



**State Medical Board of Ohio Meeting Minutes
April 10, 2019**

Andrew P. Schachat, M.D., President, called the meeting to order at in the Administrative Hearing Room, 3rd floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: Michael Schottenstein, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Michael L. Gonidakis, Esq., Amol Soin, M.D.; Robert P. Giacalone, R.Ph., J.D.; Richard Edgin, M.D.; Mark A. Bechtel, M.D.; Betty Montgomery; and Sherry Johnson, D.O.

MINUTES REVIEW

Dr. Schachat called for a motion to approve the minutes of the March 13, 2019 Board meeting, as drafted.

Motion to approve	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

APPLICANTS FOR LICENSURE

Dr. Schachat asked the board to consider the Licensure items on the agenda. No board member asked to consider any applications separately.

Dr. Schachat called for a motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician and allied professional applicants, and to approve the results of the March 25, 2019 Cosmetic Therapy Examination and to certify as passing and license those receiving a score of 75 or greater on their examination, and to certify as failing and deny licensure to those who received a score of less than 75 on the examination, as listed in the Handouts (Exhibit A, Exhibit B, and Exhibit C) provided to Board members.

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

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Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schachat called for a motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the applicants for a Certificate to Recommend Medical Marijuana contained in the Handouts provided (Exhibit D) to the Board members.

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

The motion carried.

LICENSURE COMMITTEE REPORT

Respiratory Care Education Form

Dr. Saferin stated that the Respiratory Care Advisory Council has recommended a response to Jen Gronauer of Cincinnati Children’s Hospital regarding the verification of education form for student limited permit holders. The Licensure Committee recommended approval of the draft response that was included in the Agenda Materials.

Motion to approve the draft response for the Respiratory Care Education Form

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

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Dr. Bechtel	Y
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The motion carried.

Licensure Application Reviews

Michael S. Brill, M.D.

Dr. Saferin stated that Dr. Brill withdrew his application for licensure prior to the Licensure Committee's meeting. Therefore, the Committee did not consider the application.

Gregory Long, M.D.

Dr. Saferin stated that Dr. Long has applied for a license to practice medicine and surgery in Ohio. Dr. Long has not practiced clinical medicine in the last two years. The Licensure Committee has recommended approval of Dr. Long's application, pending successful completion of the Special Purpose Examination (SPEX) within six months of the mailing of the Notice of Opportunity for Hearing.

Motion to approve the License Committee's recommendation:

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

The motion carried.

Susan Fong, M.D., Ph.D.

Dr. Saferin stated that Dr. Fong has applied for a license to practice medicine and surgery in Ohio, and has requested a waiver of the Board's ten-year rule for the United States Medical Licensing Examination (USMLE). The Licensure Committee has recommended approval of the good-cause exemption of the ten-year rule as outlined in 4731-6-4(C)(3)(b)(ii), and acceptance of the examination sequence so that Dr. Fong can be granted a license.

Motion to approve the Licensure Committee's recommendation:

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

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Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Abhishek Ramadhin, M.D.

Dr. Saferin stated that Dr. Ramadhin has requested that the Board deem his training and experience in India, Italy and the United States be equivalent to the twenty-four months of graduate medical education through the second-year level of GME so that he may be granted a license. The Licensure Committee has recommended denial of Dr. Ramadhin's request.

Motion to approve the Licensure Committee's recommendation to deny Dr. Ramadhin's request for graduate medical education (GME) equivalency:

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

The motion carried.

Kristian Hall, M.T.

Dr. Saferin stated that Ms. Hall as applied for a license to practice massage therapy in Ohio. Ms. Hall's application indicates that she has not practiced massage therapy within the last two years. The Licensure Committee has recommended approving Ms. Hall's application, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEx) within six months of the mailing of the Notice of Opportunity for Hearing.

Motion to approve the Licensure Committee's recommendation:

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

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Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Julie Uhrman, M.T.

Dr. Saferin stated that Ms. Uhrman has applied for restoration of her Ohio massage therapy license. Ms. Uhrman’s application indicates that she has not practiced massage therapy for the last two years. The Licensure Committee has recommended approval of Ms. Uhrman’s application for restoration, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEx) within six months of the mailing of the Notice of Opportunity for Hearing.

Motion to approve the Licensure Committee’s recommendation:

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

The motion carried.

Karisse Davis, M.T.

Dr. Saferin stated that Ms. Davis has applied for restoration of her Ohio massage therapy license. Ms. Davis indicated on her application that she has not practiced massage therapy within the last two years. Dr. Saferin noted that Ms. Davis passed the Massage and Bodywork Licensing Examination (MBLEx) on March 8, 2019. The Licensure Committee has recommended approval of Ms. Davis’ application for restoration as presented.

Motion to approve the Licensure Committee’s recommendation:

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

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Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Kathleen Edwards, L.D.

Dr. Saferin stated that Ms. Edwards has applied for restoration of her license to practice dietetics in Ohio. Ms. Edwards indicated on her application that she has not practiced dietetics in the last two years. The Committee has recommended approval of Ms. Edwards' application for restoration as presented.

Motion to approve the Licensure Committee's application:

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

The motion carried.

Dawn Allen, R.C.P.

Dr. Saferin stated that Ms. Allen has applied for restoration of her Ohio Respiratory Care Professional (RCP) license. Ms. Allen indicated on her application that she has not practiced as an RCP in the last two years. The Licensure Committee has recommended approving Ms. Allen's application for restoration, contingent on successful completion of the Therapist Multiple-Choice Examination (TMC) within six months from the date of mailing of the Notice of Opportunity for a Hearing.

Motion to approve the Licensure Committee's recommendation:

Motion	Dr. Saferin
2 nd	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y

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Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Robert Fiorentini, R.C.P.

Dr. Saferin stated that Mr. Fiorentini has applied for restoration of his Ohio Respiratory Care Professional (RCP) license. Mr. Fiorentini's application did not indicate that he has practiced as an RCP within the last two years. The Licensure Committee has recommended approval of Mr. Fiorentini's application for restoration, contingent on successful completion of the Therapist Multiple-Choice Examination (TMC), and confirmation that he has completed the requisite respiratory care continuing education, all within six months from the date of mailing of the Notice of Opportunity for a Hearing.

Motion to approve the Licensure Committee's recommendation:

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

The motion carried.

Julie Fetch, P.A.

Dr. Saferin stated that Ms. Fetch has applied for restoration of her Ohio physician assistant license. Ms. Fetch has not practiced as a physician assistant since 2015. The Licensure Committee has recommended approval of Ms. Fetch's application for restoration as presented. Dr. Saferin noted that Ms. Fetch's certification from the National Commission for Certification of Physician Assistants is current.

Motion to approve the Licensure Committee's recommendation:

Motion	Dr. Saferin
2 nd	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y

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Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Respiratory Care Continuing Education Course Approval

Dr. Saferin stated that the Licensure Committee has recommended granting the request from Shawnee State University to approve the presentation “Ethics Decisions in Health Care: for one contact hour of respiratory care continuing education on Ohio respiratory care law or professional ethics, pursuant to the provisions of Chapter 4761-9 of the Ohio Administrative Code.

Motion to approve the Licensure Committee’s recommendation:

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

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Schachat asked if each member of the Board received, read and considered the Hearing Record, the Findings of Fact, Conclusions and Proposed Orders filed in the matters of Rodney Lee Curtis, M.D., and Tammy Reed, D.O. A roll call was taken:

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

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Dr. Schachat further asked if each member of the Board understands that the Board’s disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial. A roll call was taken:

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

Dr. Schachat stated that in the following matters, the Board issued Notices of Opportunity for Hearing. No timely requests for hearing were received. The matters were reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and they are now before the Board for final disposition. 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 these matters, Dr. Rothermel served as Secretary, Dr. Saferin served as Supervising Member, and Dr. Bechtel served as Secretary and/or Supervising Member.

Rodney Lee Curtis, MD

Dr. Schachat asked for a motion to find that the allegations as set forth in the February 14, 2018 Notice of Opportunity for Hearing in the matter of Dr. Curtis have been proven to be true by a preponderance of the evidence and to adopt Ms. Shamansky’s Proposed Findings and Proposed Order.

Motion	Ms. Montgomery
2 nd	Dr. Schottenstein

Dr. Schachat stated that he will now entertain discussion in the matter of Dr. Curtis. No Board member offered discussion in this matter.

