of the practitioner's license and they are likely to end up in the collections process.

OTHER FINANCE COMMITTEE ITEMS

Mr. Kenney stated the Finance Committee approved up to \$50,000 to hire a third-party criminal background search firm for licensure purposes.

Mr. Groeber stated that the Department of Administrative Services (DAS) is now requiring board members of all boards to more closely track the time they spend on Board matters. Specifically, DAS is requiring board members to record specific start and stop times when they are working on Board business, including reviewing materials. Mr. Groeber stated that forms are being drafted for the Medical Board members to make the process as simple as possible. Mr. Groeber added that he will request clarification from DAS as to why this new policy is needed.

MEDICAL MARIJUANA IMPLEMENTATION

Mr. Kenney stated that the Governor's office has asked that representatives from the Medical Board, the Board of Pharmacy, and the Department of Commerce to travel to Colorado and Illinois to discuss how medical marijuana regulations and procedures work in those states. The Finance Committee has recommended that Mr. Groeber and Ms. Anderson represent the Medical Board in this capacity.

Dr. Saferin moved to approve travel expenses for A.J. Groeber and Kimberly Anderson to travel to at least two other states for the purpose of discussing regulatory practices regarding medical marijuana, and that this travel falls within the duties of the executive director and chief counsel of the Medical Board. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion carried.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEE

PROPOSED DISCIPLINARY GUIDELINE

LOSS OF NCCPA CERTIFICATION

Dr. Steinbergh stated that in October 2015 the Board gained the ability to discipline physician assistants who practice after losing their certification with the National Commission on Certification of Physician Assistants (NCCPA). The Physician Assistant/Scope of Practice Committee discussed the establishment of a disciplinary guideline for this violation.

After discussion, the Committee recommended the following disciplinary guidelines for this violation:

- **Maximum penalty:** Permanent revocation or permanent denial of application
- **Minimum penalty (if the period of practice without certification was 30 days or less):** Reprimand
- **Minimum penalty (if the period of practice without certification was 31 days or longer):** Suspension of license for a definite period of at least 30 days
- **Minimum penalty (if the physician assistant has not regained NCCPA certification):** Indefinite suspension for a minimum of 90 days; conditions for reinstatement which include current NCCPA certification; and subsequent probationary terms for a minimum of two years which will include a practice plan approved by the Board.

These guidelines, if approved, will become part of the Board's disciplinary guidelines under Category VI: Unauthorized Practice, section M.

Dr. Steinbergh moved to adopt Category VI, Section M of the disciplinary guidelines as proposed. Dr. Saferin seconded the motion. A vote was taken:

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

Dr. Schachat - aye
Dr. Edgin - aye

The motion carried.

PHYSICIAN ASSISTANT MATTERS

PHYSICIAN ASSISTANT FORMULARY REVIEW

Dr. Steinbergh stated that the Physician Assistant Policy Committee and the Physician Assistant/Scope of Practice Committee have recommended additions to the physician assistant formulary. For addition to the “CPT May Prescribe” category of the formulary:

- **Axumin**, a radioactive agent for PET scan imaging;
- **Netspot**, a radioactive agent for PET scan imaging.

For addition to the “Physician-Initiated” category of the formulary:

- **Taltz**, a biologic response modulator that treats adults with moderate to severe plaque psoriasis;
- **Cingair**, an add-on type medication for severe asthma administered as an IV infusion every four weeks, placed in this category due to serious side-effects;
- **Inflectra**, an immune-suppressant;
- **Nuplazid**, a psychotherapeutic agent for Parkinson’s patients who have hallucinations and delusions;
- **Ocaliva**;
- **Briviact**, an anticonvulsant controlled substance;
- **Epclusa**, a medication for treating hepatitis C infection, placed in this category because the patient’s genotype must be known before it is prescribed.

For addition to the “CPT May Not Prescribe” category:

- **Anthim**, a serum toxoid treatment for inhalational anthrax which is administered as a single-dose IV infusion;
- **Defitelio**, an anti-thrombotic agent used specifically for hepatic veno-occlusive disease;
- **Venclexta**, an anti-neoplastic agent, placed in this category because it is an anti-neoplastic agent and has side-effects of tumor lysis syndrome;
- **Zinbryta**, an immunomodulatory for relaxing multiple sclerosis, placed in this category because it is only available through a Risk Evaluation and Mitigation Strategies (REMS) program.

