

**State Medical Board of Ohio**  
**Formal Action Report – February, 2016**

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Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in February 2016 and an update of Board matters pending or decided in courts as of February 10, 2016.

**PRE-HEARING SUSPENSIONS**

**DAUGHERTY, Joseph Franklin, III, MD (#35.039319)--Park Hills, Kentucky**

Pursuant to Section 4731.22(G) and pursuant to the 12/12/12 Consent Agreement between Joseph Franklin Daugherty III, M.D. and the State Medical Board of Ohio, medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is in violation of Sections 4731.22(B)(15) and 4731.22(B)(22), Ohio Revised Code, and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 2/10/16. (*See also: Citations/Proposed Denials below.*)

**SELLHEIM, Dawn Nicole, MT (#33.021510)—Gahanna, Ohio**

Pursuant to Section 4731.22(G), Ohio Revised Code, license to practice massage therapy summarily suspended based on Board's determination that there is clear and convincing evidence that massage therapist is in violation of Section 4731.22(B)(26), Ohio Revised Code, and that her continued practice presents a danger of immediate and serious harm to the public. Order effective 2/10/16. (*See also: Citations/Proposed Denials below.*)

**CITATIONS/PROPOSED DENIALS**

**COLLEY, David Mark II, MT (#33.022520)—Circleville, Ohio**

Based on allegations that massage therapist is impaired in his ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice and based on allegations that massage therapist's acts, conduct or omissions constitute a violation of the 7/8/15 Step I Consent Agreement. Notice of opportunity for hearing mailed 2/11/16.

**DAUGHERTY, Joseph Franklin, III, MD (#35.039319)--Park Hills, Kentucky**

Based on prior action of the Kentucky Board of Medical Licensure which temporarily restricted the doctor's license to practice and based upon the alleged violation of the terms and conditions of the doctor's 12/12/12 Consent Agreement with the Board. Notice of opportunity for hearing mailed 2/11/16.

**HAHN**, Jerry Mitchel, MD (#35.054197)--Wardensville, West Virginia

Based on prior action by the West Virginia Board of Medicine which reprimanded the doctor's license to practice medicine based upon his failure to properly maintain and retain medical records. Also based on allegations that the doctor made false, fraudulent, deceptive or misleading statements in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery and in securing or attempting to secure any certificate to practice issued by the Board and based upon allegations that doctor failed to cooperate in an investigation conducted by the Board. Notice of opportunity for hearing mailed 2/11/16.

**SELLHEIM**, Dawn Nicole, MT (#33.021510)—Gahanna, Ohio

Based on allegations that massage therapist is impaired in her ability to practice massage therapy in accordance with acceptable and prevailing standards of care because of habitual or excessive use of abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 2/11/16.

### **FINAL ORDERS**

**CARVER**, Joseph Claude, MD (applicant)—Dublin, Ohio

Application for license to practice medicine and surgery granted pending passage of the Special Purpose Examination (SPEX) and subject to probationary terms, conditions and limitations for at least five years. Based on applicant's termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States Department of Justice; felony convictions of Concealment of Assets in Bankruptcy and False Oath in Bankruptcy; violation of the Code of Ethics of the American Medical Association and departure from or failure to conform to minimal standards of care. Order effective 2/24/16.

**DILLON**, Dustin Webb, MD (applicant)--Chicago, Illinois

Application for license to practice medicine and surgery denied. Based upon the doctor's failure to cooperate in an investigation conducted by the Board. Order effective 2/11/16. (Review and Journal Entry-No Hearing Requested).

**HOWARD**, David Anthony, MT (#33.019313)—Cincinnati, Ohio

License to practice massage therapy permanently revoked. Based on the finding that that the massage therapist engaged in sexual misconduct with three patients. Order effective 2/11/16. (Review and Journal Entry-No Hearing Requested).

**NIXON**, Heather Nicole, MT (#33.017267)—Columbus, Ohio

License to practice massage therapy revoked. Based on the massage therapist's violations of the limitations placed on her license pursuant to 9/12/13 consent agreement due to the massage therapist's failure to submit quarterly declarations; to appear for probationary conferences; to enter into a contract with a Board-approved drug testing facility; and to provide acceptable documentary evidence of participation in an alcohol and drug rehabilitation program. Order effective 2/11/16. (Review and Journal Entry-No Hearing Requested).

**PADGITT**, Amanda Lynn, LPN (MT applicant)—Niles, Ohio

Application for license to practice massage therapy denied. Based on prior action by the Ohio Nursing Board which imposed a stayed suspension and probationary terms on the massage therapy applicant's certificate to practice as a licensed practical nurse and based upon the finding that the massage therapy applicant made false, fraudulent, deceptive or misleading statements in the solicitation of or advertising for patients, in relation to the practice of a limited branch of medicine or in securing or attempting to secure any certificate to practice issued by the Board, and the finding that the massage therapy applicant failed to cooperate in an investigation conducted by the Board. Order effective 2/24/16.