A vote was taken on Ms. Montgomery’s motion:

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

The motion carried.

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Tammy M. Reed, D.O.

Dr. Schachat asked for a motion to find that the allegations as set forth in the October 10, 2018 Notice of Opportunity for Hearing in the matter of Dr. Reed have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order.

Motion	Dr. Schottenstein
2 nd	Mr. Giacalone

Dr. Schachat stated that he will now entertain discussion in the matter of Dr. Reed.

Dr. Schottenstein opined that the Proposed Order is appropriate given the circumstances of this case. The Proposed Order includes a reprimand, probationary terms for at least one year, and a fine of \$1,500. However, Dr. Schottenstein could not help but to be concerned about Dr. Reed's judgment. Dr. Schottenstein observed that Dr. Reed had previously been asked to leave her residency program for prescribing Ambien for self-use. In the current case, Dr. Reed had prescribed Lunesta to people who were not her patients. Dr. Schottenstein would have hoped that Dr. Reed would have learned her lesson about inappropriate prescribing the first time she was disciplined for such practices. Dr. Schottenstein stated that he will vote for the Proposed Order and he felt that the required courses in the Order will be helpful to Dr. Reed. Dr. Schottenstein hoped that Dr. Reed will make better choices going forward.

Ms. Montgomery agreed with Dr. Schottenstein's statements, but questioned whether the Proposed Order was strong enough given Dr. Reed's history of problems beginning in 2002. Dr. Schottenstein agreed with Ms. Montgomery's remarks, but felt that the Proposed Order is appropriate for the current case. Dr. Schottenstein acknowledged that Dr. Reed's history got his attention, but he was agreeable to giving her the benefit of the doubt and he hoped that the additional remediation will help her move forward in a positive direction.

Dr. Soin agreed with Ms. Montgomery, especially considering how the Board has responded in recent years to prescription drug abuse and laxity in general prescribing. Dr. Soin also agreed with Dr. Schottenstein that Dr. Reed could be remediated to the point where she can contribute positively to society. Dr. Soin added that if Dr. Reed were to have a case before the Board again, he would recommend a very strong order at that point.

Mr. Giacalone agreed with the comments made thus far. Mr. Giacalone stated that there is a significant time span between Dr. Reed's previous history and the current case. Mr. Giacalone noted that the current case involves providing family members with Lunesta and not a more serious drug such as oxycodone. Mr. Giacalone stated that although there are mitigating circumstances in this instance, he agreed with previous comments that the Board would make swift and impactful decision if Dr. Reed has any other case come before the Board.

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

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The motion carried.

EXECUTIVE SESSION I

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

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

The motion carried.

Executive Session began at 10:21 a.m. and ended at 11:03 a.m. Dr. Saferin exited the meeting during the Executive Session.

The Board returned to public session.

SETTLEMENT AGREEMENTS

Frederick David Adams, M.D.

Motion to ratify the proposed Permanent Surrender/Retirement with Frederick David Adams, M.D.

Motion	Dr. Schottenstein
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Mr. Giacalone	Y
Dr. Soin	N
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Marvin Mercado Baula, M.D.

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Motion to ratify the proposed Consent Agreement with Marvin Mercado Baula, M.D.

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

The motion carried.

Randy M. Smith, D.O.

Motion to ratify the proposed Step I Consent Agreement with Randy M. Smith, D.O.

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

The motion carried.

Michael S. Cash, D.O.

Motion to ratify the proposed Permanent Surrender with Michael S. Cash, D.O.

Motion	Dr. Schottenstein
2nd	Dr. Soin
Dr. Rothermel	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y

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Dr. Bechtel	Y
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The motion carried.

Peter Guyon Striegel, M.D.

Motion to ratify Consent Agreement with Peter Guyon Striegel, M.D.

Motion	Dr. Schottenstein
2 nd	Mr. Gonidakis

Mr. Giacalone stated that he will reiterate his opinion of this proposed Agreement that he had expressed when it was first presented to the Board last month. Mr. Giacalone found it unacceptable to ratify this agreement. Mr. Giacalone stated that this physician declared a patient to be incompetent and caused the patient to lose all of her rights and privileges as a citizen, and this occurred only one month after having examined the patient and found her “alert, oriented, and a reliable historian of her own medical record,” according to the physician’s own documentation. Mr. Giacalone stated that the impact of this action on the patient was monumental. Mr. Giacalone observed that there is commentary in the record as to what the physician did or did not know. Nonetheless, Mr. Giacalone asked why someone would ask a physician to issue a letter of incompetence for a patient other than to take control of the patient’s life. Mr. Giacalone opined that to let such actions go with little more than a reprimand and a fine was unacceptable to him.

Dr. Soin stated that he concurred with Mr. Giacalone. Dr. Soin felt that the fact pattern supported a much stronger punishment than what is provided for in the consent agreement.

A vote was taken on Dr. Schottenstein’s motion to ratify:

Dr. Rothermel	Abstain
Mr. Giacalone	N
Dr. Soin	N
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Sreelatha Pulakhandam, M.D.

Motion to ratify Consent Agreement with Sreelatha Pulakhandam, MD.

Motion	Dr. Schottenstein
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y

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Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Michael A. Alexander, D.O.

Motion to ratify Consent Agreement with Michael A. Alexander, D.O.

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

The motion carried.

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

Ms. Marshall presented the following citations to the board for consideration:

1. Kang Lu, M.D.: Based on action taken by the Massachusetts Board of Registration in Medicine and the Commonwealth of Virginia Department of Health Professions arising from conviction and charges related to carrying firearms.
2. Ryan Lee Gerritsen, M.D.: Based on recent impairment for which the physician completed inpatient treatment approximately nine months ago.
3. Terry D. Madsen, M.D.: Based on action by the Texas Board of Medicine for ordering expensive genetic testing without an indication in 25% of the physician's patients when the physician had a financial interest in the company that was collecting and processing the specimens.
4. James S. Hurvitz, M.D.: Based on two prior actions by the Medical Board of California, including a stayed revocation related to surgical care.
5. Raymond L. Noschang, M.D.: Based on inappropriate prescribing involving 12 patients.
6. Paul A. Kirila, D.O.: Based on inappropriate prescribing involving 14 patients, failure to check the Ohio Automated Rx Reporting System (OARRS), and failure to follow the Board's intractable pain rules.

Ms. Montgomery asked if Dr. Gerritsen, the subject of Citation #2, had been eligible for the one-bite reporting exemption. Ms. Marshall replied that Dr. Gerritsen is an applicant for licensure; by statute, the one-bite reporting exemption is only available to individuals who are currently authorized to practice medicine in Ohio.

Motion to approve and issue citations 1-4:

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

The motion carried.

Motion to approve and issue citations 5 and 6:

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

The motion carried.

RULES & POLICES

Ms. Debolt presented an update on rules and policies to the Board.

Motion that new rules 4730-4-01, 4730-4-03, 4730-4-04, 4731-33-01, 4731-33-03, and 4731-33-04 be adopted and rule 4731-11-12 be rescinded, with an effective date of April 30, 2019.

Motion	Dr. Bechtel
2 nd	Dr. Schottenstein
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Motion to adopt the proposed amendments to rules 4778-1-02, 4778-1-02.1, 4778-1-05, 4778-2-01, and 4778-2-02; rescind current rule 4778-1-06, and adopt new rule 4778-1-06, with an effective date of April 30, 2019.

Motion	Dr. Bechtel
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2nd	Dr. Schottenstein
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that the Board currently has three open positions. Mr. Groeber added that HR is in the process of making James Roach's position as Chief of Investigations permanent and backfilling his Enforcement Attorney position, as well as potentially adding another Enforcement Attorney position.

Agency Operations: Mr. Groeber stated that there as been a minor decrease in the number of open cases and the staff has done a good job moving the cases along. Licensure/Renewal cases have increased slightly.

Mr. Groeber stated that licensure statistics continue to look good. Oddly, the average number of days to issue MD/DO licenses was 21 days, while the average days to issue expedited licenses was 29 days; this is a result of a few outliers who delayed sending in their background check packages for their expedited licensure, and thereby increasing the average. Year-to-date, license issuances are up 10% and are being issued in basically the same amount of time.

