

State Medical Board of Ohio
Formal Action Report – November 8, 2017

Prepared by: Colin G. De Pew, Assistant Attorney

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Please find below a summary of actions taken or initiated by the State Medical Board of Ohio on November 8, 2017 and an update of Board matters pending or decided in courts as of November 8, 2017.

CITATIONS/PROPOSED DENIALS

ANGE, Constance E., D.O. (# 34.002359) — Centerville, Ohio

Based on allegations with respect to the care of eight patients, the doctor failed to adequately assess, examine, treat or properly document various psychiatric disorders by not utilizing data from the Ohio Automated Rx Reporting System, and thereby the doctor failed to maintain minimal standards applicable to the selection or administration of drugs, or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; and that the doctor departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances; and that the doctor violated or attempted to violate Section 4731.22(B)(20), Ohio Revised Code to wit: General Provisions, Rule 4731-11-02, Ohio Administrative Code. Notice of opportunity for hearing mailed 11/9/2017.

AUL, Christopher Francis, M.T., O.M., A.C.U. (#33.009932), (#66.000038), (#65.000122) — Columbus, Ohio

Based on the massage therapist's conviction in the Fairfield Court of Common Pleas, Fairfield Ohio, to one count of Pandering Sexually Oriented Material Involving a Minor, a fourth degree felony, and one count of Possession of Criminal Tools, a fifth degree felony. Notice of opportunity for hearing mailed 11/9/2017.

BROWN, Stephen Scott, M.D. (#35.121057) — Huntington, West Virginia

Based on prior action from the Commonwealth of Kentucky Board of Medical Licensure which revoked the doctor's license; and based on the allegation that the doctor made false, fraudulent, deceptive, or misleading statements in securing or attempting to secure any license or license to practice when the doctor failed to disclose the Kentucky Board action revoking his license; and based on the allegation that doctor failed to cooperate in an investigation conducted by the Board when the doctor failed to respond to interrogatories sent by the Board. Notice of opportunity for hearing mailed 11/9/2017.

HAMMOND, Sean Patrick, M.T. (# 33.020286) — Wooster, Ohio

Based on allegations that the massage therapist violated the conditions of limitation placed by the Board upon the massage therapist's license to practice in the 6/14/2017 Board Order when the massage therapist failed to pay a \$3,000 fine within thirty days of the Order; failed to submit a quarterly declaration; failed to submit a declaration of compliance; failed to make personal appearances before the Board or its designated representative; and failed to undertake and maintain participation in an alcohol and drug rehabilitation program. Notice of opportunity for hearing mailed 11/9/2017.

LUBITZ, Deborah S., M.D. (#35.059082) — Lebanon, Pennsylvania

Based on allegations that doctor violated the conditions of limitation placed by the Board upon the doctor's license to practice as set forth in the 9/14/2016 Board Order and the 12/11/2013 Consent Agreement, when the doctor failed to timely provide quarterly declarations to the Board. Notice of opportunity for hearing mailed 11/9/2017.

MINARIK, Matthew M., P.A. (# 50.004059RX) — Fairview Park, Ohio

Based on allegations that the physician assistant engaged in the unauthorized practice of medicine without a license; that his acts constitute a felony within state of Ohio regardless of the jurisdiction in which the act was committed; and based on the physician assistant's finding of guilt by a jury in the Cuyahoga County Common Pleas Court, Cleveland, Ohio, to Sexual Imposition, a third-degree misdemeanor involving moral turpitude. Notice of opportunity for hearing mailed 11/9/2017.

SAYEGH, Danny Joseph, M.D. (#35.129309) — Yonkers, New York

Doctor notified of right to request a hearing on the question of whether his failure to submit to a chemical dependency examination as ordered by the Board was due to circumstances beyond his control. Based on the legal presumption that the doctor's failure to submit to a chemical dependency examination as ordered by the Board constitutes an admission that he is unable to practice according to acceptable and prevailing standards of care by reason of his habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of Opportunity for Hearing mailed 11/9/2017.