Dr. Edgin stated that the medication Epclusa, which is recommended for the “Physician-Initiated” category, is often prescribed by physician assistants by protocol with approval from the supervising physician afterwards. Dr. Edgin opined that a physician assistant would be capable of prescribing

Epclusa. Dr. Edgin noted that insurance companies will not approve the medication unless the patient is shown by genetic testing to have one of several specified genotypes.

Dr. Steinbergh asked if Dr. Edgin would like to make a motion regarding the placement of Epclusa on the physician assistant formulary. Dr. Edgin indicated that he will accept the recommendation of the committees.

Dr. Steinbergh moved to approve the additions to the physician assistant formulary as discussed. Dr. Saferin seconded the motion.

Dr. Rothermel expressed concern regarding Dr. Edgin's comments on Epclusa. Dr. Rothermel opined that if Epclusa is already used in the fashion described by Dr. Edgin, then placing it in the "Physician-Initiated" category may be setting people up to fail. Dr. Steinbergh agreed and suggested that Epclusa be taken back to the committees for further discussion. Dr. Steinbergh recognized Dr. Edgin's expertise in this area and opined that the committees should address his concerns.

Dr. Steinbergh wished to change her motion in order to remove the medication Epclusa from the list for approval. No Board member objected to the change in the motion. The change in the motion was accepted.

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

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

The motion carried.

Dr. Steinbergh moved to table consideration of Epclusa for the physician assistant formulary. Dr. Edgin seconded the motion. A vote was taken:

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

The motion carried.

COMPLIANCE COMMITTEE

Dr. Steinbergh stated that on July 13, 2016, the Compliance Committee met with Kimberly Marie Peacock, D.O.; and Jilian A. Waite, 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 June 6 & 7, 2016.

Dr. Steinbergh stated that the Compliance Committee had been scheduled to consider the application as a treatment provider for Amethyst Recovery Center. However, Amethyst Recovery Center withdrew its application and will submit a new application in the future.

The Board meeting recessed at 12:20 p.m. and resumed at 1:20 p.m. Dr. Saferin was not present when the meeting resumed.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEE

PHYSICIAN ASSISTANT MATTERS

DRAFT PHYSICIAN ASSISTANT RULES

Dr. Steinbergh moved that the proposed amendments to Rule 4730-2-01 and 4730-2-07 and proposed rescission of Rules 4730-2-08 and 4730-209 be filed with the Common Sense Initiative Office. Dr. Rothermel seconded the motion. A vote was taken:

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

The motion carried.

Dr. Saferin returned to the meeting at this time.

PROBATIONARY REQUESTS

Dr. Soin advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Dr. Soin asked if any Board member wished to discuss a probationary request separately. No Board member wished to discuss a probationary request separately.

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 Atanasoff, D.O.'s request for reduction in psychotherapy appointment frequency to every three months;**