Mr. Groeber noted that last year, the Board approved a plan to move from a two-step process to a one-step process for issuing training certificates. Mr. Groeber stated that the new process is moving applications through very quickly and there has been a 300% to 400% increase in application volume.

Financial Disclosure Forms: Mr. Groeber reminded the Board members that the deadline to file financial disclosure forms this year is May 15.

Board Retreat: Mr. Groeber stated that the Medical Board Retreat is scheduled for June 11, 2019, the day before the June 12 Board meeting. In response to an inquiry from Ms. Montgomery, Mr. Groeber stated that the Board members' annual ethics training will be included in the Retreat agenda.

Licensure Section Reorganization: Mr. Groeber stated that the Licensure Section was reorganized about six months ago into two functions: New applicant licensure for all license types, overseen by Mitch Alderson; and ongoing licensure services such as verification, overseen by Chantel Scott.

Mr. Groeber continued that under the reorganization, a total of 1,800 calls were handled in one month with a year-to-date total of 5,000 calls. 1,100 verification requests were processed in March and the Board collected a fee of \$50 for each verification. In addition, the staff handled 2,400 incoming emails and almost 1,000 outgoing emails. More than half of all phone calls were answered in 0-15 seconds. Mr. Groeber stated that the Licensure staff is doing a wonderful job serving the Board's customers. The Board applauded the Licensure staff efforts.

SELECTION OF NEW MEMBERS FOR RESPIRATORY CARE ADVISORY COUNCIL

Motion to appoint Cindy Groeniger to the consumer seat of the Respiratory Care Advisory Council (RCAC) to fill the remainder of the term ending April 10, 2020; and to appoint Amy Rodenhausen to fill the expiring licensed respiratory care professional seat of the RCAC for a new three-year term expiring on April 10, 2022.

Motion	Dr. Bechtel
2nd	Dr. Schottenstein

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Voice Vote in favor	All in favor
Opposed	None

The motion carried.

SELECTION OF NEW MEMBER FOR DIETETICS ADVISORY COUNCIL

Motion to appoint Susan Finn to fill the expiring licensed dietitian seat on the Dietetics Advisory Council for a new three-year term which will expire on April 10, 2022.

Motion	Dr. Schottenstein
2nd	Dr. Edgin
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

REPORTS BY ASSIGNED COMMITTEES

Finance Committee Report

Dr. Schottenstein stated that revenue for February 2019 was \$678,420, which roughly approximates the revenue of the previous month. Overall, there has been a 9% increase in revenue year-to-date, though there was net negative revenue for February 2019 in the amount of \$94,863 and there is net negative revenue for Fiscal Year 2019 in the amount of \$309,836. Dr. Schottenstein stated that if not for two large expenditures in January (namely, \$209,757 for eLicense maintenance and \$232,829 for development of compliance and adjudication modules for the eLicense system), there would be a net positive balance for net fiscal year revenue to date. Dr. Schottenstein stated that the 12.3% year-to-date increase in expenditures noted on the fiscal summary is substantially a function of those two large invoices and that routine spending is fairly consistent. The Board's cash balance is \$4,304,772. Since the last fiscal report, the Board has received a total of \$3,000 in disciplinary fine payments and \$4,500 in non-disciplinary payments for continuing medical education deficiencies.

Communications and Outreach

Dr. Schottenstein expected the spring edition of the Board's magazine to be published in May 15. The articles for the edition are nearly complete and will be circulated for editing. Dr. Schottenstein stated that an educational video is being developed regarding the cultural competency guide that was recently finalized and posted to the Board's website. A video on chronic and subacute pain prescribing is also being developed. In addition, the Board will push out charcoal disposal bags for unused prescription medications to the public and the media.

Preliminary Budget Approval, Fiscal Years 2020 and 2021

Dr. Schottenstein stated that the Board's budget is over \$11,000,000 with spending closer to \$10,000,000 and we are hoping for a budget approval for 2020 for \$10,800,000, and for 2021 for \$11,300,000. Those are 5% and 4% increases, and essentially should just cover the cost for personnel. Everything else we expect to be relatively flat in terms of spending. Mr. Groeber testified in the House with regard to agency operations, and that went well.

Federation of State Medical Boards Workgroup on Sexual Boundary Violations

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Dr. Schottenstein informed the board that he serves on the FSMB workgroup on sexual boundary violations, which will be meeting in June 2019. All costs are expected to be covered by the FSMB, but a finance committee voted today to recommend approval of the travel and to reimburse any unexpected travel costs that are incurred.

Motion to approve Dr. Schottenstein to attend the FSMB Workgroup on Sexual Boundary Violations on June 6th, 2019, in Washington, DC; that any travel expenses not covered by the FSMB travel scholarship be paid by the Medical Board in accordance with state travel policy; and that Dr. Schottenstein's attendance at the FSMB workgroup meeting is in connection with his responsibilities as, and is related to his position as, Vice-President of the State Medical Board of Ohio.

Motion	Mr. Gonidakis
2 nd	Dr. Bechtel
Voice Vote in favor	All in favor, except Dr. Schottenstein
Opposed	None
Abstain	Dr. Schottenstein

The motion carried.

eLicense System

Dr. Schottenstein said the finance committee also reviewed DAS's information on the cost of eLicense. The Medical Board has built in a \$3.50 transaction fee with license renewals to help offset the cost of the system.

Policy Committee Report

Respiratory Care Rules Updates

Ms. Anderson reported that the Committee voted to circulate the proposed updates to the respiratory care rules to interested parties for comment.

Revision to FAQ's on Prescribing to Patients Not Seen

Ms. Anderson stated that the Policy Committee approved language for the FAQ's on prescribing to patients not seen. The language clarifies that in a cross-coverage situation in which the patient is an active patient, direct physician/patient interaction is not possible, and the medication is a non-controlled substance, then that is permissible under the rule so long as the physician is reviewing the record and authorizing the prescription.

Motion to approve the recommendation of the Policy Committee:

Motion	Dr. Bechtel
2 nd	Dr. Johnson
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Rules on Criminal Records Checks – 4731-4-01, Ohio Administrative Code

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Motion to approve Rules 4731-4-01 and 4731-4-02 and the rules to be rescinded to be submitted for review by the Common Sense Initiative (CSI):

Motion	Dr. Bechtel
2 nd	Dr. Johnson
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Rules on Meeting Notices and Recordings – 4731-7-01, Ohio Administrative Code

Motion to approve Rules 4731-7-01 and 4731-9-01 for submission to the Common Sense Initiative (CSI) for its review:

Motion	Mr. Giacalone
2 nd	Dr. Bechtel
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

FAQ's and Guidelines C and D for Dietetics and FAQ's for Respiratory Care

Motion to approve posting to the Medical Board's website the Dietetics FAQ's and Guidelines C and D, and the Respiratory Care FAQ's, as discussed by the Dietetics Advisory Council, the Respiratory Care Advisory Council, and the Policy Committee:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Proposed Guidance Document on Physician Assistant Prescribing

Motion to approve for publication the proposed guidance document on physician assistant prescribing:

Motion	Dr. Bechtel
2 nd	Dr. Johnson
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Compliance Committee Report

Dr. Schottenstein stated that the Compliance Committee met on March 13, 2019 and entertained the following probationary appearances: Pankaj Gupta, MD; Kenneth Hanover, MD; Muyuan Ma, MD; and Howard

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Waxman, DPM. The Compliance Committee voted to continue all four licensees under the terms of their respective Board actions. The Committee also approved the Compliance staff's Reports of Conferences from February 11 and 12, 2019.

The Committee reviewed three applications from treatment providers for Certificates of Good Standing and recommended that the Board approve the applications.

Motion to approve the applications for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners for the following facilities: Cornerstone of Recovery, Ohio and Tennessee; Arrowhead Behavioral Health; and Health Recovery Services.

Motion	Dr. Schottenstein
2 nd	Dr. Soin
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

Dr. Schottenstein reported that the Committee had a robust discussion about initial probationary appearances and how the materials are presented to the Committee members. Following the discussion, Ms. Murray said she will prepare information for the upcoming Board retreat regarding initial appearances. Ms. Murray also stated that important information in the probationary reports and requests will be highlighted in red. The treatment provider discussion will be postponed until the monitoring organization is approved for the One-Bite program.