YURICH, Joseph Froilan, M.D. (#35.092679) - Youngstown, Ohio

Based on the doctor's conviction in the Mahoning County Court of Common Pleas, Mahoning County Ohio, to Failure to Stop After Accident, a fifth degree Misdemeanor. Notice of opportunity for hearing mailed 11/9/2017.

FINAL ORDERS

DJORDEVIC, Borko, M.D. (#35.100288) — Igalo, Montenegro

Doctor's license to practice medicine and surgery restored, provided that the Doctor successfully passes the Special Purpose Examination. Upon restoration, the doctor's license is immediately limited and restricted to participation in a preceptorship. The limitation and restriction shall be lifted upon successful completion of the preceptorship. The doctor's license is also subject to probationary terms, conditions and limitations for at least two years. Based on doctor's application for restoration of license to practice medicine and surgery; also based upon prior 2007 action by the Medical Board of California which revoked the doctor's medical license with said revocation stayed and license subsequently suspended for three months and the doctor placed on probation for seven years for the doctor's two convictions, to wit: a 2002 plea of no contest to maliciously and willfully disturbing another, and 2004 conviction of False Declarations; also based upon a prior 2008 action by the New Jersey State Board of Medical Examiners which suspended the doctor's license for at least seven years; also based upon a prior 2009 action by the New York State Board of Professional Medical Conduct which suspended the doctor's license for at least seven years. Effective 11/21/2017.

FESKE, William Ira, M.D. (Applicant) — Irvine, California

Doctor's license to practice medicine and surgery granted and reprimanded. Based on prior actions of the California Board of Medicine and the South Dakota Board of Medical and Osteopathic Examiners, both which reprimanded the doctor's license when the doctor used another person's name and medical insurance to obtain medications without the other person's knowledge or consent. Effective 11/9/2017.

VOLUNTARY PERMANENT SURRENDERS/ RETIREMENTS/WITHDRAWALS

GOODALL, Thomas F., D.O. (#34.002454) — Dayton, Ohio

Voluntary permanent retirement of license to practice osteopathic medicine and surgery authorized by doctor in lieu of further investigation or formal disciplinary proceedings pursuant to Sections 4731.22(B)(2), 4731.22(B)(6), and 4731.22(B)(19) Ohio Revised Code. Agreement effective 11/8/2017. Retirement effective 12/31/2017.

JOBALIA, Nilesh B., M.D. (#35.062727) — Hamilton, Ohio

Permanent revocation of license to practice medicine and surgery authorized by doctor in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(2), (B)(6), (B)(15), (B)(20), and (B)(34) Ohio Revised Code. Agreement effective 11/8/17. Permanent revocation effective 12/31/2017.

REZAEI, Mohammad, M.D. (#35.033012) — Waite Hill, Ohio

Voluntary permanent retirement of license to practice medicine and surgery authorized by doctor in lieu of further investigation regarding possible violations of Section 4731.22(B)(19), Ohio Revised Code. Agreement Effective 11/8/2017.

WINGARD, Donald Paul, D.O. (#34.003355) — Las Vegas, Nevada

Permanent revocation of license to practice medicine and surgery authorized by doctor in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(19), Ohio Revised Code. Agreement effective 11/8/2017.

CONSENT AGREEMENTS

ADIB, MALAK S., M.D. (#35.070170) — Kettering, Ohio

Doctor's license to practice medicine and surgery reprimanded and subject to probationary terms, conditions and limitations for at least two years. Based on the doctor's admission that she violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provisions of this chapter or any rule promulgated by the Board when she failed to properly review the Ohio Automated Rx Reporting System while prescribing controlled substances. Agreement effective 11/8/2017.

ALSAGER-LEE, CHRISTOPHER GEORGE, M.D. (#57.030281) — Marietta, Ohio

Doctor's license to practice medicine and surgery subject to probationary terms, conditions, and limitations for at least five years. Based on the doctor's admission that he was 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. Agreement effective 11/8/2017.