### **VOLUNTARY SURRENDERS/RETIREMENTS/WITHDRAWALS**

**BROOKS**, Barry Howard, MD (#35.040359)—Chesterland, Ohio

Permanent revocation of license to practice medicine and surgery authorized by doctor in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(2), (B)(3), (B)(6), (B)(20) and (B)(24), Ohio Revised Code. Agreement effective 2/10/16.

**KONST**, Lawrence William, D.O. (applicant)--Livonia, Michigan

Permanent withdrawal of application to practice osteopathic medicine and surgery authorized by doctor in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(22), Ohio Revised Code. Agreement effective 2/10/16.

**SHARROCK**, Robert Earl, M.D. (#35.040916)—Bryan, Ohio

Permanent revocation of license to practice medicine authorized by doctor in lieu of further investigations and/or formal disciplinary proceeding pursuant to Section 4731.22(B)(3), Ohio Revised Code. Agreement effective 2/10/16.

### **CONSENT AGREEMENTS**

**BABAR**, Nabila Saeed, MD (#35.067632)—Mason, Ohio

Medical license suspended for a definite period of fourteen days beginning on February 14, 2016 and ending on February 27, 2016, and subject to interim monitoring terms and probationary

terms, conditions and limitations for at least three years. Based on the doctor's admission that in her care and treatment of two specified patients, the doctor departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances, that the doctor violated the Board's rules on prescribing controlled substances and utilizing controlled substances for self and family members and that the doctor's conduct constituted commission of an act that constitutes a felony in this state, specifically Illegal Processing of Drug Documents. Agreement effective 2/10/16.

**ENGLISH, James Carey, MD (#35.048622)**—Westerville, Ohio

Medical license suspended for at least 90 days with interim monitoring conditions and conditions for reinstatement established including requirement that doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on doctor's admission that in the care of two specified patients the doctor sold, gave away, personally furnished, prescribed or administered drugs for other than legal and legitimate therapeutic purposes, the doctor engaged in conduct that constitutes a felony in this state and engaged in conduct that constitutes commission of an act in the course of practice that constitutes a misdemeanor in this state. Agreement effective 2/10/16.

**MASON, Richard Ray, DO (#34.007364)**—Powell, Ohio

Medical license suspended for at least one year with interim monitoring conditions and conditions for reinstatement including requirement that doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on doctor's admission that he is impaired in his ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair his ability to practice. Agreement effective 2/10/16.

## **PROBATIONARY REQUESTS AND MODIFICATIONS**

**COOK, Deborah Lynn., DPM (#36.003231)**—Mentor, Ohio

Doctor's request for approval of medical record keeping course granted by vote of the Board on 2/10/16.

**CROOM, Christopher S., MD (#35.068819)**—Oakwood, Ohio

Doctor's request for approval to administer, personally furnish and possess controlled substances granted by vote of the Board on 2/10/16.

**EWALD, Jesse Michael, MD (#35.124055)**—Westerville, Ohio

Doctor's request for approval of controlled substance prescribing and ethics courses granted by vote of the Board on 2/10/16.

**GALINDO**, Julio Cesar, MD (#35.121224)—Columbus, Ohio

Doctor's request for approval of medical recordkeeping course granted by vote of the Board on 2/10/16.

**HIBLER**, John Thomas, DO (#34.010509)—Columbus, Ohio

Doctor's request for termination of temporary practice limitation which limited practice to participation in a post-graduate training program granted by vote of the Board on 2/10/16.

**HICKEY**, Timothy Michael, MD (#35.084480)—Toledo, Ohio

Doctor's request for approval of medical recordkeeping and controlled substance prescribing courses granted by vote of the Board on 2/10/16.

**LUTZ**, James Thomas, MD (#35.057139)—Cincinnati, Ohio

Doctor's request for approval of medical recordkeeping and controlled substance prescribing courses granted by vote of the Board on 2/10/16.

**LYDON**, Joseph Francis, Jr., MD (#35.057047)—Solon, Ohio

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 2/10/16.

**MACATOL**, Michael Christopher, MD (#35.095993)—Columbus, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 2/10/16. Frequency and number of charts to be reviewed by monitor established.

**McTAGUE**, Jerome A., MD (#35.063632)--Oklahoma City, Oklahoma

Doctor's request for approval of ethics course granted by vote of the Board on 2/10/16.