Dietetics Advisory Council Report

Mr. Smith stated that the Dietetics Advisory Council (DAC) met yesterday and reviewed the proposed rules for licensure of members of the military for all Medical Board licensees, but particularly as the rule pertains to dietetics licensees. The Council recommended approval of the rules to be filed with the Common Sense Initiative (CSI) following the comment period. The Council also discussed upcoming proposed dietetics rules that will be brought to the Council at its July 2019 meeting.

The Council recommended approval of the FAQ's that were discussed earlier by the Board.

The Council reviewed and discussed the Malnutrition Prevention Commission report. The Malnutrition Prevention Commission was created by the legislature and delivered a report on malnutrition in the elderly population in Ohio. Mr. Smith stated that the report will guide further discussion on this pressing issue and how it can potentially be publicized across professions.

Mr. Smith reported that the Council's consumer member has tendered his resignation. Mr. Smith stated that the consumer member had become very active in other civil organizations, but he was very appreciative of the time he had spent on the Ohio Board of Dietetics and the Dietetics Advisory Council. Mr. Smith stated that the application process to fill the consumer seat will begin soon.

PROBATIONARY REQUESTS

Dr. Schottenstein commented that he will abstain in the probationary request of Dr. Waxman because he had served as Acting Supervising Member on that case.

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

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- a) Michael H. Anikeev, M.D.: Approval of Eric L. Kahn, M.D. to serve as the treating psychiatrist.
- b) Michael T. Bangert, M.D.: Discontinuance of the psychotherapy completed by Regina L. Ford, LMHC.
- c) John R. Capurro, M.D.: Release from the terms of the Board’s Order of April 11, 2018.
- d) Gregory G. Duma, M.D.: Reduction in personal appearances to every six months; and reduction in recovery meeting attendance to two per week with a minimum of ten per month.
- e) Pankaj Gupta, M.D.: Approval of the previously completed course *Intensive Course in Medical Ethics, Boundaries and Professionalism*, offered by Case Western Reserve University, to fulfill the professional boundaries course requirement.
- f) Gerry V. Hsu, P.A.: Approval of the course *Maintaining Proper Boundaries*, offered by Vanderbilt University Medical Center, to fulfill the physician assistant/patient boundaries course requirement; and approval of the course *Intensive Course in Medical Ethics, Boundaries and Professionalism*, offered by Case Western Reserve University, to fulfill the personal/professional ethics course requirement.
- g) John K. Krebs, M.D.: Approval of request to reduce drug and alcohol rehabilitation meeting attendance to two per week with a minimum of ten per month.
- h) Joshua D. Palmer, M.D.: Approval of request to discontinue the drug log requirement; approval of request to discontinue the audit and assay report requirements; and approval of request to reduce personal appearances to every six months.
- i) Nicholas L. Pesa, M.D.: Approval of request to reduce psychiatric treatment sessions to every six months.
- j) Siraj A. Siddiqui, M.D.: Approval of request to discontinue the chart review requirement.
- k) John M. Smilo, D.P.M.: Approval of *Intensive Course in Controlled Substance Prescribing, Pain, Anxiety, Insomnia*, administered by Case Western Reserve University, to fulfill the controlled substance prescribing course requirement.
- l) Ranjive Tandon, M.D.: Approval of Phillip G. Savage, D.O., to serve as the new monitoring physician.
- m) Howard M. Waxman, D.P.M.: Approval of release from the terms of the December 12, 2018 Consent Agreement, effective immediately.
- n) Joseph F. Yurich, M.D.: Approval of ethics course specifically tailored for the doctor by Dr. Donna Homenko to fulfill the personal ethics course requirement.

Motion	Dr. Johnson
2nd	Dr. Schottenstein
Dr. Rothermel	Abstain
Mr. Giacalone	Y
Dr. Sojn	Y
Dr. Schottenstein	Y (abstain on Dr. Waxman)
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Abstain

The motion carried.

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REINSTATEMENT REQUEST

Thomas G. Bering, M.D.

Motion that the request for the reinstatement of the license of Thomas G. Bering, M.D. be approved, effective immediately, subject to the probationary terms and conditions as outlined in the October 10, 2018 Board Order for a minimum of five years.

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

The motion carried.

FINAL PROBATIONARY APPEARANCES

Robert M. Cook, M.D.

Dr. Schottenstein asked about Dr. Cook's plans for his practice going forward. Dr. Cook answered that he has no plans and he has not been able to practice. Dr. Cook explained that in radiology a practitioner who has not read any films for a year and does not have a case log cannot get accreditation at hospitals. Consequently, Dr. Cook stated that he does not have a career. Dr. Cook commented that someone in his position could try to start an outpatient imaging practice that is not affiliated with a hospital, but all such practices have been bought by hospitals. Dr. Cook further commented that he could start his own practice, but he cannot because he has not made any money in the last four years due to his inability to work, which stemmed from his case before the Board.

Dr. Soin asked if Dr. Cook felt that he had done anything wrong. Dr. Cook replied that he feels that he did not do anything wrong. Dr. Cook stated that the testimony and the Hearing Examiner's Report and Recommendation show that, according to the witnesses, Dr. Cook did not let them make any decisions. Dr. Cook stated that he did not know what the basis was for the Hearing Examiner's recommendation to suspend Dr. Cook's medical license. Dr. Soin commented that he did not wish to relitigate the case and that he had only been wondering about Dr. Cook's frame of mind regarding these proceedings. Dr. Soin thanked Dr. Cook for answering his question.

Motion to release Dr. Cook from the terms of the Board's Order of January 11, 2017, effective April 13, 2019.

Motion	Dr. Schottenstein
2nd	Dr. Edgin
Dr. Rothermel	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y

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Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	abstain

The motion carried.

Srinivas Perugu Reddy, M.D.

In response to questions from Dr. Schottenstein, Dr. Reddy stated that he is currently practicing as a hospitalist in Arizona. Dr. Reddy stated that he has been with that practice for about two years and it is going great. Dr. Reddy stated that recovery is going well and he attends two to three meetings per week. Dr. Reddy has a sponsor and plans to continue with his sponsor following his release.

Dr. Schottenstein commented that Dr. Reddy has multiple DUI's in his record, which is very concerning. Dr. Schottenstein appreciated the fact the Dr. Reddy will continue with his recovery and he wished Dr. Reddy well.

Dr. Soin asked if Dr. Reddy plans to stay in Arizona or if he plans to return to Ohio someday. Dr. Reddy replied that other than visiting friends, he has no plans to return to Ohio for the foreseeable future.

Motion to release Dr. Reddy from the terms of the Board's Order of March 12, 2014, effective April 12, 2019.

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

The motion carried.

EXECUTIVE SESSION II

Motion to go into Executive Session for the purpose of preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment; and to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

Motion	Dr. Schottenstein
2nd	Mr. Gonidakis
Dr. Rothermel	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y

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Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Executive Session II started at 11:48 a.m. and ended at 12:18 a.m.

The Board returned to public session.

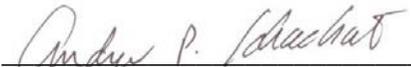
ADJOURN

Motion to adjourn

Motion	Dr. Schottenstein
2nd	Dr. Soin
All in favor	All aye
Opposed	None

Meeting adjourned at 12:18 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on April 10, 2019, as approved on May 8, 2019.



Andrew P. Schachat, President



Kim G. Rothermel, M.D., Secretary

(SEAL)





LICENSURE COMMITTEE MEETING
April 10, 2019 - Room 336

Committee Members Present: Bruce R. Saferin, D.P.M, Chair Kim G. Rothermel, M.D. Richard Edgin, M.D.	Staff Present: Joseph Turek, Deputy Director of Licensure & Licensee Services Mitchell Alderson, Chief of Licensure Colin Depew, Assistant Attorney Nathan Smith, Senior Legal & Policy Counsel Jerica Stewart, Program Administrator 2
Other Board Members Present: Michael Schottenstein, M.D. Mark A. Bechtel, M.D.	

Dr. Saferin called the meeting to order at **8 a.m.**

MINUTES REVIEW

Dr. Edgin moved to approve the draft minutes of March 13, 2019. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.

RESPONSE TO INQUIRY REGARDING VERIFICATION OF EDUCATION FORM

The Respiratory Care Advisory Council has recommended a response to Jen Gronauer of Cincinnati Children's Hospital about the verification of education form for student limited permit holders.