JOHNSON, Peter Carl, M.D. (#35.066160) — Northwood, Ohio

Doctor's license to practice medicine and surgery reinstated subject to probationary terms, conditions and limitations for at least five years. Based on doctor having completed all requirements for reinstatement of license pursuant to the terms of a 9/9/2015 Consent Agreement. Agreement effective 11/8/2017.

KHALILY, Cyma, M.D. (#35.060037) — Cincinnati, Ohio

Doctor's license to practice medicine and surgery reprimanded and subject to probationary terms, conditions and limitations and a \$13,000 fine. Based on the doctor's admission that in the care of nine specified patients the doctor failed to comply with Standards and Procedures for Review of Ohio Automated Rx Reporting System by failing to review reports before prescribing controlled substances. Agreement effective 11/8/2017.

NELSON, Edward Ian, M.D. (#35.092154) — Springboro, Ohio

Doctor's license to practice medicine and surgery subject to probationary terms, conditions, and limitations for at least three years. Based on the doctor's admission that he is unable to practice according to acceptable and prevailing standards of care without appropriate treatment,

monitoring or supervision by reason of mental illness or physical illness. Agreement effective 11/8/2017.

OYAKAWA, Steven Mark, M.D. (#35.052950) — Akron, Ohio

Doctor's license to practice medicine and surgery reprimanded and subject to conditions and limitations and a \$7,500 fine. Based on the doctor's admission that in the care of eight specified patients, doctor violated the Medical Board's rules on Standards and Procedures for Review of Ohio Automated Rx Reporting System; and failed to comply with requirements to check the Ohio Automated Rx Reporting System. Agreement effective 11/8/2017.

TAK, James Ibrahim, M.D. (#35.131951) — New York, New York

Doctor's license to practice medicine and surgery suspended for an indefinite period of time, but not less than one hundred and twenty days. Subject to a \$5,000 fine, interim monitoring conditions and conditions for reinstatement including requirement that the doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on the doctor's admission that he made false, fraudulent, deceptive or misleading statements in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery in securing or attempting to secure a license or license to practice; and 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 ability to practice. Agreement effective 11/8/2017.

WHITE, Christopher Robert, M.D. (#35.074150) — Tonawanda, New York

Doctor's license to practice medicine and surgery reinstated subject to probationary terms, conditions and limitations for at least two years. Based on doctor having completed all requirements for reinstatement of license pursuant to the terms of a 5/11/2016 Consent Agreement. Agreement effective 11/8/2017.

YOKIEL, Jerome Bernard, M.D. (#35.059140) – Solon, Ohio

Doctor's license to practice medicine and surgery suspended for an indefinite period of time, but not less than one hundred and eighty days. Subject to a \$7,500 fine, interim monitoring conditions and conditions for reinstatement including requirement that the doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on the 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 ability to practice; and that he committed an act that constitutes a felony within the state of Ohio, regardless of the jurisdiction in which the act was committed. Agreement effective 11/8/2017.

PROBATIONARY REQUESTS AND MODIFICATIONS

DANG, Thuan Duc, M.D. (#35.127312) — Killeen, Texas

Doctor's request for approval to continue under the terms of the 8/12/2015 Board Order while residing in Texas, granted by vote of the Board on 11/8/2017.

De BOURBON, Ernest Bitela, III, M.D. (#35.073780) — Dublin, Ohio

Doctor's request for approval of a previously completed medical record course, granted by vote of the Board on 11/8/2017.

DHILLON, Jagprit Singh, M.D. (#35.070181) — Brecksville, Ohio

Doctor's request for approval of a reduction in drug and alcohol rehabilitation meeting attendance from three per week to two per week with a minimum of ten meetings per month, granted by vote of the Board on 11/8/2017.

KANG, Kavita A.J., D.O. (#34.010993) — Cincinnati, Ohio

Doctor's request for consideration of her release from the terms of the 2/8/2012 Step II Consent Agreement to be considered at the February 2018 Board meeting; and approval of a waiver of a January 2018 personal appearance due to release being considered in February 2018; and approval of a additional monitoring physician granted by vote of the Board on 11/8/2017.