- To grant Kevin G. Baldie, M.D.'s request for approval of Bradley P. Everly, M.D., to serve as the new monitoring physician; and determination of the number and frequency of charts to be reviewed at ten charts per month;
- To grant Devender K. Batra, M.D.'s request for approval of *Intensive Course in Medical Ethics, Boundaries, and Professionalism*, offered by Case Western Reserve University, to fulfill the professional ethics course requirement; approval of *The PBI Medical Record Keeping Course*, offered by the University of California, Irvine School of Medicine, to fulfill the medical records course requirement; and approval of the professional ethics and records course summaries;
- To grant Regis P. Burlas, D.O.'s request for permission to travel between Rhode Island and Connecticut without prior approval;
- To grant Jennifer C. Campbell, M.D.'s request for reduction in appearances to every six months; discontinuation of the chart review requirement; and reduction in required weekly recovery meetings attendance to two meetings per week with a minimum of ten meetings per month;
- To grant Clinton J. Cornell, P.A.'s request for approval of *New Opioid Prescribing Guidelines in Practice*, offered by the Massachusetts Medical Society; approval of *Managing Pain Without Overusing Opioids*, offered by the Massachusetts Medical Society; approval of *The opioid Epidemic: Policy and Public Health (6 Modules)*, offered by the Massachusetts Medical Society; Approval of *Legal Advisor: Identifying Drug Dependence*, offered by the Massachusetts Medical Society; Approval of *Managing Risk when Prescribing Narcotic Painkillers*, offered by the Massachusetts Medical Society; and approval of *Opioid Prescribing Series (6 Modules)*, offered by the Massachusetts Medical Society, all to fulfill the controlled substance course requirement;
- To grant Shane Hanzlik, M.D.'s request for approval of David Huberty, M.D., to serve as the new monitoring physician; and determination of the frequency and number of charts to be reviewed at ten charts per month;
- To grant Brian D. Hesler, M.D.'s request for discontinuance of the drug log requirement; and approval of an electronic semi-annual appearance for the December 2016 appearance;
- To grant Elise Hoff, M.D.'s request for approval of Neal F. Kozlowski, Ph.D., to serve as the interim treating psychologist;
- To grant Peter C. Johnson, M.D.'s request for approval of Larry J. Silcox, A.C.P., to serve as the new polygraph technician;
- To grant James T. Lutz, M.D.'s request for determination of the frequency and number of charts to be reviewed at ten charts per week;
- To grant Michael Todd Tatro, M.D.'s request for approval of *Boundaries and Ethics as Applied to the Medical Professional*, tailored for the doctor by Stephen Levine, M.D., to fulfill both the personal/professional ethics course and the professional boundaries course required for reinstatement;

- To grant Suman C. Vellanki, M.D.'s request for approval of Nicole T. Q. Labor, D.O., to serve as the new monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month; and
- To grant Mark Aaron Weiner, D.O.'s request for reduction in the frequency of drug and alcohol testing requirements to a minimum of two per month; and discontinuation of the chart review requirement.

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

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

The motion carried.

REINSTATEMENT REQUEST

MARK L. ALLEN, M.D.

Dr. Steinbergh moved that the request for the reinstatement of the license of Mark L. Allen, M.D., be approved, effective immediately, subject to the probationary terms and conditions as outlined in the August 12, 2015 Order for a minimum of five years. Mr. Kenney seconded the motion. A vote was taken:

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

The motion carried.

FINAL PROBATIONARY APPEARANCE

COURTNEY D. BORRUSO, D.O.

Dr. Borruso was appearing before the Board pursuant to her request for release from the terms of her August 13, 2014 Consent Agreement. Dr. Soin reviewed Dr. Borruso's history with the Board.

In response to questions from Dr. Steinbergh, Dr. Borruso stated that she plans to continue taking her medication and seeing her psychiatrist and therapist following her release. Dr. Borruso stated that she is currently employed by University Hospitals and works part-time about 32 hours per week. Dr. Borruso stated that her practice is going very well.

Dr. Soin asked about Dr. Borruso's home life in regards to support and having someone who can recognize if Dr. Borruso is having issues. Dr. Borruso replied that her husband is also a physician and he is very in-tune with things.

Dr. Steinbergh moved to release Dr. Borruso from the terms of her August 13, 2014 Consent Agreement, effective August 13, 2016. Dr. Schachat seconded the motion. A vote was taken:

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

The motion carried.

THOMAS A. GIBBS, D.O.

Dr. Gibbs was appearing before the Board pursuant to his request for release from the terms of his July 13, 2011 Consent Agreement. Dr. Soin reviewed Dr. Gibbs' history with the Board.

In response to questions from Mr. Giacalone, Dr. Gibbs stated that he is currently running an opiate detoxification clinic in Massillon, Ohio. Dr. Gibbs explained that on a typical day he gets up, prays, reads his 24-hour book, reads his daily reflection book, and then attends an Alcoholics Anonymous (AA) meeting. Dr. Gibbs stated that he attends an AA meeting every morning from 6:45 a.m. to 7:30 a.m. before going to work, where he continues to discuss recovery. Dr. Gibbs commented that the clinic's patients are getting better because the clinic is not overdosing the patients on Suboxone. Dr. Gibbs added that the clinic's patients are required to attend AA at least three times per week, counseling three times per week, and undergo urine drug screens. The clinic also requires the patients go to the clinic every day for the first 14 days before they start receiving take-home prescriptions.