Mr. Smith provided more information: The board received an inquiry about the verification of education form from the Advisory Council. It pointed out the form is outdated as the techniques and technology have evolved and they no longer fit into the section E categories of the basic skills checklist. This question led the team to further examine the basic license process and rules and they now are moving toward a verification of education form being more true to its name. In the future, Licensing will provide a sample form that educational programs can use to customize to their programs. The intent of the checklist is to allow the educational programs to certify what competencies the student limited permit has so that as they are employed, they are only practicing as the rules state, up to their level of competency. The draft response communicates the ultimate responsibility is on the educational program and employers to communicate what competencies the student holds. The competencies that are not addressed can be directed to the educational program. Mr. Smith adds, there is potential for one additional sentence to be added: The rules and forms surrounding this issue are currently under review.

Dr. Saferin asked if the sentence needed to be included.

Mr. Smith added that he does not believe it needs to be added. Currently, it gives the advice from the Respiratory Advisory Council.

Dr. Schottenstein asked if it would be helpful for the form to include an “other relevant skills section”.

Mr. Smith states that the medical board wants to move away from revising the form. Instead, it would provide a sample form with broader skills that could be customized by the educational programs.

Dr. Rothermel moved to approve the draft response. Dr. Edgin seconded the motioned. All members voted aye. The motion carried.

LICENSURE APPLICATION REVIEWS

Michael Brill, MD – Physician Licensure Application

Applicant withdrew application prior to committee, so this item was removed from the agenda.

Gregory Long, MD – Physician Licensure Application

Dr. Long is applying for a license in Ohio and indicated on his application that he has not been engaged in the clinical practice of medicine in the last two years. He obtained board certification in family medicine in 1993 and participates in MOC. He has maintained an active license in Wisconsin since 1993 with an expiration in October 2019. He is current on his CME for the Wisconsin license.

Dr. Rothermel moved to approve Dr. Long’s request for Ohio licensure pending successful completion of the Special Purpose Examination (SPEX) within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Edgin seconded the motioned. All members voted aye. The motion carried.

Susan Fong, MD, PhD – Physician Licensure Application

Dr. Fong is applying for a license and has requested a waiver of the USMLE ten-year rule. She passed step 1 in 2006, step 2 CK and CS in 2012 and step 3 in 2018 each on the first attempt. She participated in an approved Ph.D., MD program. She interrupted her medical training to obtain a Ph.D. in neuroscience before returning to medical school.

Dr. Edgin moved to approve the good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(b)(ii) and accepting the examination sequence to be granted a license. Dr. Rothermel seconded. All members voted aye. The motion carried.

Abhishek Ramadhin, MD – Physician Licensure Application

Dr. Ramadhin is requesting graduate medical education (GME) equivalency. He completed 4 years of additional months training in India, 2 months in Italy, a 1- year clinical fellowship in rhinology of Sinai Hospital in Baltimore 2016-2017. Sinai Hospital does not have an ACGME accredited medical program in otolaryngology, a clinical field the same as or related to the fellowship program. Although it does have an accredited program in surgery. Dr. Ramadhin completed a 1-year fellowship in rhinology at St. Elizabeth Medical Center in Boston 2017-2018. They do not have an ACGME accredited medical program in otolaryngology, however the Fellowship Director indicates the hospital is affiliated with Tufts University where he is a professor of otolaryngology. The director noted that Dr. Ramadhin was not able to master the

surgical techniques and was granted a medical fellowship. He was unable to develop skills in endoscopy surgery but might be competent performing open surgery.

Dr. Edgin asked for clarification of what license Dr. Ramadhin was applying for.

Dr. Saferin responded that it was just a license.

Dr. Rothermel stated she doesn't think he fits the criteria. The two years of training in the U.S. are not in programs with an ACGME fellowship or were associated with a program of general otolaryngology residency. She does not think the license should be approved. She is also concerned with the fellowship director's statement that he was not competent to perform procedures.

Dr. Bechtel agrees with Dr. Rothermel's statement. He believes there are red flags.

Dr. Schottenstein agreed with what was said.

Dr. Saferin also agreed.

Dr. Rothermel moved to deny Dr. Ramadhin's request that the Board deem his training and experience in India, Italy and the United States be equivalent to the twenty-four months of graduate medical education through the second-year level of GME so that he may be granted a license. Dr. Edgin seconded. All members voted aye. The motion carried.

Kristian Hall – Allied Licensure Application

Ms. Hall is applying for a massage therapy license in Ohio and indicates in her application she has not practiced within the last two years. She has been employed at two financial institutions and in retail.

Dr. Edgin moved to approve Ms. Hall's application for an Ohio license pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Rothermel seconded. All members voted aye. The motion carried.

Julie Uhrman – Allied Licensure Restoration Application

Ms. Uhrman is applying for restoration of her Ohio massage therapy license and indicates in her application she has not practiced within the last two years. License originally issued July 12, 2002, expired October 2013. She has been a stay at home wife and her application does not indicate any massage therapy practice within the last two years.

Dr. Rothermel moved to approve Ms. Uhrman's application for restoration of her Ohio license pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

Karisse Davis – Allied Licensure Restoration Application

Ms. Davis is applying for restoration of her Ohio massage therapy license and has indicated in her application she has not practiced within the last two years. She has been a stay at home mother since 2018. Ms. Davis passed the MBLEx on March 8, 2019.

Dr. Rothermel moved to approve Ms. Davis's application for her Ohio license. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

Kathleen Edwards – Allied Licensure Restoration Application

Ms. Edwards is applying for restoration of her Ohio license to practice dietetics and indicates she has not practiced within the last two years. License originally issued January 29, 1988 and expired June 30, 1996. She indicates she has worked as a dietitian at a First Coast YMCA in Florida from Aug 14, 2013 to April 2015 but is currently employed as a mental health therapist and does not practice dietetics. Her dietetics registration is current, she maintained proficiency and meets requirements with the Commission and Dietetics Registration (CDR) along with her jurisprudence course completion.

Dr. Edgin moved to approve Ms. Edwards's application for restoration of her Ohio license as presented. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.

Dawn Allen – Allied Licensure Restoration Application

Ms. Allen is applying for restoration of her Ohio Respiratory Care Professional (RCP) license and indicates in her application that she not practiced as an RCP within the last two years. Her license was issued in June 2009 and expired in June 2014.

Dr. Rothermel moved to approve Ms. Allen's application for restoration of her Ohio license contingent on successful completion of the Therapist Multiple-Choice Examination (TMC) within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

Robert Fiorentini – Allied Licensure Restoration Application

Mr. Fiorentini is applying for restoration of his Ohio Respiratory Care Professional (RCP) license, and his application does not indicate any practice within the last two years. His license was issued on June 1990, expired June 2016.

Dr. Rothermel pointed out that he has only submitted 1.5 hours of the required CE hours.

Dr. Edgin moved to approve Mr. Fiorentini's application for restoration of his Ohio license contingent on successful completion of the Therapist Multiple-Choice Examination (TMC), and confirmation that he has completed the requisite RCCE, all within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Rothermel seconded. All members voted aye. The motion carried.

Julie Fetch – Allied Licensure Restoration Application

Ms. Fetch is applying for restoration of her Ohio physician assistant license, and has not practiced since 2015. She has maintained her NCCPA certification and acquired requisite hours of continuing education. Staff has recommended her restoration application be approved.

Dr. Schottenstein noticed that her questionnaire indicated she has been notified of investigations and charges against her. He asked for confirmation the concerns have been reviewed.

Mr. Alderson confirmed that either staff or the Secretary and Supervising members had reviewed the investigations and charges noted on the application.

Dr. Rothermel moved to approve Ms. Fetch's application for restoration of her Ohio license as presented. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

RESPIRATORY CARE CONTINUING EDUCATION COURSE APPROVAL

Dr. Saferin informed the committee that Amy France, of Shawnee State University, is requesting that the presentation "Ethics Decisions in Health Care" be approved for one contact hour of Respiratory Care Continuing Education on Ohio respiratory care law or professional ethics.

Dr. Rothermel moved that the presentation be approved for one contact hour of Respiratory Care Continuing Education on Ohio respiratory care law or professional ethics, pursuant to the provisions of chapter 4761-9 of the Ohio Administrative Code. Dr. Edgin seconded motion. All members voted aye. The motion carried.