LEUNG, Steve Mingfung, M.D. (#57.027338) — Cleveland, Ohio

Doctor's request for approval of a reduction in personal appearances from every three months to every six months, granted by vote of the Board on 11/8/2017.

MEHRA, Maneesh Lal, M.D. (#35.094934) — Strongsville, Ohio

Doctor's request for approval of a new monitoring physician, granted by vote of the Board on 11/8/2017.

MILLS, Kyle Finnian, M.D. (#35.065391) — Wapakoneta, Ohio

Doctor's request for approval of a reduction in drug and alcohol rehabilitation meeting attendance from three per week to two per week with a minimum of ten per month, granted by vote of the Board on 11/8/2017.

SCHWARZ, Bradley Thurlow, D.O. (#34.011077) — Cleveland, Ohio

Doctor's request for approval to have the Physicians' Health Program of The Foundation of the Pennsylvania Medical Society conduct monitoring while the doctor resides in Pennsylvania, granted by vote of the Board on 11/8/2017.

REINSTATEMENTS

De BOURBON, Ernest Bitela, III, M.D. (#35.073780) — Dublin, Ohio

Doctor's request for reinstatement of license to practice medicine and surgery granted by vote of the Board on 11/8/2017 subject to permanent limitations, and probationary terms and conditions for at least one year, as established by the 7/13/16 Board Order. Effective 11/8/17.

PROBATION TERMINATED

CONN, Amanda Susan, M.T. (#33.015629) — Oak Harbor, Ohio

Massage therapist's request for release from the terms of the 5/13/2015 Consent Agreement granted by vote of the Board on 11/08/2017. Effective 11/12/2017.

CRAGEL, Michael D., D.P.M. (#36.002026) — Maumee, Ohio

Doctor's request for release from the terms of the 11/14/2012 Consent Agreement granted by vote of the Board on 11/8/2017. Effective 11/14/2017.

CRESPO, Jose Alberto, M.D. (#35.128719) — Pittsburgh, Pennsylvania

Doctor's request for release from the terms of the 5/11/2016 non-disciplinary Consent Agreement granted by vote of the Board on 11/8/2017. Effective immediately.

HATHEWAY, John Mark, M.D. (#35.032559) — Columbus, Ohio

Doctor's request for release from the terms of the 6/9/2010 Board Order granted by vote of the Board on 11/8/2017. Effective immediately.

JOHNSON, Gregory Gene, M.D. (#35.048254) — Kent, Ohio

Doctor's request for release from the terms of the 5/9/2012 Consent Agreement granted by vote of the Board on 11/8/2017. Permanent restrictions to remain in place. Effective immediately.

NON-DISCIPLINARY ACTIONS

WILSON, Jill Cooke, M.T. (#33.006813) — Palm Beach Gardens, FL

Massage therapist's application for restoration of license to practice massage therapy granted, pending passage of the Massage and Bodywork Licensing Examination. Based on massage

therapist having not practiced in at least two years prior to application for restoration of license. Order effective 11/9/2017. (Journal Entry – No hearing requested.)

COURT ACTIONS

ANGERBAUER, Steven Ralph., M.D. Applicant — New York, New York

Notice of Appeal filed 10/20/2017 to the Supreme Court of Ohio, from the 9/5/2017 Decision and Entry of the Franklin County Court of Appeals, Tenth Appellate District.

De BOURBON, Ernest Bitela, III, MD (#35.073780) — Plain City, Ohio

Notice of Appeal filed 11/1/2017 to Court of Appeals of Ohio, Tenth Appellate District from the 10/5/2017 Decision and Entry of the Court of Common Pleas of Franklin County, Ohio.

EDMANDS, Christopher J., D.O, Applicant — Parkersburg, West Virginia

By Decision and Judgment Entry dated 10/17/2017, the Court of Appeals of Ohio, Tenth Appellate District overruled the doctor's assignments of error, and affirmed the Franklin County Court of Common Pleas decision affirming the Medical Board's Findings, Order, and Journal Entry dated 5/14/2014.

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 under "Lookup a License." 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.