Dr. Gibbs continued that his clinic does use Suboxone but the patients tend to respond better to Vivitrol. Dr. Gibbs commented that Suboxone cures craving and withdraw, but it does not cure addiction. Dr. Gibbs added that he also continues to practice as a family practitioner one night per week because he enjoys it and some of his patients only want him as their physician.

Mr. Giacalone asked if Dr. Gibbs would address the medical students in attendance about how they might avoid Dr. Gibbs' situation. Dr. Gibbs stated that medical students often feel that, because of their youth, they can drink and use marijuana without it affecting them. However, Dr. Gibbs advised the students that such a lifestyle will eventually catch up with them. Dr. Gibbs stated that one in ten people in the general population have a genetic predisposition for alcoholism, and that number is probably higher for medical

students, law students, and nursing students. Dr. Gibbs stated that some physicians feel that they are above being alcoholics because of their station in life. Dr. Gibbs stated that alcoholism is seductive and can take hold quickly because of an individual's ability to rationalize and justify their actions.

Dr. Gibbs stated that he is still willing to act as a mentor to physicians who are new to the Board's monitoring process, as he has indicated to Dr. Saferin previously. Dr. Gibbs stated that one of the paradoxes of AA is that you are helped by helping others.

Mr. Giacalone moved to release Dr. Gibbs from the terms of his July 13, 2011 Consent Agreement, effective August 13, 2016. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

DAVID A. MCMAKEN, M.D.

Dr. McMaken was appearing before the Board pursuant to his request for release from the terms of the Board's Order of April 13, 2011. Dr. Soin reviewed Dr. McMaken's history with the Board.

Dr. Soin asked Dr. McMaken to explain how he failed to meet his continuing medical education (CME) requirements multiple times in the past. Dr. McMaken replied that part of the reason had to do with procrastination and part had to do with finding a system that worked for him on an ongoing and sustained basis. Dr. McMaken stated that throughout the years he often found himself at the end of a licensing period trying to find courses that would provide a large number of CME hours to fulfill his requirements. Dr. McMaken stated that he was not in a hospital-based practice and could not obtain CME by attending grand rounds. Dr. Steinbergh asked why Dr. McMaken could not attend grand rounds. Dr. McMaken responded that he works for a house-call practice and is on the road all day, and therefore he can only obtain CME hours by either using vacation time or some other way.

Dr. McMaken continued that 20 years ago online CME courses or activities were unheard of, but now they are common. Dr. McMaken stated that he has developed a routine whereby he completes CME activities online while watching the Sunday morning political talk shows each week. In this way, Dr. McMaken is able to fulfill his requirements without having to find ways to obtain large numbers of CME hours at the end of the cycle.

Dr. Soin stated that he may be able to understand having trouble with CME hours one time, but he expressed concern about Dr. McMaken's history of multiple instances over the course of years. Dr. Soin wanted to ensure that Dr. McMaken has a good system in place so that this does not happen again. Dr. McMaken understood Dr. Soin's concerns and stated that he has found a system that works for him.

Dr. Steinbergh commented that Dr. McMaken needs to understand the need for continuous education for a physician. Dr. McMaken agreed. Dr. Steinbergh also advised Dr. McMaken to focus on CME activities that are relevant to the challenges of his house-call practice, such as geriatrics and internal medicine. Dr. Steinbergh further advised Dr. McMaken to review the websites of local hospitals to find CME activities that would be appropriate for him.

Mr. Giacalone stated that Dr. McMaken had been reprimanded and fined \$5,000 in 2007 due to violations of the CME requirements. In 2011, further violations of the CME requirements led to the permanent revocation of Dr. McMaken's medical license, though that permanent revocation was stayed and Dr. McMaken's license was instead suspended for 90 days followed by probationary terms for a significant

period of time. Mr. Giacalone reminded the medical students in attendance of the importance of meeting the CME requirements.

Dr. Saferin exited the meeting at this time.

Dr. Steinbergh asked if Dr. McMaken is specialty board-certified. Dr. McMaken replied that he let his board certification lapse. Responding to further questions from Dr. Soin, Dr. McMaken stated that his board certification lapsed because he did not follow up on it. Dr. Soin commented that Dr. McMaken's pattern in such matters is disturbing.

Dr. Steinbergh moved to release Dr. McMaken from the terms of the Board's Order of April 13, 2011, effective immediately. Mr. Giacalone seconded the motion. All members voted aye. The motion carried.