**PATEL**, Dennis A., MD (#35.127412)--Baton Rouge, Louisiana

Doctor's request for approval of monitoring physician, reduction in drug and alcohol rehabilitation meeting attendance from three per week to two per week with a minimum of ten per month, and discontinuance of drug log, audit and assay requirements granted by vote of the Board on 2/10/16. Frequency and number of charts to be reviewed by monitor established.

**RUBENS**, Lawrence Michael, MD (#35.092837)—Columbus, Ohio

Doctor's request for reduction in psychiatric treatment sessions to every six months and request for reduction in drug and alcohol rehabilitation meeting attendance to two per week with a minimum of ten per month granted by vote of the Board on 2/10/16.

**RYAN**, Carol G., MD (#35.038029)—Kettering, Ohio

Doctor's request for approval of practice plan granted by vote of the Board on 2/10/16.

**VERRILLA**, Ronald Gerard, DPM (#36.002664)—Columbus, Ohio

Doctor's request for approval of practice plan and new monitoring physician granted by vote of the Board on 2/10/16. Frequency and number of charts to be reviewed by monitor established.

**WEBER**, Gretchen Layne, MD (#35.127650)—Zanesville, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 2/10/16. Frequency and number of charts to be reviewed by the monitor established.

**WEINER**, Mark Aaron, DO (#34.005502)—Holland, Ohio

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 2/10/16.

### **PROBATION TERMINATED**

**COLFLESH**, Matthew Aaron, MD (#35.082831)—Wintersville, Ohio

Doctor's request for release from the terms of the 1/14/15 Board Order granted by vote of the Board on 2/10/16. Effective immediately.

**LEESON**, Mark Christopher, MD (#35.042998)—Akron, Ohio

Doctor's request for release from the terms of the 2/9/11 Step II consent agreement granted by vote of the Board on 2/10/16. Effective immediately.

**MUFFLEY**, Patrick Eugene, DO (#34.008355)--Lewis Center, Ohio

Doctor's request for release from the terms of the 11/13/13 Board Order granted by vote of the Board on 2/10/16. Effective 2/21/16.

**RHOADES**, Chris Allen, MD (#35.063999)—Hilliard, Ohio

Doctor's request for release from the terms of the 2/9/11 Step II consent agreement granted by vote of the Board on 2/10/16. Effective immediately.

## **REINSTATEMENTS**

**HICKEY**, Timothy Michael, MD (#35.084480)—Toledo, Ohio  
Doctor's request for restoration of license granted by vote of the Board on 2/10/16 subject to probationary terms and conditions established by 1/14/15 Board Order. Effective immediately.

## **NON-DISCIPLINARY ORDERS**

**EMAMI**, Jafar, MD (applicant)—Cincinnati, Ohio

Application for license to practice medicine and surgery denied. Based on applicant's failure to demonstrate proficiency in English by obtaining a passing score on the Test of English as a Foreign Language Internet-Based Test (TOEFL iBT). Order effective 2/11/16. (Journal Entry-No Hearing Requested).

## **COURT ACTIONS**

**FLYNN**, Freeda J., M.D. (#35.066409)--St. Clairsville, Ohio

Notice of appeal of 1/8/16 Decision and Entry of the Court of Common Pleas of Franklin County to the Tenth District Court of Appeals on 1/14/16.

Decision and Entry granting doctor's Motion for Suspension of the 1/8/16 Decision of the Court and the Board's 5/13/15 Order filed by the Franklin County Court of Common Pleas on 2/5/16.

**MANSOUR**, Waleed Nasr, M.D. (#35.078230)—Youngstown, OH

Notice of appeal of Board's 1/13/16 Order of permanent revocation filed by the doctor in the Franklin County Court of Common Pleas on 1/25/16.

**RORICK**, Marvin Horton III, MD (#35.052318)—Cincinnati, Ohio

By Decision and Entry filed on 2/10/16, the Franklin County Court of Common Pleas affirmed the Board's September 17, 2015 Order of suspension.

**ROTHENBERG**, Lawrence, MD (#35.087302)--West Palm Beach, Florida

By Decision and Entry dated 2/1/16, the Franklin County Court of Common Pleas affirmed the Board's 9/9/15 Order permanently denying the doctor's application for restoration of his prior medical license.

Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a doctor's practice before a Board Order takes effect, please contact the office.

Ohio law permits appeal of a Board Order to the Franklin County Court of Common Pleas. Due to this possibility and the potential for a stay that might delay the imposition of a Board action, you may wish to contact us periodically to verify a given practitioner's licensure status.

Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website at <http://www.med.ohio.gov/> under "Licensee Profile and Status." If you have questions or need additional details about Citations, Board Orders, Consent Agreements, or Court Actions, please contact the Case Control Office. If you have questions regarding a probationary modification or a probationary request, please contact the Compliance Office. Our offices may be reached at (614) 466-3934.