ADJOURN

Dr. Edgin moved to adjourn meeting. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.

The meeting adjourned at 8:25 a.m.

Bruce R. Saferin, D.P.M.
Chair

js/tp



FINANCE COMMITTEE MEETING MINUTES
April 10, 2019 - Room 318

Members in attendance:

Michael Schottenstein, MD, Chair
Bruce R. Saferin, DPM
Richard A. Edgin, MD
Michael Gonidakis, Esq.

Staff in attendance:

A.J. Groeber, Executive Director
Susan Loe, Director of Fiscal & Human
Resources
Tessie Pollock, Director of Communications

Dr. Schottenstein called the meeting to order at 8:35 a.m.

MINUTES REVIEW

Dr. Saferin moved to approve the draft minutes of March 13, 2019. Dr. Gonidakis seconded the motion. All members voted aye. The motion carried.

FISCAL UPDATE

Dr. Schottenstein provided the following update: Revenue was \$678,420, a rough approximation of the previous month as there were no renewal deadlines for licensees. There's an overall 9 percent increase in revenue for the year.

Dr. Schottenstein continued: There is net negative revenue for February 2019 of -\$94,863 and a net negative fiscal year revenue for fiscal year 2019 for -\$309,836. The board paid two large invoices in January: First invoice was \$290,757 for eLicense maintenance. The second invoice was a one-time cost of \$232,829 for development of compliance and adjudication modules for the eLicense system. If not for the large expenditures, the board would be in positive territory for net fiscal year revenue. Noting, odd years tend to have lower revenue than even years and there is expectation to end the year in positive territory.

Dr. Schottenstein stated that there was an April 1 renewal license pending and the preview of March numbers are positive with an estimated over \$1 million in revenue expected. The routine spending is fairly consistent, and the cash balance is \$4,304,772. In fines, the board received \$3,000 in disciplinary fine payments and \$4,500 in CME payments as of the last report.

COMMUNICATIONS UPDATE

Ms. Pollock informed the committee the spring edition of the magazine is almost complete and that articles will start circulating soon. The expected publish date is May 15.

The cultural competency guide is completed and posted to the website and is also available in print. On Monday, April 8, the team met with the Multiethnic Advocates for Cultural Competence (MACC). Using the cultural competency guide, the communications team will create a video and will rely on MACC to provide contacts to interview and help with b-roll. Jerica is the new member of the communications team and will be taking the lead. The cultural competency guide gives best practices to incorporate into the licensees' practices to give better patient care.

The final version of the chronic and subacute prescribing video is being edited by Origo and should be released soon.

The top impression tweet was about the National Prescription Drug Take Back Day. There was also a lot of interaction as we thanked people for following the Medical Board. Mr. Groeber mentioned the drug disposal bags the communication team had obtained and suggested that the team promote the distribution. Mr. Gonidakis recommended partnering with local news station NBC and donating the drug disposal bags.

NEW BUSINESS

Dr. Schottenstein introduced Ms. Loe to provide an update on the preliminary budget approvals for fiscal years 2020 and 2021.

Ms. Loe: This year the budget was a little over \$11 million but the projected spending was approximately \$10 million. The pending budget approval is for \$10.8 million and for 2021 is \$11.3 million. For 2020, the House has given a 5% increase from the 2019 budget and a 4% increase for 2021. Personnel is the only expected cause of increase in the budget.

Mr. Groeber stated that he testified to the House to give the overview of the agency, emphasizing the fight against opioid misuse and the faster license processing. Senate testimony will be the following week.

Dr. Schottenstein mentioned the \$290,757 license maintenance invoice which had been previously been roughly \$40,000 a year for the old program. That amount can be subtracted for a total of \$250,000 a year moving forward unless the rate is increased.

Mr. Groeber reminded the committee the board is below the personnel limit and budget allotment and have processed 200 or 300% the amount of training certificates than in previous years. Dr. Saferin commented that the efficiency of the licensure team has increased through staffing and processes. Dr. Schottenstein commented that the legislation is working to get real-time approval for licenses. Mr. Groeber stated that Pharmacy Board uses an internal management rule to designate when the license can be issued. Mr. Gonidakis asked if some of the board members could attend the Senate testimony in May with Mr. Groeber.

Dr. Schottenstein asked if there is a time frame for the real-time licensing process in legislation.

Mr. Groeber stated there is a list of budget amendments introduced by Representative Lips. Everyone has signed off and Jonithon will work with the Associations to have written approvals to the House and Senate. Authority to create an internal management rule. The time frame could be 90 days after the budget is signed or 90 days after the budget is signed plus an additional 3 to 4 months.

As the second order of new business, Dr. Schottenstein served on the FSMB workgroup on sexual boundary violations. The work group will be meeting in June 2019. The agenda of the meeting consists of arrival in the afternoon of June 5, with conclusion of the meeting around 3:00 PM on June 6. All costs are expected to be covered by the FSMB, but a finance committee and full board vote are required to approve the travel and ensure that any unexpected travel costs are reimbursed according to the state travel policy.

Mr. Gonidakis moved to approve Dr. Schottenstein to attend the FSMB Workgroup on Sexual Boundary Violations on June 5th and 6th, 2019, in Washington, DC. Dr. Schottenstein's attendance at this FSMB workgroup meeting is in connection with his responsibilities as, and is related to his position as, Vice-

President of the State Medical Board of Ohio. The FSMB is expected to cover all of Dr. Schottenstein's travel costs, and any travel expenses not covered by a scholarship will be paid by the Medical Board in accordance with state travel policy. Dr. Edgin seconded the motion. Drs. Saferin, Edgin and Mr. Gonidakis voted aye; Dr. Schottenstein abstained. Motion carried.

Dr. Schottenstein introduced the 3rd order of new business. The Department of administrative services has provided some information on the costs associated with the eLicense system.

Mr. Groeber provided an overview of the boards commission meeting. It provides insight into the cost of eLicense and next year- projected to be around \$4 million each year. Part of the cost is covered by the \$3.50 license fee on all transactions. In the approximately \$290,000 is the remainder after the fee, which is included in statute. OIT was asked to provide more detail. The document provides the breakdown of the cost and the proportion of which the board is required to use. In comparison to the Nursing Board with 295,000 active licensees, with 91,000 licensees, the Medical Board has collected 2/3 of the amount of revenue.

We split out Licensure into initial licensure under Mitchell Alderson and renewal licensure under Chantel Scott. There is data collected about how many calls are taken and how quickly calls are answered.

ADJOURN

Dr. Saferin moved to adjourn meeting. Dr. Edgin seconded the motion. Voice vote- all aye. The motion carried.

The meeting adjourned at 9 a.m.

Michael Schottenstein, M.D.
Chair

js/tp

State Medical Board of Ohio

POLICY COMMITTEE MEETING

April 10, 2019

30 East Broad Street, Columbus, OH 43215, Room 336

<p>Members: Andrew P. Schachat, MD Robert Giacalone Mark Bechtel, MD Amol Soin, MD</p> <p>Other Board Members present: Michael Schottenstein, MD Sherry Johnson, DO Bruce Saferin, DPM Richard Edgin, MD Kim Rothermel, MD</p>	<p>Staff: A.J. Groeber, Executive Director Kimberly Anderson, Chief Legal Counsel Sallie J. Debolt, Senior Counsel Nathan Smith, Senior Legal and Policy Counsel Joan Wehrle, Education & Outreach Program Manager Rebecca Marshall, Chief Enforcement Attorney James Roach, Chief of Investigations Joe Turek, Deputy Director David Fais, Deputy Director Jerica Stewart, Communications and Outreach Administrator</p>
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Dr. Soin called the meeting to order at 9:15 a.m.

Meeting Minutes Review

Dr. Soin reported that the draft minutes of the March 13, 2019 meeting had been distributed to the committee and were included in the agenda materials.

Dr. Bechtel moved to approve the draft minutes of the March 13, 2019 Policy Committee meeting. Mr. Giacalone seconded the motion. Motion carried.

Legislative Update

Dr. Soin reported that Mr. LaCross was in legislative committee meeting. Dr. Soin provided an update regarding pending legislation.