RONICA A. NEUHOFF, M.D.

Dr. Neuhoff was appearing before the Board pursuant to her request for release from the terms of her July 11, 2012 Consent Agreement. Dr. Soin reviewed Dr. Neuhoff's history with the Board.

In response to questions from Dr. Steinbergh, Dr. Neuhoff stated that she currently practices at the University of Toledo Medical Center. Dr. Neuhoff stated that her previous practice of pre-signing prescriptions stemmed from a lack of proper boundaries with her patients. Dr. Neuhoff stated that she had not realized that pre-signing prescriptions was inappropriate and that she had only done so to make prenatal vitamins readily available to her patients.

Dr. Neuhoff stated that she sees her psychiatrist and her therapist regularly for treatment of her depression. Dr. Neuhoff stated that it had been very difficult for her to accept that she suffered from depression and she had not taken care of herself appropriately. Dr. Neuhoff stated that her current emotional state is not due to depression, but rather to the fact that she did not know medical students would be present in today's meeting. Dr. Neuhoff advised the medical students in attendance to not be afraid to get help if they need it. Dr. Neuhoff stated that in her case, she needed intense psychotherapy to understand her condition.

Dr. Soin asked if Dr. Neuhoff used electronic medical records (EMR). Dr. Neuhoff replied that she does currently use EMR. Dr. Soin commented that use of EMR should negate the problem of pre-signed prescriptions. Dr. Soin asked how often Dr. Neuhoff sees her psychotherapist. Dr. Neuhoff replied that she does psychotherapy every two weeks.

Mr. Giacalone asked if Dr. Neuhoff's depression is under control, noting the Dr. Neuhoff appears emotional at this time. Dr. Neuhoff responded that her depression is under control and that she has gained a lot of insight into her conditions. Dr. Neuhoff stated that at her last Compliance meeting, she discussed the possible ramifications and pitfalls of pre-signing prescriptions.

Dr. Steinbergh moved to release Dr. Neuhoff from the terms of her July 11, 2012 Consent Agreement, effective August 25, 2016. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

RICHARD J. RYAN, M.D.

Dr. Ryan was appearing before the Board pursuant to his request for release from the terms of his August 10, 2011 Consent Agreement. Dr. Soim reviewed Dr. Ryan's history with the Board.

Mr. Giacalone asked Dr. Ryan to describe to the medical students in attendance how he came to the attention of the Board. Dr. Ryan stated that he took his last drink of alcohol in 1991. However, years later Dr. Ryan was prescribed cough syrup due to an illness and he liked the way it made him feel. Dr. Ryan used the cough syrup for his next illness and he soon found himself using the cough syrup inappropriately, leading to addiction. Dr. Ryan stated that he proceeded to obtain hydrocodone cough syrup and samples of Ultram for self-use. Dr. Ryan stated that he admitted he was powerless over his disease and he asked the Board for help. Dr. Ryan expressed gratitude to the Board for giving him a second chance, which he recognized was also his last chance.

Mr. Giacalone stated that Dr. Ryan's addiction had been serious, noting the he had forged prescriptions in order to obtain drugs. Dr. Ryan commented that prescription pads had made it easy for him to obtain the drugs. Dr. Ryan stated that he never chose to be an addict, almost lose his career, or have his children not talk to him. Dr. Ryan stated that he knew what he was doing was wrong, but he had been unable to stop himself.

Mr. Giacalone asked about Dr. Ryan's support system. Dr. Ryan answered that he has great support from his friends and his girlfriend. Dr. Ryan stated that he attends multiple rehabilitation meetings and he sponsors other addicts.

Dr. Edgin asked what Dr. Ryan currently does when he gets an illness that would normally call for cough syrup. Dr. Ryan answered that he can manage his illnesses and that he has not needed cough syrup in years.

Mr. Giacalone moved to release Dr. Ryan from the terms of his August 10, 2011 Consent Agreement, effective immediately. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

Thereupon, at 2:15 p.m., the August 10, 2016 session of the State Medical Board of Ohio was adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on August 10, 2016, as approved on September 14, 2016.



Michael L. Gonidakis, President



Kim G. Rothermel, M.D., Secretary

(SEAL)