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|--------|---|
| HB63 | Pharmacy Benefit Managers - Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information. House Health, first hearing |
| HB68 | Heartbeat Bill - House Health, first hearing |
| HB 133 | Temporary State Occupational License Military - House Health State and Local Government, first hearing |
| SB7 | Temporary State Occupational License Military - Referred to House Armed Services and Veterans Affairs |
| SB61 | Nurse Anesthetists - Regarding the authority of certified registered nurse anesthetists to select, order, and administer certain drugs. Senate General Government and Agency Review, first hearing |
| SB105 | Massage Therapy Licensing - Standardizes, for purposes of regulation by the State Medical Board, townships, and municipal corporations, terminology regarding massage therapy and individuals authorized to perform massage therapy. Senate Health, Human Services and Medicaid, first hearing. |

Dr. Edgin commented that he had heard that some CRNAs did not support the Nurse Anesthetist legislation.

Dr. Bechtel asked the status of the telemedicine legislation that was going to be introduced in the budget bill. Dr. Soin said we will have more information as the budget bill discussions move through the legislature.

Rules Review Update

Ms. Anderson referred to the information in the agenda materials. She reported that many rules have moved out of CSI. The physician licensure rules came out of CSI and were filed yesterday.

Respiratory Care Rule Updates OAC Chapter 4761 – initial review

Mr. Smith referred to the memo in the agenda materials. He said several respiratory care rules were updated and approved by the Board at the February meeting and became effective February 28, 2019. These proposed rules are a supplement to that and they update the Medical Board's respiratory care rules for licensure, continuing education, and providing information to the Medical Board. Notable changes were included in the memo, but he pointed out item 4:

- 4 4761-9-01, 4761-9-04 and 4761-9-05: Rules proposed to be amended to remove full Board approval for the required Ohio respiratory care law and professional ethics courses and replace it with a process like other Respiratory Care Continuing Education requirements.

Mr. Smith said the Board would no longer be required to review individual courses for Respiratory Care Continuing Education when this rule is adopted.

Dr. Schottenstein asked if the change requires legislative action. Mr. Smith said that an administrative rule is enough, and a statutory change is not needed.

Dr. Bechtel moved that the proposed respiratory care rules be sent to interested parties for comment in initial circulation and referred to the Respiratory Care Advisory Council for review. Dr. Schachat seconded the motion. Motion carried.

Revisions to FAQ for Rule 4731-11-09 (Prescribing to Persons Not Seen by Physician)

Ms. Anderson said that the Board received several comments from doctors about interpretation of the rule in cross-coverage situations for non-controlled medication refills, such as blood pressure medicine or diabetes medication.

Paragraph (C) of Rule 4731-11-09, OAC, requires that in all situations a physician or physician assistant must interact with the patient when prescribing to a patient for whom the physician or physician assistant has not conducted a physical examination.

Many inquiries, including from the Ohio Hospital Association, have indicated that requiring a physician who is serving in a cross-coverage situation to interact with the patient is very cumbersome when the patient is seeking a refill of a non-controlled maintenance drug and the physician has access to the patient's medical records. Ms. Anderson and Ms. Debolt had a telephone conference with representatives of the Ohio Hospital Association and some physicians who explained the problem. Ms. Anderson said it was clear from that discussion that the doctor was reviewing the medical record before approving the refill. The concern is with the patient interaction. It is difficult as the patient calls in, the doctor returns the call, and the patient is not there. The problem is only in the cross-coverage situation.

Accordingly, the FAQ for the rule is proposed to be amended by adding the following question and answer:

23. In a cross-covering situation is the cross-covering physician or physician assistant required to interact with the patient who seeks a new prescription for a maintenance drug that is not a controlled substance?

Perhaps. The cross-covering physician or physician assistant does not need to personally interact with the patient if all the following conditions are met:

1. It is a cross-coverage situation as defined in Rule 4731-11-01, Ohio Administrative Code. That is, the care is being delivered by agreement between an Ohio-licensed physician or physician assistant and another Ohio licensed physician or healthcare provider who is temporarily unavailable to conduct an evaluation of the patient.
2. The patient is an active patient of the other physician or healthcare provider. An active patient is one that within the previous twenty-four months the physician or other healthcare provider being cross-covered conducted at least one in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine.
3. The drug requested is a non-controlled maintenance drug for a chronic condition.
4. The cross-covering physician or physician assistant has access to the patient's medical record and reviews the record as part of the prescriptive decision-making.
5. The cross-covering physician or physician assistant authorizes the issuance of a new prescription.

Dr. Bechtel said that the FAQ was very well written. Ms. Anderson said that Ms. Debolt wrote the FAQ.

Dr. Schottenstein also thought it well written. He referenced questions 13 and 16 that seem to address similar issues. He asked if they can be streamlined. Ms. Debolt said that questions 13 and 16 talk about interacting with a licensed health professional. The new FAQ does not have that interaction with the health professional in a very specific exception.

Dr. Schachat moved to recommend approval of the new FAQ. Dr. Bechtel seconded the motion. Motion carried.

Revision to Rules 4731-1-01 and 4731-1-02, OAC – Criminal Records Checks

Ms. Debolt reported the rules in Chapter 4731-4, OAC, simplify and clarify the language, and reflect current procedures. The proposed rules also will apply to all license types instead of having separate rules based on the chapter of the Revised Code that contains licensing requirements for each license type.

Following approval at the February meeting rules were sent for initial review by interested parties. No comments were received. The rules are now ready to be submitted for CSI review.

Dr. Bechtel moved to recommend to the full Board that the rules be filed with the Common Sense Initiative. Dr. Schachat seconded the motion. Motion carried.

Revision to Rules on Meeting Notices (4731-7-01, OAC) and Recordings (4731-9-01, OAC)

Ms. Debolt reported that Rules 4731-7-01 (Method of notice of meetings) and 4731-9-01 (Record of board meetings; recording, filming, and photographing of meetings), were reviewed for purposes of the five-year review. Following approval at the February committee meeting the rules were circulated to interested parties for initial comment. No comments were received. Therefore, the proposed rules are ready to be submitted to CSI for review.

Dr. Bechtel moved to recommend to the full Board that the rules be filed with the Common Sense Initiative. Dr. Schachat seconded the motion. Motion carried.

Dietetics FAQ and Guidelines C and D; Respiratory Care FAQs

Mr. Smith referred to the memo in the agenda materials. The documents were discussed by each advisory council and approved at the respective meetings of the Respiratory Care Advisory Council and the Dietetics Advisory Council.

Mr. Smith said that the Dietetics FAQs included a reference to Guidelines C and D, so they were included and reviewed and approved by the Dietetics Advisory Council yesterday.

He reported that the Dietetics Advisory Council brought up a clarification on page 1, FAQ #3 – the statutory reference should be paragraph J not paragraph K. Mr. Smith said that was a typographical error. Also, Ms. Montgomery had communicated through Ms. Anderson that the name of BCI was incorrect on page 8 #27, it should be the Bureau of Criminal Investigation, so that change will be made.

Mr. Smith reported that the Dietetics Advisory Council had also received comments from the Ohio Academy of Nutrition and Dietetics (OAND), and all those comments were taken under advisement, and the Council made many of the changes suggested by the OAND. One issue raised by OAND related to the reference to registered dietetic technician include in questions #20 and #11. OAND believes that the title should read “Dietetic Technician-Registered” instead. Mr. Smith reported that the Dietetics Advisory Council considered the issue, but the statute does not contain any trademarked titles in it, so the Council decided to keep the more generic position title. No changes were made to the title.

Dr. Schachat moved to recommend approval of the Respiratory Care FAQs and the Dietetics FAQs and Dietetics Guidelines C and D for posting on the Medical Board’s website. Dr. Bechtel seconded the motion. Motion carried.

Physician Assistant Policy Committee Items – Rule changes under SB259

Ms. Debolt reported that SB259 made significant changes so the current physician assistant rules were reviewed and revised to reflect the statutory changes. She referred to the memorandum in the agenda materials that outlined the proposed changes.

Ms. Debolt reported that the PAPC recommended a change **4730-1-06: Licensure as a physician assistant** when it comes to the renewal provisions in new paragraph (I)(2). PAPC recommended a shorter and more concise statement in (I)(2) to eliminate the references to specific entities approving pharmacology courses and to also eliminate (I)(2)(a) and (b) as follows:

(2) Except as provided in paragraph (I)(4) of this rule, completion of at least twelve hours of category I continuing education in pharmacology. ~~as certified by the "Ohio Association of Physician Assistants," "Ohio State Medical Association," "Ohio Osteopathic Association," "Ohio Foot and Ankle Medical Association," a continuing medical education provider accredited by the ACCME and approved by the board, "American Academy of Physician Assistants," "American Council on Pharmacy Education," or and advanced instructional program in pharmacology approved by the Ohio board of nursing.~~

~~(a) Certification is a process whereby ACCME accredited providers define their respective continuing medical education program requirements for periodic submission to the board for approval.~~

~~(b) The board may approve each association's continuing medical education requirements which consist of continuing medical education category I courses and activities that are deemed~~

~~acceptable for completing the requisite hours of continuing education in pharmacology by each licensee who has a valid prescriber number.~~

Dr. Bechtel moved to recommend that the proposed amended, rescinded, and no change rules be sent to interested parties. Dr. Schachat seconded the motion. Motion carried.

Proposed Guidance Documents Concerning Laws and Rules Applicable to PA Prescribing

Ms. Debolt reported that as of March 20, 2019, the Ohio Physician Assistant Formulary no longer exists. However, Section 4730.41, Ohio Revised Code, states that a physician assistant shall not prescribe any drug in violation of state or federal law. “Law” includes provisions of the Ohio Revised Code, rules in the Ohio Administrative Code, provisions of U.S. Code, and federal regulations.

In anticipation of calls regarding what a PA can and cannot do, a proposed guidance document was prepared to assist physician assistants and their supervising physicians in being aware of the state and federal laws and rules that govern physician assistant prescribing. The document would be posted on the Medical Board’s website under the “Resources” heading.

Ms. Debolt reported that the PAPC recommended that the document include hyperlinks to the statutes and rules referenced in the document. Ms. Pollock indicated that the links can be included.

Dr. Bechtel said the guidance document was extremely well written especially as we transition from a formulary to prescribing under the physician’s direction. He believed that the more PA’s understand the prescribing regulations, the fewer questions and complications will occur. He wanted to know if there was any way we could mandate that PAs review this information. Ms. Pollock said that we can have a targeted email to the PAs.

Discussion was also held regarding broader distribution of the guidelines. Mr. Giacalone also asked if it was possible to obtain continuing education credit for review of the materials. Ms. Pollock will find out more information about obtaining continuing education credit.

Dr. Bechtel moved to recommend the board approve the Guidance Document and post the information on the Medical Board’s website. Dr. Schachat seconded the motion. Motion carried.

Adjourn

Dr. Schachat moved to adjourn the meeting. Dr Bechtel seconded the motion. Motion carried.

The meeting adjourned at 9:35 a.m.

jkw

State Medical Board of Ohio

COMPLIANCE COMMITTEE MEETING

April 10, 2019

30 E. Broad St., Columbus, OH Administrative Hearing Room

<p>Members: Michael Schottenstein, MD, Chair Robert Giacalone, JD Rph Amol Soin, MD</p> <p>Also attending: Kim G. Rothermel, MD Richard Edgin, MD</p>	<p>Staff: Annette Jones, Compliance Officer Angela Moore, Compliance Officer Rebecca Marshall, Chief Enforcement Attorney Kimberly Anderson, Chief Legal Counsel</p> <p>AJ Groeber, Executive Director</p>
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Dr. Schottenstein called the meeting to order at 12:18 p.m.

INITIAL PROBATIONARY APPEARANCES

Pradeep Mathur, M.D. (Poland, OH)

Dr. Mathur is making his initial appearance before the Committee pursuant to the terms of his January 9, 2019 Consent Agreement. The agreement included a reprimand, a \$18,000.00 fine, and release after course completion based on the doctor's admission that he supplemented a family member's prescription for a controlled substance by prescribing and filling prescriptions for the same medication in the names of other family members. Unless otherwise determined, the doctor's next appearance will be scheduled per the instruction of the Secretary and Supervising Member.

In response to a question from Mr. Giacalone, Dr. Mathur explained the circumstances that led to the prescribing actions which triggered the Board's action.

Dr. Mathur reported that he had completed the required courses and that he learned a lot from the Case Western course. He noted that Dr. Parran's lecture was excellent. Dr. Mathur said the information about informed consent and random drug screening was very helpful. He reported that he had shared what he learned from the course with other colleagues.

Through discussion, Dr. Mathur assured the committee that he will not repeat the prescribing issues that led to the Board's action.

Mr. Giacalone moved to continue Dr. Mathur under the terms of his January 9, 2019 Consent Agreement, with future appearances per instruction of the Secretary and Supervising Member. Dr. Soin seconded the motion. Motion carried.

James E. Prommersberger, D.P.M. (Boardman, OH)

Dr. Prommersberger is making his initial appearance before the Committee pursuant to the terms of the Board's Order of December 12, 2018. The board Order included a \$3,000.00 Fine, minimum one-year probation or when released from probation in West Virginia, whichever is longest; prescribing limitation while on probation.

The action was based on the prior action of the West Virginia Board of Medicine, with whom the doctor entered a Consent Agreement, which prohibited the doctor from prescribing benzodiazepines and limited his ability to prescribe opiates. Unless otherwise determined, the doctor's next appearance will be scheduled at the time his request for release will be considered.

Dr. Schottenstein asked Dr. Prommersberger about his current practice situation. Dr. Prommersberger replied that he is following the Consent Agreement and after 30 days he stopped writing the prescriptions. He reported that he no longer does pain management and many patients were referred to their family doctor.

Dr. Schottenstein asked about the West Virginia action. Dr. Prommersberger reported that he filed a complaint against a Kentucky pharmacy board inspector and he believes she retaliated and reported to the Inspector General that he wrote more prescriptions than he did. He stated that he and the Kentucky inspector had long standing disagreements. Some of the information was relayed to the West Virginia Pharmacy and Medical Boards but that is matter still ongoing.

Dr. Schottenstein asked the doctor if his sense was that the actions taken were based on interpersonal matters. He asked Dr. Prommersberger if he thought the concerns that had been raised about his prescribing were valid, or if it was a miscarriage of justice. Dr. Prommersberger said he worked with the West Virginia Medical Board to take the chronic pain management course and he could understand the Board wanting him to refer the patients to a chronic pain management doctor rather than him writing the prescriptions. Dr. Prommersberger explained that there were not a lot of physicians in the area to treat the patients with chronic pain, so he tried to help the patients. The Kentucky Pharmacy Board inspector wanted all the patients to go to a pain management doctor in Kentucky or West Virginia, but he did not agree with that recommendation.

In a response to question from the committee, Dr. Prommersberger indicated that the West Virginia meets in July and they may discuss his case at that time.

Dr. Sojin asked him if there are things he could improve on in his practice regarding pain management. Dr. Prommersberger responded that after taking the seminar, he was talking to patients more and getting them to understand that they cannot continue to take narcotics and he referred them to a pain clinic. He reported that he is no longer doing pain management for the remainder of his time in practice.

Dr. Soin agreed that talking with patients can be very therapeutic. Dr. Schottenstein said that there is a psychological condition called pain disorder. There is no doubt that there is a psychological component to chronic pain.

Mr. Giacalone moved to continue Dr. Prommersberger under the terms of his December 12, 2018 Board Order. Dr. Soin seconded the motion. Motion carried.

APPROVAL OF REPORTS OF CONFERENCES

Dr. Soin moved to approve the Compliance Staff's Reports of conferences for March 11 and 12, 2019. Mr. Giacalone seconded the motion. Motion carried.

TREATMENT PROVIDER APPLICATIONS

Mr. Giacalone moved to approve the Applications for a Certificate of Good Standing as a Treatment Provider for Impaired Practitioners for 1) Lake Geauga Recovery Centers, 2) Talbot Recovery Center, and 3) Woods at Parkside. Dr. Soin seconded the motion. Motion carried.

MINUTES REVIEW

Dr. Soin moved to approve the draft minutes from March 13, 2019. Mr. Giacalone seconded the motion. Motion carried.

Adjourn

Dr. Soin moved to adjourn. Mr. Giacalone seconded the motion. Motion carried.

The meeting adjourned at 12:32 p.m.

jkw